EXTENSIONS OF REMARKS

ODD FELLOWS CELEBRATE 150 YEARS OF SERVICE

HON. JOHN DOWDY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. DOWDY. Mr. Speaker, I would call to the attention of this Congress the 150 years of service rendered to humanity by the Independent Order of Odd Fellows. Founded in Baltimore in 1819, our fraternity is celebrating its sesquicentennial anniversary this year. The hallmark of Odd Fellows is service to their fellow men.

During its history, the Independent Order of Odd Fellows has served the Nation's communities by caring for more than 50,000 aged and orphans in 59 homes across the country. The order has provided for the education of our young people by sponsoring an annual pilgrimage to the United Nations for high school students, and by maintaining a college scholarship fund. It has contributed to the health of fellow citizens by endowing a chair of visual research at Johns Hopkins Hospital.

On Sunday, May 4, the Odd Fellows held wreath-placing ceremonies at the Tomb of the Unknown Soldiers at Arlington National Cemetery. Beginning in 1934, our order has made an annual pilgrimage to the cemetery for this purpose, this being the 36th such pilgrimage. Ours is the only fraternal order given this special privilege by the U.S. Department of the Army.

The Independent Order of Odd Fellows has conferred its Grand Decoration of Chivalry and emblematic jewels upon each of the three Unknowns, and these decorations remain in the custody of the United States, lodged in the trophy room at Arlington. The inspiration for the Independent Order of Odd Fellows pilgrimage and the Grand Decoration of Chivalry is to express gratitude and appreciation for the national and fraternal heroic dead, and for their courageous deeds to preserve the brotherhood of men in freedom, one of the highest principles of Odd Fellowship.

During the ceremonies at the 36th pilgrimage, Brother Chester J. Hunnicutt, Sovereign Grand Master, IOOF, addressed those assembled, paying tribute to those who have given their lives in the service of our country. I include his address in the RECORD as a part of my remarks.

ADDRESS AT THE TOMB OF THE UNKNOWNS BY CHESTER J. HUNNICUTT, SOVEREIGN GRAND MASTER, INDEPENDENT ORDER OF ODD FELLOWS, MAY 4, 1969

Brother Chairman, Officers of the Sovereign Grand Lodge and of the International Association of Rebekah Assemblies, all other officers both present and past of this great fraternity, my brothers, sisters and friends:

We have met today for the thirty-sixth consecutive year to pay respect to those unknowns and to those other gallant men whose graves surround us on every side in this beautiful Arlington National Cemetery.

I stand in deep humility before you today, realizing that words are not at my command to express to you my appreciation for what these men have done for me and for the rest of the world in the sacrificing of their lives that you and I should still enjoy the freedoms we now possess.

I know not whether any one of these men were members of this Great Order we represent here today but I do know that they did believe in and died for the great principles upon which this Great Order was founded 150 years ago. Yes, they believed in universal justice for all and they were imbued with a deep sense of responsibility, not only to their own country, but also to the world at large.

In paying tribute to them we are naturally paying tribute also to all those men and women who sacrificed their lives in both our country here and our friends and Brothers and Sisters of that great country of Canada to the north of us, where thousands of men and women in both countries gave their lives in the cause of justice and liberty. Certainly it is fitting and proper that we pause today and reflect upon those great responsibilities that rest upon us because of their sacrifices. At such a moment, I feel it is proper that we take inventory of our own lives and ask ourselves the question: Have I been the kind of Odd Fellow and Rebekah I should have been; have I done my all to prevent future happenings, such as we witness today, from happening again? Am I the proper type of citizen I should be? Am I doing all in my power to help bring peace to the world again by the way I live and teach and think?

This November marks the fifty-first anniversary of the armistice that brought an end to the First World War and that fact reminds us that history is not merely the story of great and famous men; it is also the story of men whose names are unknown, men who gave their lives on the battlefields of history, not to create new knowledge, not to disseminate new ideas, not to invent new machines or to bring about a new way of life, but to preserve from destruction the things that they knew in their own hearts were worth preserving.

When we come to modern times, the names of the wars come very fast: the American Revolution, the Civil War, the First and Second World Wars. But these do not represent contributions to progress by great men who saw deeply into the nature of the universe or invented the machinery that would lighten the burden of human toil or discovered new ways to cure disease. They are the deeds of ordinary men who were willing to defend with their lives the things that they knew were more precious than life itself. It is such men that we honor here today.

Yes, war is evil. It is, I am sure, the most obvious symbol in the world of the sin that infects the whole human race. Where else can one find massive and terrifying evidence of man's alienation from God and of his alienation from his fellow man? If one needs to be reminded of the dimensions of this terrible evil, one only has to look at a military cemetery such as this one here, or the one in Flanders Field or in Pearl Harbor or in any other theater of modern war where the crosses stand, row upon row, sometimes as far as the eye can see. Yes, these crosses are symbols of evil. Each one representing the snuffing out of a young life in the orgy of wholesale slaughter that is twentieth century war.

Nations, like fraternities, are only as strong as their members or citizens. These two nations whose unknowns and dead we pay tribute to today have been built upon the character and ideals of us, their citizens. No country can rise above the ideals which are instilled into the hearts and lives of those who live within its boundaries. We, the members of the Independent Order of Odd Fellows throughout the United States and Canada, are proud of the fact that we are an integral part of two such nations and that the Independent Order of Odd Fellows and Rebekahs throughout the world subscribe to the same high standards and ideals for which we stand in these two great nations where we are privileged to reside.

Power of men as well as of nations can either be a blessing or an evil. How careful we all should be that power does not overcome the better things of life. The results of power of some men and nations are the results of what we are witnessing here today at the Tombs of the Unknown. But power can be just as powerful a factor for good as it can be for evil. We as Odd Fellows and Rebekahs should continue to use our power for the good of all mankind. Wherever want is found, let us be there to relieve it; wherever misfortune has struck, let us minister to the needs found, keeping in mind always that only because we have been given the great principles of Friendship, Love, and Truth, Faith, Hope, and Charity, and Universal Justice to all mankind to work with, have we gained this power needed to help build mankind. Let us use this power to our utmost, ever keeping in mind that in so doing, we are doing our part to help prevent more of what we witness here today, in this silent city of white marble stones. If you and I will do this, our Order will be a more powerful factor for the betterment of mankind and our influence for good will be recognized throughout the world to a greater extent than ever before.

No, it is not enough to honor these men with words alone. The only fitting monument that we can raise in honor of their sacrifice is the monument of peace. Twenty-eight centuries ago the Prophet Isaiah dreamed a dream. He saw the day when men would bend their swords into plowshares and their spears into pruning hooks; when nations would no longer rise up against nation; when there would be no more war. It is for you and me to translate that dream into a reality. Our faith tells us that there is only one God, who demands that our lives shall be ruled not by violence, but by justice. It tells us that there is only one human family and that all men everywhere are brothers because they are the children of the one heavenly Father. It tells us that reconcilliation is real and that it can be brought about by means of the practice of love, friendship, truth, self-sacrifice, and forgiveness.

And so while we pay tribute to these heroes here today for what they did and sacrificed for the past, we must remember that it was not for the past alone that they died; indeed, they gave their lives for the future also—a future which can be realized only as we give ourselves as Odd Fellows and Rebekahs and citizens of our country to make secure the peace and freedom for which they died.

Yes, as we leave this silent city of the dead, we, too, must make a decision and pledge to these valiant men that they have not died in vain, that we as members of not only the greatest Fraternity in the world, but also as citizens of our various countries, will accept the challenges as they present themselves and, inspired by the example set forth by these gallant heroes, will do our utmost to maintain the principles for which they gave their all.

In order to accomplish this then, let us pledge ourselves as members of this Great

Fraternity to more effectively discharge our duties to our fellow man. Wherever suffering is found, wherever man is wanting a friend or the downtrodden a champion, there let Odd Fellowship be found and recognized. Only in this way can we do our part to bring peace and love back to a world for which these men died.

My Brothers and Sisters and friends, I am sure this is what these men would expect from us and certainly in my thinking, we owe them every consideration.

May God continue to bless each one of them as they now rest in peace and may we pledge our all to them that we too will do our best, giving our all, if need be, to protect that for which they died, should be our constant prayer. And as we leave this silent city and go our separate ways, may we do so with a greater determination than ever before to live and teach the principles of this Great Fraternity to a greater degree than we have ever done in the past and in so doing, do our part to help bring universal brotherhood to all mankind.

This, I am sure, would be the wishes of those to whom we pay tribute today, could they but speak to us. Let us pledge ourselves anew to those principles and ideals for which they died.

THE SMELL OF SUCCESS?

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. GONZALEZ. Mr. Speaker, the Washington Post this morning reported certain appointments recently made by the administration, and the reaction to those appointments by Texas Republicans. I have my doubts about these appointments, too, not because I expected anyone to consult me about them but because the choices reflect haste and expediency—and the results are beginning to show up.

I offer the following report for the edification of the House:

GOP IN TEXAS IS ANGERED BY NIXON CHOICES

(By Philip Wise)

SAN ANTONIO, TEX., May 14.—Texas Republicans are seething over two of the Administration's top level Mexican-American appointees.

President Nixon may well find one of them, who publicly opposed naming a Negro and Anglo to school posts in this Texas city prior to taking his top-level post in the Department of Justice, named in a civil rights suit.

Targets of the Texas Republicans and many astounded Democrats are Albert Fuentes Jr., special assistant to Small Business Administration Chief Hilary Sandoval, and Gilbert Pompa, just named assistant director of the Community Relations Service of the Department of Justice.

Fuentes has been accused in a sworn affidavit of agreeing to get a loan of up to $200,000 for a small San Antonio businessman then operating an ornamental iron business out of his garage provided the businessman agreed to give Fuentes "and others" 49 per cent of his business. The sworn statement telling of Fuentes' activities was brought to light by Rep. Henry B. Gonzalez, Democratic Congressman from Bexar County.

Pompa, who somehow jumped over 22 Community Relations Service fieldmen in the Nation to the post paying about $30,000 a year, came under fire when he led the attack against appointing a Negro and an Anglo to high summer school posts in the Edgewood School District in San Antonio where he has been vice chairman of the Board.

Fuentes' case is under investigation, and Rep. Gonzalez has asked that he be suspended.

In the sworn statement released by Rep. Gonzalez, small businessman Emanuel Salaiz, owner and operator of the E and S Sales Co. of San Antonio said he had been attempting to get an SBA loan to improve his business since early 1967.

He said a week before Easter he was called to a meeting where five other men, including Fuentes, were present. He said he was handed a research report made by assistant SBA administrator W. J. Garvin which saw "excellent prospects" for Salaiz' business and recommended a program that would require a loan of $40,000 to $60,000 for Salaiz. Garvin also included a second plan that would require a loan of $200,000.

Fuentes, Salaiz said, said the report could help him (Salaiz) obtain a larger sum of money but that it would be necessary for Salaiz to incorporate and "to pledge to them (Fuentes and the four others present at the meeting) 49 per cent of the corporation."

Salaiz said Fuentes assured him it was all very legal, that he (Fuentes) was not going "to be here (with SBA) very long, and when I get out I have to have something to fall back on." He said the men present told him that if he didn't incorporate there would be no loan of the type suggested in the report.

The only person who has come to Fuentes' defense was a former liaison man for Rep. Gonzalez, Eddie Montez, who said it was he—not Fuentes—who suggested that Salaiz incorporate and go for a bigger loan. Montez said neither Fuentes nor any of the others present was included in the 49 per cent proposal he made to Salaiz.

Montez said Salaiz came to him in 1968 and asked him to help him get an SBA loan, that he stepped in and asked Fuentes to help out since Salaiz was threatening to contact his Congressman and put the pressure on by charging he was being discriminated against because he was a Mexican-American.

Pompa came under heavy fire from Republicans, Democrats, the NAACP and others, when he voiced opposition to putting a Negro vice principal and an Anglo principal on Head Start summer school administrations. Pompa heatedly told the school superintendent a Mexican-American, to find somebody with Spanish surnames.

The weird Edgewood situation happened thusly:

Edgewood School Supt. Joe Leyva, who has since quit, had recommended that Pauline Key, an Anglo principal in the district, and Blanche Russ, a Negro vice principal in the district, be appointed to head up, as they have in the past, summer school programs in the district.

Leyva, in making the routine recommendations, said both were "top-notch, highly efficient people."

Pompa, vice chairman of the board who was sitting in at this meeting as chairman, got the appointments blocked because the two did not have Spanish surnames.

Pompa, under heavy fire the next day when both Mrs. Key and Mrs. Russ announced they would file complaints with the Department of Justice charging their civil rights had been violated, weakly announced he was only interested in getting teachers appointed to summer programs who spoke Spanish and, therefore, could be understood by the children.

Supt. Leyva promptly shot back that neither of the administrative posts has contact with the children, mostly Mexican-American, enrolled in the program.

Gonzalez referred one of the teacher's complaints against Pompa to the Equal Employment Opportunities Commission and to the civil rights compliance sections of the Office of Economic Opportunity, the Department of Health, Education and Welfare and the U.S. Commission on Civil Rights.

The situation grew so hot after Gonzalez stepped into the picture that the Edgewood School Board called another meeting and pushed through the appointments.

Some say Pompa, who had already tipped off newsmen he was going to a higher calling in Washington, got the emergency meeting called the day before Washinton was due to announce his new post and to head off the complaints.

However, Mrs. Key and Mrs. Russ have employed Roy Barrera, a Mexican-American who was Secretary of the State briefly under Texas Gov. John Connally, to carry on the fight.

BECAUSE OF SURNAMES

Both Fuentes and Pompa soared to prominence in the Nixon Administration apparently on the basis of their Spanish surnames.

Fuentes had been a smalltime Democratic figure of sorts prior to jumping to the GOP in the early 1960s. He stepped in to head up the national Viva Nixon movement, apparently on the recommendations of Texas Republican Sen. John Tower.

Pompa has been a civil rights sleuth for the Community Relations Service for the Department of Justice since 1967. Prior to that he was an assistant district attorney in Bexar County for four years and an assistant city attorney for two years prior to that.

Fuentes jumped to the $19,700 SBA post shortly after Hilary Sandoval, Mexican-American leader from El Paso boosted for the post by Senator Tower, won appointment as Small Business Administration director.

Notwithstanding the fact that both Fuentes and Pompa have been embarrassing to the Republican Party and President Nixon in Texas, Republicans also bemoan the fact that two longtime Democrats, Fuentes and Pompa, have thus far walked off with the only two plush posts steered this way.

The feeling among local Republicans is that there never was any need in Washington for either Fuentes or Pompa, that neither deserved to step over the head of longtime loyal Republican Party workers, that many far better qualified Mexican-American are available.

Telephones in the Bexar County Republican Party headquarters have been ringing away as loyal Republicans and others phone to express their astonishment over the sad state of affairs.

Old-line Democrats are laughing their heads off over all this "togetherness."

LET US UNITE BEHIND PRESIDENT NIXON

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. McEWEN. Mr. Speaker, President Nixon, in his quest for peace in Southeast Asia, has outlined a sensible plan which can lead to withdrawal of American and North Vietnamese troops from South Vietnam. It is my firm belief that the President has charted a course which is both realistic and reasonable to the North Vietnamese, the Vietcong, South Vietnam, and all Americans. Let us put partisanship aside, for war is not a partisan issue, and support the President in his dedication toward obtaining peace. It is important that Americans rally behind their President, for without the support of America itself, no U.S. Presi-

dent can effectively strive for the end of fighting and hold the full respect and regard of those foreign powers who can be instrumental in reaching that goal. A united America is a prerequisite for an Asia united in peace.

A GLIMPSE AT THE FUTURE: HOPE FOR "CALIFORNIA TOMORROW"

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. MILLER of California. Mr. Speaker, the science and technology of existing Federal land and water conservation programs, and existing urban renewal programs, can be utilized to control destructive pollution and to restore environmental quality that will promote healthy metropolitan and regional growth, according to a prominent California planning expert. Dr. Samuel E. Wood, consultant for California Tomorrow, delivered the 1969 T. I. Storer lecture at the University of California at Davis on the subject "Man in Ecological Crisis."

Dr. Wood spoke of the high caliber of the papers presented at the recent panel on science and technology and the cities conducted by our House Committee on Science and Astronautics.

Taking a speculative backward look from the year 1999 at California's current explosive population growth and environmental crisis, Dr. Wood postulates what well happen to our cities and rural areas, and then predicts an enlightment and solution by coordinated Federal, State, and local action.

The exciting and hopeful story is told in the Sacramento Bee of April 30, and the proposal for legislative correction is outlined in a report of California Tomorrow, both of which I offer for publication in the RECORD:

CALIFORNIA FACES CONSERVATION CRISIS, BUT EXPERT SEES HOPE

DAVIS.—When many California's tomorrows have become yesterdays, what will historians write of the Golden State?

Conservationist and environmental planning consultant Samuel E. Wood advanced his own speculative review of the next 30 years in a talk last night at Davis titled, "The Challenge of the Future: Looking Backward (with hope) from 1999."

The address was the third of the University of California campus' T. I. Storer lecture series, dealing with "Man in Ecological Crisis."

"Although we can speak dispassionately in 1999 about the explosive population growth problems California faced following World War II, at the time they appeared to be almost insurmountable," he proposed.

POPULATION EXPLOSION

The push of rural poverty caused people from all over the country to flood the state, he explained, creating in California the greatest urban growth of any other state in the union. Two giant clusters formed, one in the north and one in the south, as the exploding population spilled out onto open spaces and packed into urban cores.

"One of the problems that caused concern," he claimed, "was the grave loss of open space resulting from unguided location and haphazard development in urban areas—the very open space that made modern urban living possible."

The shorelines of rivers, harbors and lakes were dredged, drained and filled, bulldozers leveled the hilltop and the San Francisco Bay was threatened with imminent destruction, he observed. Two hundred thousand acres of prime farmland disappeared each year beneath the sprawling cities, forcing the cultivation of less fertile lands and an inflation of prices.

RECREATION PUT DOWN

Wood detailed how the competition for land use relegated recreation to the lowest rung. The Division of Highways, the local "put-it-on-the-tax-roll cult," the real estate developers and the parking lot pavers all coveted potential park sites.

"Californians were standing in line to use boats, surfboards, fishing rods and their campers, trailers or sleeping bags," he visualized. "Families who had traveled all day and half the night ended up in a recreation slum, with overcrowding, water pollution, fire danger, unsanitary conditions, and the general destruction of its recreational value."

Government still refused the responsibility of planning and paying the price of pollution control, according to the environmental planning expert. Pollution was such a characteristic aspect of the state's development that it was accepted as an "inevitable by-product of growth," he commented.

The Great Central Valleys became a huge smog pot, and the capital city was more toxic than Los Angeles because the city fathers and the Division of Highways "routed every freeway in the state directly through Sacramento."

The University of California spent millions in developing pesticides, herbicides and fertilizers, but paid scant attention to the effects of these substances on the landscape or on man himself, he remarked. These poisons were dispersed throughout the environment and concentrated in many organisms with lethal results.

"Bees, cows, prunes, almonds and the investments of their owners were promptly protected, but not man," he asserted.

Unregulated, uncoordinated waste disposal soon overwhelmed the capacity of inland waters and created a menace to public health, he continued.

IRREVERSIBLE FORCE

"We were massively tampering with the world of nature without concern for the biological results until they irreversibly forced themselves upon us," he emphasized.

Wood diagnosed what he felt was the failure of local government to adequately treat environmental issues. He alleged that local leaders were too involved with making money out of their decisions and hid behind self-serving planning commissions. Many of the problems extended far beyond the boundaries of home rule.

Cities were created to serve special purpose, including commerce, tax evasion and luxury. In many cases the white middle class incorporated and zoned primarily to keep the Black man out, he asserted.

TAX SHELTERS

Federal and state policies also favored random, unbridled development, according to Wood, through tax shelters. Federal money was spent on massive military and public works projects with little regard for regional needs, he claimed. Esthetics were simply ignored.

The enlightenment finally came in the 1970's, he proposed. Public reaction to the horrendous effects of uncontrolled growth generated pressure from the neighborhood, metropolitan, state and national levels. The President took up the cause and Congress finally made environmental quality the law of the land.

With the impetus coming from the federal government, comprehensive rural and urban policies were developed, Wood declared. Areas were reserved for urban open space, agriculture, watersheds and recreation, with all federal grants to the state conditioned upon the protection of these lands, he said.

REGIONAL DEVELOPMENT ACT OF 1969: A PROPOSAL BY DR. SAMUEL E. WOOD, CONSULTANT, CALIFORNIA TOMORROW

The purpose of the legislation is to utilize existing federal land and water conservation and development programs, and numerous federally supported urban programs, in order to develop entire regions. Each regional development program would be funded by long-term, low-interest federal loans following Congressional authorization of the total regional development program. This would combine all existing federal aided or funded programs in an integrated plan to develop entire basins or regions, and in the process to create new and redeveloped urban areas of controlled size, establish and maintain open space and amenities, and use and maintain the regions' natural resources of air, water and land. The total program would be portrayed in a coordinated regional plan prepared by a public regional agency. The functional areas in each regional development program would include land and water conservation and the development and distribution of water; agricultural aid programs; urban planning; urban renewal and redevelopment; new cities and model cities; open space and parks; and pollution abatement and control.

Regional accounts for each functional area, covering total public and private contributions to gain the goals of the development program, would have to be created and maintained. Cost and benefit studies, including present federal grant and loan programs and interest arrangements for each functional program area, would be prepared. Present reimbursable and nonreimbursable cost factors would also be a part of these evaluations.

All the functional areas would be totaled to get a total economic feasibility analysis upon which authorization would be requested from the Congress. Low interest rates, similar to those currently used in federal projects of Interior and Agriculture, and long-term amortization periods related to the determined life of the development program would be provided. Repayment schedules would vary with each functional area in the manner of present repayment policies in that area. But these variations would be explained in the authorizing document. A total repayment schedule extended over the life of the program would also be part of the document. The authorizing legislation would stipulate the contract relationships required by the regional agency and the United States.

The legislation would provide standards on the design and powers of the regional agency which would assure its adequacy to carry out the development program and repay the total reimbursable costs.

Planning and economic evaluations leading to a Regional Development Program and its authorizing document would be funded by a federal loan and included as part of the total cost to be repaid only on program authorization. Each year following authorization of the program, funds would be appropriated by the Congress to further program progress. Initial appropriation should be sufficient to pay total cost of all the land needed by the development program and these lands should be acquired all at one time under mass condemnation. When total development appears to be not justified economically, yet is socially important or economically desired for a depressed area, or vital to the development of the state, the net cost of the program could be shared by the federal government and the state involved, as provided in the authorizing legislation.

The following agencies and their programs could be included, among others, in the land and water conservation and development features of the regional development program:

Soil Conservation Service, Department of Agriculture, Army Corps of Engineers, Bureau of Reclamation, Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Outdoor Recreation.

The following agencies are among those which could take part in a coordinated urban construction and reconstruction program:

The Department of Housing and Urban Development (programs covering renewal, redevelopment, planning, grants, public facility loans, housing loans, mortgage insurance), the Department of Transportation, the Army Corps of Engineers, the General Services Administration, the Bureau of Public Roads, the Economic Development Administration, the Area Redevelopment Administration, the Small Business Administration, the Atomic Energy Commission, Public Health Service, Federal Aviation Agency, the National Air Pollution Control Administration, and the Federal Water Pollution Control Administration.

JUSTIFICATION FOR THE REGIONAL DEVELOPMENT ACT OF 1969

We have been unable to build new cities and restore old ones because of piecemeal, small-scale approaches, scarcity of money, high interest rates, generally unimaginative and uncoordinated federal programs. None of our urban and resource development programs extends over an entire region, both rural and urban areas, to restore and maintain the best of both, and use full regional accounts to attack simultaneously problems of both the countryside and the city. Some 40 or 50 different federal agencies (and an equal number of state agencies) are now involved in the country and city environments in uncoordinated single-agency approaches.

The legislation we suggest here would provide viable regional agencies which could develop coordinated programs, adequately funded at reasonable interest, to institute integrated programs for entire regions. A consolidated feasibility study covering all the functional areas would permit the better paying elements to help support the financially weaker, yet socially and economically necessary projects. The problems in one part would be tied to the economic resources in another part of a region to solve those problems. Public subsidies such as lower interest rates and grants, now available for special interest projects, would work to the regional benefit and the reimbursable costs, as they are now in most of these programs, would be self-liquidating.

In this proposal, we apply and expand the principle of massive yet reimbursable funding, now utilized in the Departments of Agriculture and Interior mainly to solve agricultural problems, to meet our critical urban problems of growth. These poven programs have built hundreds of multipurpose projects in the West, costing billions of dollars yet repaying the government and returning more than their cost to the regions involved. Loan, grant and repayment plans put hundreds of billions into our rural areas through conservation and crop-guarantee programs. With over 80 percent of our people now living in urban areas, it is time we apply what we have used historically in rural areas to save our urban regions and countryside.

TAX SHELTER IN THE SKY

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. SAYLOR. Mr. Speaker, as the American tax revolt grows, and as more and more people start to wonder how the superaffluent can get away without paying their fair share of taxes, it was only a matter of time before some enterprising journalist would open up the books on the "ways and means" of avoiding taxes. Mr. Lee Berton, writing in the summer issue of VIP magazine, has taken up where the former IRS Commissioner left off, and revealed how easy it is to avoid taxes—if you only know the angles.

Berton's article, "That Great Tax Shelter in the Sky," is probably one of the most fascinating studies in high finance that it has been my pleasure to read. You will recall that we have been continually bombarded with the fact that a number of millionaires avoided personal income taxes altogether, now we can see one way it is done: lease an airplane, or a locomotive or an oil tanker, or a computer. According to Berton:

. . . In the long run it won't cost you a cent. In fact, investors have made as much as 100% return on such an investment every year, and the risk is fairly small.

The intricacies of the deals are explained in the article but more important, and understandably, the author states:

Up to now . . . Wall Street hasn't been particularly anxious to bruit about that it is active in this kind of leasing business—nor have members of the accounting and legal fraternities. "There are just so many of these deals around, so why should I give everyone blueprints on how my rich clients reduce their taxes?" growls one C.P.A. in his Park Avenue office.

Those versed in high finance and tax-avoidance schemes will most likely be very sorry that this article has appeared, but, Mr. Speaker, I think the Members of Congress, who must answer their constituents' day-in and day-out pleas for tax relief, should be very thankful that part of the door has been opened on this type of income tax avoidance.

I am particularly hopeful that members of the House Ways and Means Committee and the Senate Finance Committee read this article, with all its implications for tax reform. I have appended the full text of the article to my remarks in order that all Members of Congress can benefit from the lessons it imparts:

[From VIP magazine, summer 1969]

THAT GREAT TAX SHELTER IN THE SKY

(By Lee Berton)

Picture yourself relaxing comfortably in a first-class seat on a Boeing 727—80,000 tons of power and luxury gliding easily through the clouds en route to the Bahamas. While you're at it, visualize yourself *owning* the 727; after all, it only costs $5,000,000. No, the stewardess hasn't given you too many martinis. This is no fantasy, but a hard-headed business deal. You *can* own a 727—at least part of it—and in the long run it won't cost you a cent. In fact, investors have made as much as 100-percent return on such an investment every year, and the risk is fairly small. All you have to do is work your way up to—or already occupy—a tax bracket somewhat over 52 percent. In the last few years, a handful of smart investment advisors, on Wall Street and elsewhere, have figured out how high-bracket taxpayers can make money buying jet planes or million-dollar locomotives. Admittedly, the schemes call for sharp business acumen—and solid contacts in the executive suit. Ford executive Lee Iacocca is doing it. And so is Richard A. Smith, president of Boston-based General Cinema Corp., which operates drive-in theaters in fancy suburban shopping centers. Your doctor, if he's a well-off specialist, may also be involved. The wonder of owning a jet or a locomotive (or an oil tanker or a computer), besides its immense value, is that it wears out. The Federal Government permits taxpayers to deduct this wearing out, called depreciation, from their taxable income—it's treated as a cost of doing business. In 1962, to create extra incentive for investment in the expensive machinery that keeps the U.S. economy growing, Congress gave business an added windfall. If a company buys a jet, a locomotive or any other tangible personal property, it is now permitted to deduct 7 percent of the cost directly from its income taxes. Not just from taxable income, mind you: from taxes themselves. It's called a tax credit and it's a very nice thing to be able to attach to your tax form. It's also a big part of the reason you may be able to own an airplane or a railroad car one of these days—or part of one, anyway.

Corporations currently pay about half their profits to the Government in taxes. (They pay even more, counting the "temporary" tax surcharge, which hasn't been included in these calculations, though its effect for individuals is to make leasing deals even more attractive.) The higher-bracket taxpayer—that is, the individual who doesn't have the benefit of the corporate tax limit—must give up to 70 percent of his income back to the Government. Any amount he earns over $200,000 annually is taxed at this maximum rate.

This sounds like a big drawback to building up a bundle of cash, but the truth is, in the deals we're talking about, where high-bracket individuals own jets or locomotives, it's a decided advantage. Here's why: Depreciation deductions from your income, if you're taxed at the 70-percent rate, give you a much bigger tax saving than a corporation can get. Suppose depreciation on equipment you've bought amounts to $500,000. You save yourself the taxes on that half-million, which in the 70-percent bracket amounts to $350,000. A corporation would save only $250,000 on the same half-million in depreciation, since its tax rate is around 50 percent. The $100,000 difference—needless to say—is sizable. Typically, you would split the $100,000 saving with the company you lease to. But that's still $50,000 a year extra that you could invest in other income-generating projects or securities. It may sound as if you need a huge pile of cash to initiate such a deal, but actually, you don't. Whatever amount is needed, chances are you can borrow most of it. On a million-dollar deal, for instance, you could put up $200,000 and borrow the rest from a bank or an insurance company, using the solid value of the purchase—and the solid reputation of the company that will lease from you—as collateral. Then the interest you pay on your loan is deductible from your income—so in effect, the Federal Government foots 70 percent of your borrowing costs. If you lack $200,000, find ten investors like yourself and each could ante up only $20,000. After the leases expire in 15 years, the machinery, for whatever it's worth, belongs to you and your partners. There are a few hitches, however. In a typical leasing deal, the rent you receive from the lessee begins to exceed your diminishing depreciation and loan interest after about five years, giving you taxable income. You can then go into another leasing deal, again deferring taxes, or you can have built up a kitty of money (perhaps by investing your tax savings in tax-exempt municipal bonds) to pay the taxes you'll owe when the income from the deal begins going into the black. The Internal Revenue Service has begun to attack loan interest deductions for people who invest in tax-exempt munici-

pals, but this problem can be avoided by investing in ordinary stocks and bonds.

At the end of the leasing period, what remains in the kitty is all yours, plus what you receive from selling the equipment. This can still have enormous value. Although the Internal Revenue Service permits you to depreciate the entire value of a railroad car, for example, over a 14-year period, the Interstate Commerce Commission estimates the same car will last 30 years. So by ICC standards there's a lot of value left in that car after the IRS says it's worn out. Aviation trade papers have reported that some airplanes ten years old (or even older) have been selling for up to 70 percent of their original cost.

Here's how a specific deal works for a Boeing 727. You put up $1,000,000 in cash, borrow the other $4,000,000 from a bank at 8 percent (or more—these days the prime interest rate is skyrocketing), and lease the plane (for 15 years) to United Air Lines—which, as it turns out, leases 40 of its 727s, mostly from high-tax-bracket individuals like yourself. United pays you rent of $460,000 a year for 15 years. This sum covers your payments to the bank for principal and interest on your $4,000,000 loan, but it still reduces the annual cost of the plane to United to a rate that effectively amounts to 6 percent instead of the 8 percent it would have to pay if it borrowed the entire $5,000,000 itself. United is thus saving $80,000 in interest on the 727 and avoiding tying up additional capital.

And you do even better. The "losses" you sustain from depreciation (accelerated in this case, as permitted by accounting rules, so that 15 times more is deducted from your income the first year of the lease than the last), together with the above-mentioned 7-percent tax credit, give you enough red ink on your income statement to return your million dollars to you in four years, in tax savings you would otherwise pay on your ordinary income. The tax-erasing benefits diminish each year of the lease—in fact, in the later years you actually pay more in taxes than you receive in money—but over the 15-year period your original investment could triple if you were able to invest the savings each year in tax-free municipal bonds.

If you continue to enter new leasing ventures each time old ones begin producing taxable income, or if you invest your tax savings in the stock market so as to produce long-term capital gains (which are taxed at only 25 percent), some leasing specialists estimate you can produce combinations that double your investments each year. More conservative arrangers of such ventures prefer to point out that by using the municipal bond-kitty ploy (keeping in mind the earlier warning about IRS attacks on this method), you can earn 4 to 6 percent, compounded annually after taxes, on a 15-year airplane lease. That's without considering the value left in the plane after it's fully depreciated for tax purposes. Counting the proceeds when you sell the old plane, they estimate, you might raise that annual yield to over 7 percent.

If that figure sounds piddling, remember that it's *after taxes* and compounded annually. For a 70-percent-bracket taxpayer, raising the after-tax yield from any investment to a figure over 5 percent (the current yield on most municipal bonds) is a minor miracle.

All this may sound esoteric and complex, but the beauty of these ventures is that experts can set them up for you, do all the figuring, and charge 2½ percent (or less) of the equipment's cost as commission—which is, also deductible from taxable income—so the Government again foots 70 percent of the bill. Several large and well-established Wall Street investment houses—Kidder, Peabody & Co. Inc.; Kuhn, Loeb & Co.; Salomon Bros. & Hutzler; and Lazard Freres & Co.—have special departments to handle just such deals for special clients. Up to now, however, Wall Street hasn't been particularly anxious to bruit about that it is active in this kind of leasing business—nor have members of the accounting and legal fraternities. "There are just so many of these deals around, so why should I give everyone blueprints on how my rich clients reduce their taxes?" growls one C. P. A. in his Park Avenue office.

William J. Condren, a shrewd New York City attorney who recently moved from a cramped, one-room office on Madison Avenue to palatial five-room digs in the new, all-marble General Motors Building overlooking Central Park, is considered a genius in the field. Flanked by a new partner whom he recently lured away from Lazard Freres, Condren is amiable to visitors but tells them little unless he's convinced they're serious investors.

To avoid too much publicity, Condren fulfills legal requirements that notice of limited-partnership leasing ventures must be published in a newspaper by placing notices in the classified section of the Manhasset *Mail*, a Long Island weekly with a lofty 3000 circulation. Perusal of these notices reveals actual names of participants, such as Dr. Milton F. Gutglass of Milwaukee, who in 1968 was one of 35 partners who purchased 12 diesel locomotives (from General Motors) and 22 other locomotives (from General Electric) and leased them all for 15 years to the Penn Central R.R.

Dr. Gutglass says his accountant told him about such ventures two years ago. He has put up $50,000 and says he will make "a nice return that is considerably free of risk, and gives me ownership of equipment that, unlike real estate, doesn't decline in value if a gas station opens next door."

Lee Iacocca, the Ford executive who owns part of some railroad rolling stock, says he believes income-tax rates progress so sharply upward in high brackets (the top rate is 70 percent today, compared with only 25 percent in the late 1920s) that it's essential for big earners like himself to seek such tax shelters. And Richard Smith, the Boston movie-theater magnate who with 60 other partners formed Elk Grove Equipment Co. to lease jets to United Air Lines, says his $50,000 investment will be returned to him in three years through tax savings—and he hopes to make a "healthy profit by the end of the lease term." There are no alternative forms of investment that are as attractive in terms of yield, he says.

The lure of the leasing game is such that the youngest, brightest practitioners of the money game along the Street are getting into it. Two neophyte vice-presidents and an investment analyst with the financial district think-factory of Donaldson, Lufkin & Jenrette Inc., for example, recently struck out on their own to form Harlan, Betke & Myers, a new investment firm to be housed in the prestigious Bankers Trust Building on Park Avenue. They are making the arrangement of leasing ventures one of their specialties. Harlan, a Harvard Business School graduate who is at 32 the oldest of the trio, says his firm "wants to show swingers how to best manage their assets." Some bright young specialists at Lazard Freres, an eminent name in the investment world, named Suemeg Company—a firm they set up to lease highway trailers to trucking firms—after two cute airline hostesses they met on a flight to Chicago.

There's really no way of knowing just how widespread the leasing game has become. United Air Lines notes that it leases 62 of its 330 aircraft, two of them from Elk Grove Equipment. And Penn Central says it leases 912 of its 4128 locomotives. Both concede that rental payments cost less than other types of financing, but provide few details—because such deals are so competitive.

However, it *is* known that a partnership of 67 investors called Buffalo Grove Air Equipment Corp., formed in 1967 with the investment advice of Bill Condren, bought three jetliners worth $13,500,000 and is leasing them to United. At the time of the purchase, U.A.L. would have had to pay 5½ percent or more in interest on the $10,000,000 or so it would borrow from banks or insurance companies to buy the planes, after making a down payment of some $3,000,000 as Buffalo Grove did. But by leasing the jets, United's annual effective "interest" rate—actually a rental fee in this instance—was, for all practical purposes, reduced to 3.76 percent (a "steal" in the borrowing market). Even so, the 67 partners, who invested from $25,000 to $125,000 each, will wind up very big winners in the long run, especially if the three jets retain much of their present value.

One Wall Streeter knowledgeable in the art of leasing, estimates that about 25 billion dollars in personal property (aside from real estate) has been leased to railroads, airlines, oil companies, trucking firms and other corporations in the last five years. More leasing ventures are being put together each month, enabling individuals who would otherwise pay through the nose to defer huge gobs of taxes. As long as taxes are deferred each year, the wealthy investor continues to build his portfolio without being penalized in tax charges. On the distant day of his death, his total holdings are subject only to estate and inheritance taxes—and in the meantime they have escaped the merciless annual bite of the IRS. Besides, there's the prevalent belief on Wall Street that an investor should protect his portfolio *this* year, "because next year is always a bust." If the shelter saves you from paying taxes now, when you're really making it, why worry about next year? Live a little. Take a trip to the Bahamas.

LEGISLATION TO EXTEND THE VOTING RIGHTS ACT OF 1965

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, a subcommittee of the Committee on the Judiciary has begun public hearings on H.R. 4249 and other measures designed to extend the Voting Rights Act of 1965 in its present form without change. I have filed with that committee a statement urging that the committee not approve bills to extend this law 5 more years without amendment, but to consider instead drafting legislation that would provide voting rights protection for all Americans in all States and would treat all States equally in the qualification of their electors.

This matter is of such importance because of the injustice that would be done to my State and others through the extension of this law for 5 years without change, that I ask permission of the Speaker to insert the full text of my statement to the committee into the RECORD with extraneous exhibits attached so that all the Members may have an opportunity to examine it. After doing so, I am convinced that they will agree with me that any voting rights legislation passed by the 91st Congress should give all Americans in all States equal protection in voting rights and treat all States equally under that law.

TEXT OF STATEMENT BY GEORGIA CONGRESSMAN FLETCHER THOMPSON FILED WITH SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON JUDICIARY ON WEDNESDAY, MAY 14, 1969, AT PUBLIC HEARINGS ON H.R. 4269 AND RELATED MEASURES TO EXTEND FOR 5 ADDITIONAL YEARS THE PROVISIONS OF THE VOTING RIGHTS ACT OF 1965

Mr. Chairman and members of the committee: I appreciate the opportunity to file with the Committee this statement to express to you my concern about the need for legislation to protect the voting rights of all Americans and to treat the citizens of each and every state equally under the law in this regard.

In my judgment, as this Committee begins its consideration of H.R. 4269 and related measures to extend the provisions of the Voting Rights Act of 1965 for five additional years, you have the responsibility to give the American people forthright answers to a number of serious constitutional questions. These questions are as follow:

Will the 91st Congress provide full protection of voting rights to every American citizen no matter where he lives?

Will we formulate a statute which treats equally each and every state in this nation with respect to the qualifications of their electors?

Will we draft a bill that recognizes the fundamental presumption of innocence of voting rights discrimination, rather than one which presumes guilt under certain circumstances until innocence is proven?

Will we put together a voting rights law for the future that takes into consideration the presence in many states of large numbers of military personnel who vote by absentee ballot in other states?

Will we draw up a bill which gives to a state's political subdivisions which are innocent of voting rights discrimination the right to remove themselves from the penalty provisions of any law intended to apply only to those who are guilty of discrimination?

Will we draft a bill that recognizes the progress made in voter registration and participation in the states between 1964 and 1968?

And will we, Mr. Chairman, remove from the states and political subdivisions the onerous burden of having to go to the trouble and expense of bringing suit in the federal court in Washington, D.C., to clear themselves of presumed guilt of voting rights discrimination?

Mr. Chairman, I submit that these questions *cannot* be answered forthrightly by merely extending for another five years in its present form the inadequate, contrived and unfair provisions of the Voting Rights Act of 1965. To extend this law without giving consideration to the injustices being done under its language in the name of protecting voting rights is to sanction the denial of fairness to those states and political subdivisions now affected by it that are innocent of discrimination, and to demonstrate your refusal to provide *Americans everywhere* equal protection of voting rights under the law.

H.R. 4269, by Mr. Celler, and H.R. 5538, by Mr. McCulloch and others, fail to correct any of the wrongs inherent in the present law. They merely extend all provisions of the law without change for five more years. It is, therefore, my purpose in filing this statement, Mr. Chairman, to endeavor to persuade this Committee to acknowledge in advance the error of approving these bills to extend the law as it is presently written, and to urge you to adopt instead legislation that will give all Americans and all states equal protection and equal treatment on voting rights under the law.

I. PROTECTING VOTING RIGHTS OF ALL AMERICANS

In my judgment, it is fair to state that *every Member of Congress will support a voting rights bill that will protect the rights of every American, if that legislation gives preference to none, provides protection for all and treats each state on the same basis.*

Those of you who participated in the debate on the present law four years ago can recall the bitter and acrimonious controversy which arose because the effect of this legislation is to divide the states of this nation into two groups. The first group of states are those which as of November 1, 1964 maintained tests or devices with respect to the qualification of voters and which at the same time had either less than 50% of their citizens of voting age registered to vote or had less than 50% voting in the 1964 Presidential election. The second group of states is made up of all other states. Therefore, Mr. Chairman, when the law first went into operation—and before any state or county brought legal action to be removed from its application—it applied only in the states of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina and Virginia and in one county in Idaho, one county in Hawaii, four counties in Arizona and 40 counties in North Carolina.

The operation of this law has further emphasized the different treatment states in each group receive under the present law. States in the first group must qualify electors based on their completion of a sixth grade education; the second group of states qualifies voters according to local provisions of the law. The second group of states can require literacy tests if more than 50% of their citizens were registered or voting in 1964, but states in the first group cannot. The second group of states can require voters to be of good moral character; the first group cannot. Previously disenfranchised electors in the first group of states have immediate redress under the law, while disenfranchised citizens living in the second group of states do not.

Mr. Chairman, we cannot justify having another five years of the unequal treatment of American citizens and unequal treatment of the states which results from the contrived and artificial formula in this law that effectively ignores the results of the 1968 Presidential election. The simple substitution of the results of the 1968 Presidential election would eliminate from the provisions of this law all but two of the states now affected by it which have not been exempted by court order. Yet, H.R. 4269 and H.R. 5538 do not even give the *simple justice* of recognizing four years of advancement in voter participation and registration. These bills would punish my own state and the others now affected by its provisions for the Presidential election results of five years ago and would continue that punishment for *another five years.*

Mr. Chairman, when the Chairman of the Committee on the Judiciary announced the beginning of these hearings, it was stated in the Congressional Record that "there is a substantial danger that if the prohibition of the Act on literacy tests and similar devices is permitted to expire in 1970, the conditions which existed prior to the statute's enactment would return." I deeply resent such a prejudgment of discrimination in voting rights not only on behalf of my own state but on behalf of the citizens of every state who have been or are being victimized by the unbalanced and discriminatory provisions of the present law. Where is the danger of which he speaks? I submit that it exists only in the mind of the speaker. For an individual to prejudge guilt in advance on unrealistic circumstances is bad enough; but for the Congress to presume such guilt and carry that presumption into the written language of the law for five more years is unthinkable. It would be unjust in the extreme to punish my state and those others now affected by this law for another five years.

I say to this Committee with every ounce of strength and conviction in my being that *if there is any need for protecting voting rights of American citizens in the future, then that need exists on behalf of every citizen in every state in this nation.* If there is to be equality in the eyes of the law, if there is to be equal treatment under the law, then Congress has an obligation to blend that theory of equality into the language of its enactments *and never sanction unequal treatment or unequal protection.*

II. UNEQUAL TREATMENT OF THE STATES

The Members of this Committee will recall that the "trigger" section of the Voting Rights Act of 1965 involves a combination of two out of three circumstances. If any combination of two out of three circumstances exists, then a state or political subdivision brought under this law through findings of the Attorney General and the Director of the Bureau of the Census is unable to follow practices or provisions of local law which are perfectly legal in other states.

The legislative history of the enactment of this provision, in my judgment, demonstrates that this law was specifically drawn to apply to a few states and to exempt others. We know that a person who sets out to accomplish certain goals through legislation may arrange language in several different ways to accomplish his purpose. The Honorable Howard (Bo) Callaway, who was Georgia's first Republican Congressman in modern times, pointed out in the debate in 1965 one of the alternate formulas which could have been used to make this law apply to all but two of the states now under it. If, for instance, the formula applied to all states with an average altitude of 100 to 900 feet, with an average yearly temperature of between 68 and 77 degrees, with an average humidity at 7 a.m. of 80% to 87%, and with a coastline of between 50 and 400 miles, only Alaska and North Carolina among those states now policed by this law would have been exempted.

Let me demonstrate further the unequal treatment that exists under the present law. In 1964, the State of Texas had only 44% of its citizens voting. However, because Texas had no literacy test or other device in existence on November 1, 1964, Texas escaped the law even though the records of the U.S. Supreme Court show that that state has a long history of voting rights discrimination. The State of Louisiana had a higher percentage of people voting than Texas—47.3%—but because it used a literacy test, Louisiana came under the law.

Texas in 1964 had 137 counties with less than 50% of their citizens voting in the Presidential election. Meanwhile, Alabama, with 67 counties, had only 18 which had less than 50% of their citizens of voting age voting. Yet, because Alabama used a literacy test, the entire state was condemned and Texas again escaped the law.

Further, Texas in 1964 had a poll tax while my own State of Georgia abolished the poll tax in 1945. Texas had a percentage of persons voting in 1964 only 1.6 percentage points higher than Georgia (44.4% to 43.0%) and yet because Georgia utilized a literacy examination whereas Texas did not, my state came under the law and Texas again escaped.

The State of New York in 1964 had a literacy examination. So did my own state, but because New York had 62.3% of its citizens voting in the 1964 Presidential election and Georgia had only 43%, New York escaped the provisions of the law while my state was brought under it.

And no one has ever made the accusation that the State of Alaska discriminated against its citizens on the question of voting rights. But because Alaska maintained a test for the qualification of its electors and because weather and other factors brought

about a low participation of voters in 1964—48.7%—Alaska was brought under the Act. Likewise, no one ever accused Elmore County, Idaho and four counties in the State of Arizona of discrimination. Yet, because of peculiar circumstances which kept down voting participation in those areas, they were presumed by the law to be guilty of discrimination and had to go to court to prove their innocence. One of Arizona's counties—Yuma—is still under the law.

Arkansas had only 49.9% of its citizens voting in 1964, but there was no literacy test and Arkansas escaped. Meanwhile, North Carolina had an overall average of 51.8% of of its citizens voting but because she had a literacy test and some counties fell under the 50% figure, they came under the law. Yet, Tennessee had 22 out of 95 counties with less than 50% of their citizens voting but because Tennessee had no literacy test, it did not come under the law. And in South Carolina, where the Attorney General stated "there was not one charge of discrimination" against Negroes, the state came under the law because of the contrived formula that exists.

Mr. Chairman, the most elementary sense of fairness demands that this unequal treatment of the states with regard to the qualification of the electors not be allowed to continue.

III. WRONGFUL PRESUMPTION OF GUILT

How can we justify continuing for another five years a law which ignores one of the most fundamental principles of the American system of jurisprudence, which is the presumption of innocence until guilt is proven? This Committee is asked, however, to extend a law for five more years which *presumes guilt* based on figures which have already been wiped out by history and which experience shows result in unequal treatment of citizens and states under the law.

At the time of the passage of the Voting Rights Act, 21 states had some form of literacy test or device regarding the qualifications of prospective voters. Those states are shown in Table I attached to this statement in the Appendix.

Also submitted in the Appendix are the specific provisions of the laws of those states which have been deemed to be a test or device within the language of the statute.

At the same time, the Director of the Bureau of the Census determined that certain states or political subdivisions had less than 50% of persons of voting age voting in the Presidential election of 1964. They are shown in Table II of the Appendix.

Shown in Table III is a listing of states or political subdivisions, excluding specific counties in Idaho, Arizona and North Carolina, which had under 50% of their citizens casting votes in the 1964 Presidential election and those percentages.

However, because of the peculiar combination of circumstances required by the law, the Act does not cover the District of Columbia, Arkansas or Texas.

In the 1968 election, some states or political units still had under 50% of their population of voting age casting votes in the Presidential election. They are shown in Table IV. However, two of these four states or political units are exempted from the law.

If the participation in, or registration for, the Presidential election of 1968 was made the basis of the "trigger" section of the Voting Rights Act, then certain states as shown in Table V which had literacy examinations in 1964 would automatically be removed from the provisions of the Act.

IV. PRESENCE OF NONVOTING MILITARY PERSONNEL

During the debate on the passage of the Voting Rights Act of 1965, many Members of Congress tried without success to point out a glaring defect in the law, in that it fails to take into account the presence in many states of large numbers of military personnel and their dependents who normally do not participate in local elections but who do cast votes by absentee ballot in their own states. Alaska, for example, has approximately 250,000 residents among whom are more than 30,000 servicemen and their dependents. Yet, because the law includes these people among the total number of persons of voting age residing within that state, the percentage of persons counted as voting in the Presidential election is driven down and thus in 1964 Alaska is shown as having only 48.7% of her residents counted as voting in the election, and she was under the law until excluded by court order.

Likewise, Elmore County, Idaho, where Mountain Home Air Force Base is located, had a population in 1964 which included more than 4,900 military personnel, some 2,400 military dependents and 350 civilians who were counted among the citizens of voting age. This resulted in less than 50% of the total number of persons of voting age being calculated as participating in the 1964 Presidential election. Idaho has a provision of law which denies voting rights to prostitutes. The U.S. Attorney General defined it as coming within the provisions of the law regarding literacy tests or devices and, therefore, Elmore County, Idaho was brought under the 1965 Voting Rights Act and had to go to court to gain exemption.

Honolulu County, Hawaii is also a large military area and is likewise affected in its percentage of voter participation by the presence of military personnel who are included in the total number of persons of voting age in the area. And, because the State of Hawaii had a literacy test and because of the low turnout of voters in 1964, Honolulu County, Hawaii—where no charge of voter registration discrimination was involved—came under the law.

It is also significant, Mr. Chairman, that in the entire U.S. the average percentage of military personnel in state populations is 1.6%. Every state which comes under the provisions of the Voting Rights Act as a whole, excepting only Louisiana and Mississippi, *has more than the national average percentage of military personnel within their borders.* My own State of Georgia, for example, has 3.4% compared with the national average of 1.6%; South Carolina has 3.3%; Virginia has 3.3%; and Alaska 13.9%.

So that the Committee may give consideration to these figures, the listing of the states affected by the law and the percentage of military personnel within the populations of those states are shown in Table VII.

V. TREATING POLITICAL SUBDIVISIONS SEPARATELY FROM STATES

Another glaring defect in the present law is that when there has been a determination made by the Director of the Bureau of the Census and the Attorney General that the necessary factors exist in a whole state to bring it under the Voting Rights Act, then each and every political subdivision within that state comes under the law. This is true even though no discrimination may be involved in each subdivision. There is no way under the present law for those political subdivisions to go to court and remove themselves from the provisions of the law. The states have that right where the state had been treated as an entire unit, *but the same right is denied to counties of that state where the determination was made as to the state as a whole unit.* I submit to the Committee a letter attached in the Appendix from the Justice Department which verifies that this is a correct interpretation of the law and that there is *no way for a political subdivision which is innocent of voting rights discrimination to remove itself from jurisdiction of the law when the initial determination has been made with respect to the state as an entire unit.*

Mr. Chairman, I urge that a county or political subdivision *ought to have the same right to prove its innocence of presumed guilt in court as a country or state which had been treated as a separate or whole unit has the right to do so.*

VI. PROGRESS SHOULD BE RECOGNIZED

Let me state further, Mr. Chairman, that I recognize each of us is influenced in his judgment by circumstances in the area where he lives. It is with a sense of deep pride that I point out the progress that has been made in my own home county—Fulton County, Georgia—in voter registration and voter participation in elections since 1960. The number of persons registered has jumped from 135,469 in 1960 to 273,339 in 1968. The number of persons voting rose from 55,803 in 1960 to 188,152 in 1968. The percentage of persons of voting age who voted rose from 41% in 1960 to 74% in 1964 and 68% in 1968. But regrettably, Fulton County, Georgia, one of America's most forward-looking local governments in voter registration work, is treated as a criminal; guilt of alleged discrimination is *presumed* due to the fact that the formula was applied to the state as a whole unit. Because our state was brought under the law as an entire unit, we are denied the right to go into federal court and prove our innocence.

Submitted in the Appendix for the record is a listing of the activities of the Voter Registration Department of Fulton County, Georgia. This is, I contend, one of the finest, most complete and most thorough voter registration efforts in the entire nation. Still, we are prejudged as being guilty of discrimination in the registration of our citizens. This injustice wounds me and the citizens of Metropolitan Atlanta very deeply and the situation cries out for justice.

In addition, any new voting rights law that is passed should recognize the progress in voter participation occurring between the 1964 and 1968 Presidential election. Here again is where the proposed bills before the Committee fail. Alabama had 343,000 more people voting in 1968 and yet these bills would give them no credit. Georgia had 97,000 more people voting any they would be ignored. Louisiana had some 201,000 more people voting in 1968 and these bills would push them aside; Mississippi had some 245,000 additional persons participating and these bills say they should not be considered; South Carolina had 142,000 additional people casting ballots and these bills would give them no recognition. Virginia had 317,000 more electors participating and these bills would ignore them. North Carolina had an additional 162,000 electors participating and yet these bills would treat them as if they did not exist.

Mr. Chairman, I submit the 1964 and 1968 voting statistics in Table VI in the Appendix and I urge the Committee to draft a bill which gives credit for the improvements in the voter registration and participation between 1964 and 1968.

VII. THE BURDEN OF LITIGATION

One of the most unfair requirements under the present law is that after having been *presumed guilty,* a state or political subdivision although innocent is required to travel all the way from the farthest reaches of the nation to the federal court in Washington, D.C. to clear itself of alleged wrongdoing. The advocates of this law would contend that because a number of states and political subdivisions have gone to this expense and trouble, that the law is working well, that its provisions are vindicated and that they should, therefore, be continued.

But I submit, Mr. Chairman, that it is an injustice in the first place to require a state to go to Washington to prove its innocence instead of allowing that state, as it would in virtually any other case, to bring litigation in its local federal district court.

The State of Alaska brought such a lawsuit in 1966 and it was successful and was

exempted from the provisions of the law by declaratory judgment. Elmore County, Idaho was also successful in such a lawsuit and so were Apache, Navajo, and Coconino Counties in Arizona. Wake County, North Carolina brought a petition for declaratory judgment and it was exempted under the law. However, Gaston County, North Carolina brought a petition which was denied and which has since been appealed to the U.S. Supreme Court. Another North Carolina County—Nash—has litigation pending awaiting the outcome of the Supreme Court decision in the Gaston County case.

Nevertheless, Mr. Chairman, it is entirely unfair to impose on any state the burden of having to come all the way to the Nation's Capitol to clear itself of presumed guilt in voting rights cases. The presumption of guilt where no guilt exists is a serious wrong; but this law raises a further presumption which is an even more serious matter, and that is that local district courts if allowed to do so, might act differently on such cases than the district court in Washington.

If there are to be avenues of legal relief provided, then those avenues ought to be open in the federal courts located in or nearest to the affected states or political subdivisions. Further, Mr. Chairman, it is unconscionable that this committee which is so vigorous in its defense of the legal rights of the American people and the right of easy access to our courts, would deny justice to a state by extending provisions which deny easy access to the courts and require litigation to be brought in Washington, D.C., rather than in the local federal courts.

VIII. LACK OF UNIFORMITY IN LITERACY TESTS

Finally, Mr. Chairman, the confusion that has followed in the aftermath of the passage of this law has resulted in some states eliminating literacy requirements, others continuing them and still others being in a state of legal limbo. In order to present this Committee with the full picture of what happened following the suspension of literacy tests in those states affected by the law and in those states which had literacy tests at the time this law was passed, we conducted a survey. Specifically, we asked each of the 21 states which had literacy tests or devices in 1964 whether or not they were still utilizing literacy tests.

While we did not receive replies from all the states involved, the variety of answers is indicative of the lack of uniformity which now exists because of the confusion which has been brought about.

The State of New Hampshire answered that literacy tests continue to be used, while the State of Delaware stated that its law provides for lieracy examinations but the law has not been enforced for sometime.

The State of New York still requires literacy tests for first voters who cannot demonstrate literacy by proof of at least a sixth grade education. The State of Connecticut still has a requirement for literacy examinations in its statutes and so does the State of Washington.

The State of Oregon has requirements for literacy tests but we are advised that such tests are not universally given.

The State of North Carolina has a statute for literacy examinations, however, 40 of that state's 100 counties were placed under the Voting Rights Act and the tests are only applied in the 60 counties not affected by the law. The State of Maine still uses literacy tests and literacy tests are required under state statute in the State of Wyoming.

APPENDIX

STATES WHICH HAVE LAWS PROVIDING FOR A TEST OR DEVICE AS DEFINED BY SEC. 4(c) OF THE VOTING RIGHTS ACT OF 1965*

	Read	Write	Understand	Interpret any matter	Knowledge	Good moral character	Voucher
Alabama	X[1]	X[1]	X[1]	X[1]	X[1]		X[1]
Alaska[2]	X[3]						
Arizona[4]	X[5]						
California	X[6]	X[6]					
Connecticut	X[7]					X[7]	
Delaware	X[8]	X[8]					
Georgia	X[9]	X[9]	X[10]	X[11]	X[11]	X[10]	
Hawaii	X[12]	X[12]					
Idaho						X[13]	
Louisiana	X[14]	X[14]	X[15]	X[15]	X[16]	X[17]	X[18]
Maine	X[19]	X[19]					
Massachusetts	X[20]	X[20]					
Mississippi	X[21]	X[21]					
New Hampshire	X[22]	X[22]					
New York	X[23]	X[23]					
North Carolina	X[24]	X[24]					
Oregon	X[25]	X[25]					
South Carolina	X[26]	X[26]					
Virginia		X[27]					
Washington	X[28]		X[28]				
Wyoming	X[29]						

*For the State laws at the time of passage of the 1965 act see pp. 42–43, pt. 3, of S. Rept. 162, 1st sess., 89th Cong.

[1] Code of Alabama, title 17, sec. 32. In its 1965 1st extra session, the Alabama Legislature amended Code of Alabama title 17, sec. 32 to require that "* * * Except for physical disability, [an elector must be able to] read and write any article of the Constitution of the United States in the English language and make proof of the same in the manner prescribed by the legislature." Thus, the good character provision no longer applies. Apparently, no new application forms have been approved by the Supreme Court of Alabama pursuant to title 17, sec. 32(1) since passage of the 1965 Voting Rights Act. However, sec. 32(1) has not been repealed; so the old application forms requiring interpretation, understanding, and knowledge, as indicated in the Senate report, will probably become effective when Alabama is allowed to resume use of its tests and devices.

[2] The U.S. attorney for the district of Alaska has stated that the Secretary of State believes that anyone who can speak English can vote, even if he cannot sign his name except with an X. Hearings on S. 2750 before the House Judiciary Committee, 87th Cong., 2d sess., p. 315.

[3] Alaska Statutes, sec. 15.05.010: "A person may vote at any election who * * * (5) can speak or read English unless prevented by physical disability, or voted in the general election of Nov. 4, 1924."

[4] The former U.S. attorney for the district of Arizona has stated that an applicant must only attest to fact that he is able to read the Constitution of the United States in the English language, and if there is any question about his ability, the registrar usually asks him to read other printed papers. Letter dated Mar. 8, 1962, to the Civil Rights Division, from Hon. Carl Muecke. See also hearings on S. 2750, supra, p. 317.

[5] Arizona Revised Statutes, sec. 16–101(A): "Every resident of the State is qualified to become an elector and may register to vote at all elections authorized by law if he * * *
(4) Is able to read the Constitution of the United States in the English language. * * *
(5) Is able to write his name * * *."

[6] Constitution of California, art. II, sec. 1: [N]o person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State. * * *" See also California Election Code, sec. 100, implementing this provision.

[7] Constitution of Connecticut, art. VI, sec. 1: "Every citizen of the United States * * * who is able to read in the English language any article of the Constitution or any section of the statutes of this State, and who sustains a good moral character, shall * * * be an elector." See also Connecticut General Statutes, sec. 9–12, implementing this provision.

[8] Constitution of Delaware, art. V, sec. 2: "[N]o person * * * shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name. * * *" See also Delaware Code Annotated, title 15, sec. 1701, implementing this provision.

[9] Georgia Code Annotated, sec. 34–617(a): "[The applicant] shall be required to read [the Constitution of Georgia or of the United States] aloud and write it in the English language."

[10] Georgia Code Annotated, sec. 34–617(b): "[The applicant may also] qualify on the basis of his good character and his understanding of the duties and obligations of citizenship. * * *"

[11] Georgia Code Annotated, sec. 34–618 sets forth a standard list of questions for those who seek to qualify pursuant to sec. 34–617(b) (e.g., "What are the names of the three branches of the United States Government?"). See also Constitution of Georgia, sec. 2–704 which sets forth the above requirements. A comprehensive Georgia Municipal Election Code was adopted on Sept. 1, 1968, that effects some provisions (e.g., conduct of the election) of the 1964 code; but for the qualifications of electors the 1968 code merely adopted the provisions of the 1964 code. See sec. 34A–501 of the Georgia Municipal Election Code. See also Georgia Code Annotated, sec. 34–617(a).

[12] Constitution of Hawaii, art. II, sec. 1: "No person shall be qualified to vote unless he is * * * able * * * to speak, read and write the English or Hawaiian language."

[13] Idaho Code, sec. 34–404: "No common prostitute or person who keeps or maintains, or is interested in keeping or maintaining, or who resides in or is an inmate of, or frequents or habitually resorts to any house of prostitution or ill fame, or any other house or place commonly used as a house of prostitution or of ill fame, or as a house or place of resort for lewd persons for the purpose of prostitution or lewdness, or who, being male or female, do lewdly or lascivously cohabit together shall be permitted to register as a voter or to vote at any election in this State." See also Constitution of Idaho, art. 6, sec. 5, which disqualifies from voting, inter alia, persons who are members of organizations which teach, advise, counsel, encourage or aid persons to enter into bigamy or polygamy.

[14] Louisiana Revised Statutes, title 18, sec. 31(3): "He shall be able to read and write. * * *" See also Louisiana Revised Statute, title 18, sec. 35.

[15] Constitution of Louisiana, art. VIII, sec. 1(c): "He shall be of good character and shall understand the duties and obligations of citizenship under a republican form of government." See also art. VIII, secs. 1(d), 18; title 18, secs. 31(2), 36. In addition a requirement that an applicant "shall be able to understand and give a reasonable interpretation of any section of [the Louisiana or United States Constitution]," and related provisions (title 18) secs. 35, 36) was enjoined by a Federal court, United States v. Louisiana, 225 F. Supp. 353 (1963), affirmed by the Supreme Court, Mar. 8, 1965.

[16] Constitution of Louisiana, art. VIII, sec. 18: "The Board [of Registrars] shall * * * issue a uniform, objective written test or examination for citizenship to determine that applicants * * * understand the duties and obligations of citizenship. * * *" See also title 18, sec. 191(A).

[17] Louisiana Revised Statutes, title 18, sec. 31(2): "He shall be of good moral character. * * *"

[18] Louisiana Revised Statutes, title 18, sec. 31(5): "No registrar or deputy registrar shall register any applicant * * * unless the applicant brings with him two qualified electors of the precinct in which he resides to sign written affidavits attesting to the truth of the facts set forth in the application form. * * *"

[19] Constitution of Maine, art. II, sec. 1: "No person shall have the right to vote * * * who shall not be able to read the Constitution in the English language, and write his name. * * *" See also title 21, sec. 241, implementing this provision.

[20] Constitution of Massachusetts, art. XX, sec. 122: "No person shall have the right to vote * * * who shall not be able to read the Constitution in the English language, and write his name. * * *" See also Massachusetts Laws, ch. 51, sec. 1, implementing this provision.

[21] Mississippi Code, sec. 3209.7. Mississippi appears to be the only State that has substantially changed its constitution and election laws as a result of the Voting Rights Act of 1965. Just prior to the passage of the 1965 Voting Rights Act by Congress, Mississippi amended art. 12, sec. 244, of its constitution to require only that en elector be able to read and write, and at the same time, repealed art. 12, sec. 241-A, which required that an elector be of good moral character. In a special session, the State legislature on June 20, 1965, amended the Mississippi Code (see Mississippi Code sec. 3209.7) to reflect these changes. Sec. 3209.7 provides, "A person shall not be registered unless he is able to read and write."

[22] New Hampshire Revised Statutes, sec. 55:10: "[An applicant shall be required] to write and to read in such manner as to show that he is not being assisted and in so doing and is not reciting from memory." See also New Hampshire Revised Statutes, secs. 55.11, 55.12, implementing this provision.

[23] Constitution of New York, art. 2, sec. 1: "[N]o person shall become entitled to vote * * * unless such person is also able, except for physical disability, to read and write English." See also New York Election Code, secs. 150, 168, implementing this provision.

[24] Constitution of North Carolina, art. VI, sec. 4: "Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language." See also General Statutes of North Carolina, sec. 163–23, implementing this provision.

[25] Oregon Revised Statutes, sec. 247.131: "[N]o elector shall be registered unless he is able, except for physical disability, to read and write English."

[26] Constitution of South Carolina, art. II, sec. 4(d): "Any person * * * shall be registered: Provided, That he can both read and write any section of this Constitution submitted to him. * * *" As an alternative to the reading and writing test, art. II, sec. 4(d), provides: "Any person * * * shall be registered: Provided, That he * * * has paid all taxes collectible during the previous year on, property in this State assessed at three hundred dollars ($300) or more." See also Code of South Carolina, sec. 23–62, implementing these provisions.

California bases its qualifications for voter registration on the ability to read English. If the applicant admits he cannot read English, he is not registered.

The State of Arizona was one of those which had several of its counties brought under the Voting Rights Act and that state's literacy examinations were suspended in the affected counties until three were removed from its jurisdiction by court order.

Similarly, in the State of Hawaii, the County of Honolulu came under the provisions of the law and no tests are allowed in that county although they are allowed in other sections of the state.

I submit for the record in the Appendix the replies from the states mentioned and contend that this shows further that the Voting Rights Act of 1965 should not be extended in its present form because its application only adds to the lack of uniformity in voting rights laws. Either literacy tests or a basic literacy requirement such as a sixth grade education as it is spelled out in the law *should be allowed in all states or no such requirements should be permitted in any state.*

SUMMARY

Mr. Chairman, I believe the material presented clearly demonstrates that it would be unjust to the people and unfair to the states to extend the Voting Rights Act without change for five additional years.

In summary, it does not provide full protection of voting rights for every American in every state in the Union.

It treats states unequally under a contrived formula based on statistics that are now five years old and which, in fairness, should be superseded by the results of the 1968 Presidential election.

It does not recognize the fundamental presumption of innocence but presumes guilt of voting discrimination.

It does not take into consideration the presence in any state of large numbers of non-voting military personnel.

It does not give a political subdivision, innocent of any wrongdoing, the right to remove itself from the provisions of the law where the state has been treated as a whole unit in determinations by the Bureau of the Census and the Attorney General.

It gives no recognition to the progress made since 1964 in voter registration and political participation.

And, it continues to impose on the states the burden and expense of having to bring suit in federal court in Washington, D.C., to clear themselves of presumed guilt rather than in local federal courts.

In fairness and in justice, I urge this committee to lay aside the measures before it to extend the Voting Rights Act of 1965 without change and put together legislation which will correct the inequities cited and give full protection to all individuals in all states and equal treatment to every state in the matter of voting rights.

TABLE I

At the time of the passage of the Voting Rights Act of 1965 twenty-one (21) states had some form of literacy tests for the qualifications of prospective voters for registering. They are:

Alabama	Massachusetts
Alaska	Mississippi
Arizona	New Hampshire
California	New York
Connecticut	North Carolina
Delaware	Oregon
Georgia	South Carolina
Hawaii	Virginia
Idaho	Washington
Louisiana	Wyoming
Maine	

TABLE II

Under the provisions of the Voting Rights Act and under Section 4(b) (2) of said Act, the Director of the Bureau of the Census determined that the following states or political subdivisions had less than fifty (50%) percent of the persons of voting age voting in the Presidential election of November 1964:

Alabama.
Alaska.
Georgia.
Louisiana.
Mississippi.
South Carolina.
Virginia.
Apache, Coconino, Navajo, and Yuma Counties of Arizona.
Elmore County, Idaho.
Honolulu County, Hawaii.
Anson, Bertie, Caswell, Cowan, Craven, Cumberland, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Hoke, Lenoir, Nash, North Hampton, Onslow, Pasquotank, Person, Pitt, Robeson, Scotland, Vance, Wayne, Wilson, Martin, Washington, Camden, Perquianans, Beaufort, Bladen, Cleveland, Gaston, Guilford, Harnett, Lee Rockingham, Union, and Wake Counties of North Carolina.

TABLE III

The following states or political subdivisions in the 1964 Presidential election had less than fifty (50%) percent of their population of voting age casting votes:

State or political subdivision:	(*Percentage*)
District of Columbia	39.4
Virginia	41.1
Georgia	43.0
Alabama	35.9
Mississippi	33.2
Arkansas	49.9
Louisiana	47.2
Texas	44.4
Alaska	48.1

TABLE IV

The following states or political subdivisions had less than fifty (50%) percent of the population of voting age casting votes in the Presidential election of November 1968:

State or political subdivision:	(*Percentage*)
District of Columbia	33.5
South Carolina	45.9
Georgia	42.9
Texas	48.5

TABLE V

If the participation in or registration for the Presidential election of November 1968 were made the basis for the effectuality section of the Voting Rights Act of 1965, then the following states which had literacy examinations in November 1964 would automatically be removed from the provisions of the Act:

State	Percent in 1968	Percent in 1964
Virginia	50.4	41.1
Alabama	50.3	35.9
Mississippi	50.6	33.2
Louisiana	53.8	47.2
Alaska [1]	53.9	48.1

[1] Removed from jurisdiction of Voting Rights Act by declaratory judgment of U.S. District Court, District of Columbia.

TABLE VI

States or political subdivisions coming under the Voting Rights Act of 1965 had the following changes in voter participation between the 1964 and 1968 Presidential elections:

State	1964	1968	Change
Alabama	689,818	1,033,740	+343,922
Georgia	1,139,352	1,236,600	+97,248
Louisiana	896,293	1,097,450	+201,157
Mississippi	409,146	654,510	+245,364
South Carolina	524,756	666,978	+142,222
Virginia	1,042,267	1,359,928	+317,661
North Carolina (40 counties) [1]	1,424,983	1,587,493	+162,510
Alaska [2]	67,259	82,975	+15,716
Arizona (4 counties) [3]	327,615	325,762	−1,853
Idaho (1 county) [4]	292,477	291,183	−1,294
Hawaii (1 county)	207,271	236,218	+28,947

[1] Wake County, N. C. removed from jurisdiction by declaratory judgment.
[2] Alaska removed from jurisdiction by declaratory judgment.
[3] Apache, Coconino, and Navajo Counties removed from jurisdiction by declaratory judgment.
[4] Elmore County, Idaho, removed from jurisdiction by declaratory judgment.

TABLE VII

Following is an itemization of the number of military personnel for all armed services, not including dependents, located in each of the states or political subdivisions coming under the provisions of the Voting Rights Act of 1965, for which no allowance is made:

State	Military personnel	Percent of State population
Alabama	32,546	1.7
Georgia	106,403	3.4
Louisiana	41,532	1.4
Mississippi	22,584	1.3
South Carolina	67,305	3.3
Virginia	63,595	3.3
Alaska [1]	30,813	13.9
North Carolina (40 counties) [2]	105,713	2.4
Arizona (4 counties) [3]	29,707	2.4
Idaho (1 county) [1]	4,386	.7
Maine (1 county)	7,935	.1
Hawaii (1 county)	33,987	7.6

[1] Removed from jurisdiction of Voting Rights Act by declaratory judgment of U.S. District Court, District of Columbia.
[2] Wake County, N.C., removed from jurisdiction of Voting Rights Act by declaratory judgment of U.S. District Court, District of Columbia.
[3] Apache, Coconino, Navajo Counties removed from jurisdiction of Voting Rights Act by declaratory judgment of U.S. District Court, District of Columbia.

Note.—Average percentage of State population made up of military personnel is 1.6 percent. Figures include Army, Navy, and Air Force personnel and are exclusive of civilian personnel.

DEPARTMENT OF JUSTICE,
Washington, April 25, 1969.

Hon. FLETCHER THOMPSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN THOMPSON: Attorney General Mitchell has referred your letter of March 19, 1969, concerning subsection 4(a) of the Voting Rights Act, to this Division for reply. You state that, under your interpretation of subsection 4(a), a suit to end the suspension of literacy tests could not be brought by an individual county within a state which, by virtue of subsection 4(b), is subject to state-wide coverage by the Act; and you request an opinion as to the correctness of your interpretation.

In our opinion, your interpretation of the statute is correct. As you indicate, the phrase "such . . . subdivision" seems clearly to refer back to the phrase "political subdivision with respect to which the . . . [determination of coverage has] been made as a separate unit." Moreover, this reading of subsection 4(a) is supported by the legislative history. See H.R. Rep. No. 439, 89th Cong., 1st Sess. p. 14 (1965); S. Rep. No. 162, 89th Cong., 1st Sess., pt. 3, p. 16 (1965).

In conclusion, on the basis of the statutory language and the legislative history, we agree with you that subsection 4(a) does not authorize a county brought under the Act by vritue of a state-wide determination to seek a declaratory judgment ending the suspen-

sion of tests. Only if the State prevails in an action for a declaratory judgment would suspension be terminated with respect to such a county.

I hope this information will be of assistance.

Sincerely,

JERRIS LEONARD,
Assistant Attorney General,
Civil Rights Division.

Voter Registration Department of Fulton County, Dec. 31, 1968

The total number of registered voters in Fulton County	273,173
Registration activities for year 1968:	
New registrations	33,553
Cancellation of non-residents	4,444
Transfers to other counties	4,980
Deaths	1,586
Felony	77
Reinstated	37
Changes of address processed	32,323
Student participation program for school registration:	
Number of high schools (city, county, private)	47
Number of high schools contacted	47
Number of high schools instructed	43
Number of high schools registered	43
Total number of students registered	5,984
Neighborhood registration:	
League of Women Voters	3,785
Red Oak fire station	56
AFL–CIO (labor)	655
Georgia Voter Registration Committee	10,872
Alpharetta Jaycees	15
All-Citizens Registration Committee	2,475
N.A.A.C.P	4,063
North Fulton County Federation of Republican Women	1,375
Republican Committee	806
South Fulton Chamber of Commerce	382
Roswell Jaycees	347
Fulton County votemobile	300
Criminal purge:	
Names checked	1,970
Corresponding names appearing on master voter list	370
Letters mailed	370
Deceased purge:	
Names checked	4,580
Names canceled	1,286

In accordance with a law passed by the Georgia State Legislature in January of 1968, Fulton County had to be reapportioned before the next general election. This was accomplished through the cooperation of the city clerk's office of Atlanta and the Fulton County elections department. Seventy new voting precincts were added, making a total of 198 precincts in Fulton County. A total of 211,000 registered voters had to be notified that their voting precinct has been changed. The reapportionment of the county was effected to relieve the over-crowded precincts.

A total of 273,339 citizens were registered and qualified to vote in the Presidential election on November 5, 1968. This number is an all-time high for Fulton County and an increase of over 100,000 since 1962 when the voter registration department was set up as a separate department by law.

For the primary and general election this department processed and mailed a total of 14,675 absentee ballots to servicemen, college students, physically disabled, and citizens away from Fulton County due to employment and vacations. Ballots were mailed to all parts of the world. There was a total of 1,529 absentee ballots voted in the office by citizens with emergency problems.

In November this department was visited by Mr. Legessa Bezelou, Prime Minister of Elections in Ethiopia, and in December Miss Yorkio Nakajima, associate professor of political science at the Obirin College in Tokyo, Japan. Both of these distinguished visitors informed us that Fulton County is recognized by the State Department of Commerce in Washington as having one of the most progressive voter registration programs in the Nation.

The year 1968 was a good year for the voter registration department, and we are extremely proud of the manner in which we were able to cope with the many problems that arise during a national election year.

———, ———,
Chief Registrar, Fulton County.

THE STATE OF NEW HAMPSHIRE,
Concord, April 8, 1969.

Hon. FLETCHER THOMPSON,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE THOMPSON: This is in reply to your letter inquiring as to whether literacy tests are still being used in this state in view of the Voting Rights Act of 1965.

Our statute (RSA 55:10) provides in part that the supervisor of the checklist shall require a prospective voter ". . . to write and to read in such manner as to show that he is not being assisted in so doing and is not reciting from memory."

When the question of the constitutionality of this statute was raised in 1968 by the Department of Political Science of the University of New Hampshire, we replied as per the attached copy.

Our election laws also contain a provision (RSA 59:65) permitting a voter ". . . who declares to the moderator, under oath, that he cannot read, . . ." to receive the assistance of one or both of the election officers detailed for that purpose by the moderator. Copies of these two statutes are enclosed.

We have not polled the municipalities on this subject, but believe literacy tests are continuing to be used.

Very truly yours,

Mrs. IRMA A. MATTHEWS,
Assistant Attorney General.

STATE OF NEW HAMPSHIRE

55:10 Reading Test. The qualifications of an applicant shall be determined by the supervisors, who shall examine him under oath relative thereto, and shall, unless he is prevented by physical disabilty, or unless he had the right to vote, or was sixty years of age or upwards on January first, nineteen hundred and four, require him to write and to read in such manner as to show that he is not being assisted in so doing and is not reciting from memory.

59:65 Assistance in Voting. Any voter who declares to the moderator, under oath, that he cannot read, or that because of his blindness or other physical disability he is unable to mark his ballot, shall, upon his choice and request, receive the assistance of one or both of the election officers detailed for that purpose by the moderator; and such officer or officers shall thereafter give no information regarding the same. Provided that any voter unable to mark his ballot because of his total blindness may be assisted in such marking by any person, who is a qualified voter in the same town or ward, whom he may designate. Such person so assisting shall be sworn, shall mark the ballot as directed by said voter, and shall thereafter give no information regarding the same.

NOVEMBER 22, 1968.

Prof. DAVID L. LARSON,
College of Liberal Arts, Department of Political Science, University of New Hampshire, Durham, N.H.

DEAR PROFESSOR LARSON: The Secretary of State has referred to this office, for reply, your letter of October 31, 1968 suggesting that an advisory opinion be requested from the Attorney General as to the Constitutionality of RSA 55: 10. This statute provides in part "that the supervisor of the checklist shall require a prospective voter to write and to read in such manner as to show that he is not being assisted in so doing and is not reciting from memory."

While in the past this office has occasionally rendered opinions of this nature we now adhere to the better practice of referring to our Supreme Court all questions on the constitutionality of a statute. It has been well settled that this is the prerogative of that court. We refer you to *Wyman* v. *DeGregory*, 101 N.H. 171, 178 (1957) wherein our Supreme Court held that the Trial Court's refusal to rule on the constitutionality of a statute was proper; that the "statute not being clearly unconstitutional on its face . . . the Trial Court could properly assume its constitutionality until it was decided otherwise in this court." see also *Velishka* v. *Nashua*, 99 N.H. 161, 165; *Musgrove* v. *Parker*, 84 N.H. 550.

Very truly yours,

Mrs. IRMA A. MATTHEWS,
Assistant Attorney General.

STATE OF DELAWARE,
STATE DEPARTMENT OF JUSTICE,
Wilmington, Del., March 27, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN THOMPSON: Your letter of March 15, 1969, addressed to Honorable David P. Buckson, Attorney General, Dover, Delaware, has been referred to me for reply.

15 *Del. C.* § 1701 provides for a literacy test. However, the Department of Elections has informed me that it has not been enforced for some time.

Very truly yours,

FLETCHER E. CAMPBELL, JR.,
Deputy Attorney General.

STATE OF NEW YORK, DEPARTMENT OF LAW,
Albany, April 4, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress,
Washington, D.C.

DEAR FLETCH: New York law still provides for literacy tests to be administered to first voters who cannot demonstrate literacy by proof of at least a sixth grade education. Of course, we have been required to conform to the Voting Rights Act which permits proof of literacy in a language other than English insofar as citizens educated in Puerto Rico are concerned.

Warm personal regards and best wishes.

Sincerely,

LOUIS J. LEFKOWITZ,
Attorney General.

STATE OF CONNECTICUT,
Hartford, March 24, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress,
Washington, D.C.

DEAR MR. THOMPSON: In response to your letter of March 15, 1969, Connecticut does use a literacy test pursuant to the Constitution and statutes in determining the qualification of prospective electors for registration.

The statutory requirement is that each citizen of the United States who has attained the age of twenty-one years must show that he "at the time of so applying, is able to read in the English language any article of the constitution or any section of the statutes of the state." Section 9–12, Connecticut General Statues, Revision of 1958, Revised to 1964.

In addition, under the Doctrine of Supremacy persons who comply with Section 4(e)(2) of the Federal Voting Rights Act of

1965, Public Law 89–110, are admitted as electors in the State of Connecticut.

Very truly yours,

ROBERT K. KILLAN,
Attorney General.
RAYMOND J. CANNON,
Assistant Attorney General.

STATE OF WASHINGTON,
Olympia, Wash., September 20, 1966.

Hon. A. LUDLOW KRAMER,
Secretary of State,
Olympia, Wash.

DEAR SIR: You have requested the advice of this office concerning the impact of the federal voting rights act of 1965[1] upon the literacy requirement contained in Article VI, § 1, of the Washington constitution. That section reads as follows:

"All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided,* That Indians not taxed shall never be allowed the elective franchise: *And further provided,* That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex."

It is not within the scope of this letter to advise concerning the effect of the voting rights act of 1965 upon the power of the legislature to enact laws "defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language . . . "[2] Rather, you have requested that we simply concern ourselves here with the impact of this new federal legislation upon the requirement contained in Article VI, § 1, *supra,* that every voter " . . . shall be able to read and speak the English language . . . "

The pertinent provision of the voting rights act is § 4(e)[3], the complete text of which reads:

"Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

"No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico *in which the predominant classroom language was other than English,* shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."

To the extent that this statute is in conflict with the literacy requirement contained in Article VI, § 1, *supra,* the statute is controlling under Article VI of the United States constitution, which reads, in part:

"This constitution, and the laws of the United States which should be made in pursuance thereof; . . . shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding."

The extent to which our literacy requirement is affected by section 4(e), *supra,* is revealed by the recent United States Supreme Court decision in *Katzenbach v. Morgan,* 384 U.S. 641, 16 L. ed. 2d 828, 86, S. Ct. 1777 (1966). This case involved constitutional requirements of the state of New York substantially similar to those contained in Article VI, § 1. In upholding the constitutionality of section 4(e), *supra,* the Supreme Court was careful to point out that its position on literacy as a qualification to voting is unchanged. The rule of *Lassiter v. Northampton County Board of Elections,* 360 U.S. 45, 3 L. ed. 2d 1072, 79 S. Ct. 985 (1959) that a state may constitutionally require its voters to be literate, is still the law of the land. Even Justice Douglas in *Cardona v. Power* 384 U.S. 672, 675, 16 L. ed. 2d 848, 86 S. Ct. 1728 (1966), a companion case, dissenting on the ground that the New York statute which affords the right to vote to a citizen literate in English but denies that right to a citizen literate in Spanish is an unconstitutional violation of the 14th Amendment, remarked:

"A state has broad powers over elections; and I cannot say it is an unconstitutional exercise of that power to condition the use of the ballot on the ability to read and write."

The effect of section 4(e) of the 1965 voting rights act, *supra,* is to provide an equivalent to the ability to read and speak the English language for those citizens who fall within the pattern of the section. See the remarks of Senator Jacob K. Javits, 2 U.S. Code Congressional and Administrative News 2577 (89th Congress, 1st session, 1965). As is suggested by a footnote in *Katzenbach v. Morgan, supra,* it provides this equivalence to a very limited class of persons: " . . . aside from the schools in the Commonwealth of Puerto Rico, there are no public or parochial schools in the territorial limits of the United States in which the predominant language of instruction is other than English and which would have generally been attended by persons who are otherwise qualified to vote, save for their lack of literacy in English."[4]

By taking note of the limited area in which section 4(e) is effective, we do not mean to intimate that the section need not be scrupulously adhered to. By congressional fiat, the literacy requirement in Article VI, § 1, *supra,* should be regarded as having been amended to read:

"They shall be able to read and speak the English language *unless* they can demonstrate that they have successfully completed the sixth primary grade in a public school in, or a private school accredited by, any state or territory, the District of Columbia, or the Commonwealth of Puerto Rico, in which the predominant classroom language was other than English."

We trust that the foregoing will be of assistance to you.

Very truly yours,

JOHN J. O'CONNELL,
Attorney General.
RICHARD A. MATTSEN,
Assistant Attorney General.

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[1] Public Law 89–110 (codified as 42 USC section 1971 et seq.).

[2] See, however, 42 USC, section 1971a (c).

[3] 42 USC, section 1937b (e).

[4] 384 U.S. 641 at 645.

STATE OF WASHINGTON,
Olympia, Wash., March 19, 1969.

Mr. FLETCHER THOMPSON,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. THOMPSON: This is in reply to your letter asking about the effect of the United States Voting Rights Act of 1965 on the use of literacy tests in the state of Washington.

The effect of the federal act in the state of Washington is fully explained in an opinion of the Attorney General 1967-No. 21 and opinion letter of this office to Honorable A. Ludlow Kramer, Secretary of State, dated September 20, 1966, copies of which are enclosed. We understand that the Secretary of State, as Chief Elections Officer, has distributed copies of these opinions to all election officers throughout the state, along with instruction on the necessary changes in procedure where literacy tests have been used. We believe that as a result of these actions, tests of literacy in English are no longer used anywhere in this state.

A bill is presently pending in the Washington legislature to amend our registration laws to eliminate references to literacy tests and to conform the questions required to be asked of appliances to those permitted by federal law. In short, Washington's response to the federal legislation has been not to make literacy tests university, but to eliminate them, relying on the applicants sworn statement that he can read and write English, or Spanish, if educated in Puerto Rico.

Since you have sent personal regards to John O'Connell, we should say that John chose not to run for re-election as Attorney General, but to run for Governor instead. He was unsuccessful in that race and is now in private practice in Tacoma with the law firm of Gordon, Honeywell, Malanca, Peterson & Johnson, Puget Sound Banking Building, Tacoma, Washington.

We are pleased to be able to provide the information you have requested.

Very truly yours,

SLADE GORTON, *Attorney General.*
MORTON M. TYTLER,
Assistant Attorney General.

STATE OF WASHINGTON,
Olympia, Wash.

Re Elections—civil rights—voter registration—administration of literacy test to persons registering to vote.

(Persons registering to vote in Washington cannot currently be tested for literacy in the manner provided for in RCW 29.07.070(13), in view of the provisions of the 1965 federal voting rights act (42 U.S.C., § 1971(a)).

JUNE 15, 1967.

Cite as: AGO 1967 No. 21.

Hon. ALFRED E. COWLES,
Executive Secretary, Washington State Board Against Discrimination, Olympia, Wash.

DEAR SIR: You have asked for the opinion of this office on a question which we paraphrase as follows:

May persons registering to vote in Washington currently be tested for literacy in the manner provided for in RCW 29.07.070(13), in view of the provisions of recent federal voting rights legislation?

We answer your question in the negative for the reasons set forth in our analysis.

ANALYSIS

The Washington constitution (Article VI, § 1) provides that:

"All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: . . . they shall be able to read and speak the English language: . . . The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for pun-

ishment of persons voting or registering in violation of the provision of this section."

Pursuant to this article, the Washington legislature has provided (RCW 29.07.070):

"Having administered the oath, the registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter . . ., requiring him to state:

* * * * *

"(13) Whether the applicant . . . is able to read and speak the English language so as to comprehend the meaning of ordinary English prose, and in case the registration officer is not satisfied in that regard, he may require the applicant to read aloud and explain the meaning of some ordinary English prose;"

Notably, this is the only Washington statute pertaining to the administration of literacy tests in implementation of the constitutional provision. It is further to be noted that this office has previously advised that the Washington literacy requirement has been modified by the "Puerto Rico" provision contained in the federal voting rights act of 1965, 42 U.S.C. § 1973b (e). See our letter to Honorable A. Ludlow Kramer, Secretary of State, dated September 20, 1966, a copy of which is enclosed. This provisions says that literacy in English cannot be a qualification to vote for persons educated in American flag schools in which the predominant classroom language was other than English.

Except for persons who come within the Puerto Rico provision, *supra*, the Washington literacy *requirement* remains in effect. However, the manner of *testing* for literacy is now controlled by federal law, as will be hereinatfer seen. Preliminarily, though, it should be noticed that the state of Washington is not one of the places where literacy tests have been prohibited outright by federal legislation. The 1965 voting rights act suspends literacy tests and other devices only in those states or political subdivisions where the director of census determines that less than fifty percent of the perosns of voting age residing therein were registered on November 1, 1964, or that less than fifty percent of such persons voted in the presidential election of November, 1964. See 42 U.S.C. § 1973b. Washington was not included in the director of census' report on the states that failed these fifty-percent requirements. See 30 Fed. Reg. 9897.

Unlike this more publicized part of the federal voting rights legislation, the part controlling the *manner* of administering literacy tests applies uniformly in all the states, including, of course, Washington. The pertinent language appears in 42 U.S.C., § 1971(a), as follows:

* * * * *

"(2) No person acting under color of law shall—

* * * * *

"(C) employ any literacy test as a qualification for voting in any election unless (i) such test is administered to *each* individual and is conducted *wholly in writing*, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to sections 1974–1974e of this title: . . .

"(3) For purposes of this subsection—

* * * * *

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter." (Emphasis supplied.)

The quoted language originated in the civil rights act of 1964. At that time it was limited to federal elections, but the 1965 voting rights act (§ 15(a), 79 Stat. 445) made it applicable to state and local elections as well.

The purpose of this feature of the federal voting rights legislation was explained in the report of the House Judiciary Committee recommending passage of the 1964 Civil Rights Act as follows: [1]

"Title I is designed to meet problems encountered in the operation and enforcement of the Civil Rights Acts of 1957 and 1960, by which the Congress took steps to guarantee to all citizens the right to vote without discrimination as to race or color.

* * * * *

"Section 101(a) is designed to insure nondiscriminatory practices in the registration of voters for Federal elections. It would amend existing law (42 U.S.C. 1971(a)) by requiring the application of uniform standards, practices, and procedures to all persons seeking to vote in Federal elections . . . These provisions would provide specific protections to the right to vote and would reduce opportunities for discriminatory application of voting standards without in any way lessening or limiting the broad prohibitions against voting discrimination already contained in existing law."

Seven members of the committee expressed additional views as follows: [2]

"Closely related to the delays in justice are the intricate methods employed by some State or county voting officials to defeat Negro registration . . .

* * * * *

"(T)he basic troubles come not from discriminatory laws, but (as the Civil Rights Commission so well expressed in its 1959 report, p. 133) 'from the discriminatory application and administration of apparently nondiscriminatory laws.'

"It is for these reasons that the committee has amended the 1957 and 1960 Civil Rights Acts to provide that, in Federal elections State registration officials must: (1) apply standards, practices, and procedures equally among individuals seeking to register to vote; . . . (3) administer literacy tests in writing. . . ." [3]

The approach of the earlier 1957 and 1960 Civil Rights Acts had been to enforce voting rights by authorizing the United States attorney general to bring civil lawsuits against offending state officers. But the state officers were acting under laws designed to give them an arbitrary discretion which was not easily subjected to judicial review. See, *Louisiana v. United States*, 380 U.S. 145 at 151–52 (1965), in which the court found that interpretation tests, such as Louisiana's requirement that an applicant give a reasonable interpretation of any section of the state or federal constitution, were adopted for the frank purpose of disfranchising Negroes, it being understood that the registration officers would use their discretion for that purpose. And, when the United States attorney general succeeded in having a state literacy statute declared unconstitutional, another slightly different one would be enacted to take its place.

Thus, in 1964, Congress decided to get to the heart of the problem; i.e., the practice of vesting unlimited discretion in state registration officers. Accordingly, the 1964 Civil Rights Act prohibited the use of literacy tests unless they met federal standards for uniform application. The basic operative language of the statute (now applicable as to state elections as well) is:

"No person . . . shall . . . employ any literacy test as a qualification for voting in any election unless . . . such test is administered to each individual and is conducted wholly in writing . . ."

In other words, unless a state's system for administering literacy tests meets the standards of the federal law, state officers may not use literacy tests at all.[4]

RCW 29.07.070, *supra*, does not presently require that a literacy test be given to each person who applies to register to vote. Instead, our statute says that a test is to be administered only if the registration officer "is not satisfied" with the applicant's sworn statement that he is able to read and speak the English language so as to comprehend the meaning of ordinary English prose.

In addition, our statute does not require that the test be given in writing; it says that the registration officer—". . . may require the applicant to read aloud and explain the meaning of some ordinary English prose;"

While Washington is not one of the states with a tradition of discrimination against minorities in voting, our statutory provisions on literacy tests are like those which were in effect where abuse occurred. The federal government has prohibited the discretionary approach, and Washington is bound to obey the law [5] as much as those states whose misconduct caused it to be enacted.

We reiterate that it is literacy *testing*, not the literacy *requirement*, at which 42 U.S.C., § 1971(a)(2) is directed.

Except in cases where the Puerto Rico provision applies, we see nothing in the federal voting rights legislation which prevents a voter registration officer from requiring an applicant to state (RCW 29.07.070) and swear (RCW 29.07-.080) that he is able to read and comprehend ordinary English prose.[6] A person who falsely swears for this purpose is guilty of a felony. RCW 28.85.200.

To summarize, we have concluded that:

(1) The Washington requirement that a person be able to read and speak the English language in order to vote remains in effect, except for persons educated in American flag schools where the predominant classroom language was other than English.

(2) Except as noted in (1), federal law does not prevent a voter registration officer from requiring an applicant to state and swear that he is able to read and speak the English language.

(3) Until Washington provides for the administration of literacy tests on a uniform basis in conformity with federal law, no

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[1] House Report No. 914, 88th Congress, 2d Session, 1964 U.S. Code Cong. & Ad. News 2391 at 2394.

[2] Additional views on H.R. 7152 by Representatives McCulloch, Lindsay, Cahill, Shriver, MacGregor, Mathias and Bromwell, 1964 U.S. Code Cong. & Ad. News, 2487 at 2490.

[3] For additional legislative history, see the comments of Representative Rogers of Colorado on the House floor, January 31, 1964, 110 Cong. Record 1548, and of Senator Keating on the Senate floor, April 1, 1964, 110 Cong. Record 6717.

[4] See note, Federal Protection of Negro Voting Rights, 51 Va. L.R. 1051 at 1192.

[5] The constitution of the United States says: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; . . . shall be the supreme law of the land . . . any thing in the Constitution or laws of any state to the contrary notwithstanding." Article VI, clause 2.

[6] For their own guidance, voter registration officers may wish to take note of 42 U.S.C., § 1971(c) which says that in any lawsuit brought by the United States attorney general to enforce voting rights: ". . . there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any election."

person may be required to take a literacy test.

We trust that the foregoing will be of assistance to you.

Very truly yours,

JOHN J. O'CONNELL,
Attorney General.
MORTON M. TYTLER,
Assistant Attorney General.

STATE OF OREGON, DEPARTMENT OF STATE,
Salem, March 20, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN THOMPSON: Your letter of March 15, 1969 addressed to the Honorable Robert Y. Thornton, our Attorney General, has been referred to this office for our study and reply.

Yes, both the constitution of our state and our revised statutes provide for literacy tests in connection with registration and voting.

Above we are referring to Section 2, Article II, Oregon Constitution and Oregon Revised Statutes 247.131. Copies of both these citations are enclosed for your information.

As a bit of an editorial, we would like to comment to the effect that a literacy test is not universally given in Oregon. To the best of this writer's knowledge, literacy tests have during the past ten years been administered but twice.

If you have any further questions on this subject, please let us know.

Sincerely,

JACK F. THOMPSON,
Assistant Secretary of State.

247.070 Time for registering. (1) No elector may register within 30 days preceding any election held throughout the county in which he resides for the purpose of voting at such election. No elector residing in any precinct in which any election not held throughout the county is to be held may register within 30 days preceding such election for the purpose of voting at such election.

(2) Any elector who will complete his residence requirement or attain the age of 21 years during the period when the register of electors is closed may register within 30 days preceding the closing of the register. [1957 c.608 §30]

[247.080 Repealed by 1957 c.608 §231]

[247.090 Repealed by 1957 c.608 §231]

247.100 Office hours of county clerk on last day for registration. On the last day for registration of electors, including Saturday, the county clerk in all counties shall keep his office open for registration of electors from the time the office is opened in the morning continuously until 8 p.m.

247.110 [Repealed by 1957 c.608 §231]

247.111 Registration of elector absent from county of residence or from Oregon. (1) Any elector absent from the county in which he resides but within the state may register before the county clerk or any official registrar of the county in which he may then be. Such county clerk or official registrar shall mail the official registration card of the elector to the county clerk of the county in which the elector resides and may collect from the elector a fee of not more than 25 cents.

(2) An elector absent from the state may register by:

(a) Signing a statement, under oath or affirmation, containing the same information as an official registration card or by completing an official registration card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar, and by mailing such statement or card, together with a certificate of such notary public or official that the elector has satisfied the requirement of ORS 247.131, to the county clerk of the county in which the elector resides; or

(b) Mailing a request for registration to the county clerk of the county in which the elector resides, and the postmark on such request indicates that it was posted not less than 30 days preceding the election. Upon receipt of such request the county clerk shall send to the elector an official registration card. The elector shall complete the card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar and shall return it to the county clerk, together with a certificate of such notary public or official that the elector has satisfied the requirement of ORS 247.131. [1957 c.608 § 33; 1959 c.274 § 1]

247.120 [Amended by 1955 c.695 § 3; repealed by 1957 c.608 § 231]

247.121 Required registration information. (1) Each elector who requests registration shall supply the following information under oath or affirmation:

(a) His full name and sex.

(b) His mailing address, his residence address or any other necessary information definitely locating his residence.

(c) The period of time preceding the date of registration during which he has resided in the state.

(d) The date and place of his birth.

(e) The full name of his father, the full maiden name of his mother and the full name of his spouse.

(f) His occupation or profession.

(g) Whether or not he is a naturalized citizen. If he is a naturalized citizen and if he has not been previously registered in the county as a naturalized citizen, the elector shall exhibit his final citizenship papers or an authenticated copy thereof.

(h) The name of the political party with which he is affiliated, or that he is not affiliated with any political party or that he does not desire to supply such information.

(2) No elector shall supply any information under subsection (1) of this section, knowing it to be false. [1957 c.608 § 34]

247.130 [Repealed by 1957 c.608 § 231]

247.131 Literacy test. If he has not been previously registered in this state, no elector shall be registered unless he is able, except for physical disability, to read and write English. The elector may be required to demonstrate such ability by reading a paragraph of his own choosing from any available printed matter and by signing his name. [1957 c.608 § 35]

247.140 [Repealed by 1957 c.608 § 231]

STATE OF NORTH CAROLINA, DEPARTMENT OF JUSTICE,
Raleigh, March 19, 1969.

Re: Literacy test.

Hon. FLETCHER THOMPSON,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR MR. THOMPSON: In reply to your inquiry of March 15, 1969, as to whether literacy tests are still being used by registrars in North Carolina, you are advised that 39 counties in this State (out of 100 counties) have been placed under the Voting Rights Act of 1965. Therefore, the literacy test is not applied in the 39 counties, but is applied in the other counties of this State. The literacy test used in North Carolina is a very simple, minimal and uniform test wherein the person may merely copy the material presented to them.

Very truly yours,

ROBERT MORGAN,
Attorney General.
JAMES F. BULLOCK,
Deputy Attorney General.

STATE OF MAINE, DEPARTMENT OF THE ATTORNEY GENERAL,
Augusta, Maine, March 20, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR SIR: This will acknowledge receipt of your letter of March 15 addressed to Honorable James S. Erwin, Attorney General. You have asked if the State of Maine still uses literacy tests for voter registration. The answer is that we still do. 21 M.R.S.A. § 241, subsection 2, provides:

"He must read from the Constitution of the State of Maine in a manner which shows he is neither being prompted nor reciting from memory. He must write his name in English.

"A. Exception. This subsection does not apply to a person who is prevented by physical disability from performing its requirements, but he may be required to supply reasonable proof of his knowledge."

I trust this information is what you are seeking.

Very truly yours,

GEORGE C. WEST,
Deputy Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
STATE OF WYOMING,
Cheyenne, Wyo., March 20, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: This will acknowledge receipt of your letter of March 15th, wherein you inquired as to whether or not literacy tests are still being required by Wyoming voter registrars in relation to qualification of prospective voters.

Art. 6, Sec. 9 of the Wyoming Constitution provides:

"No person shall have the right to vote who shall not be able to read the constitution of this state. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements."

This provision of our Constitution was interpreted by the Wyoming Supreme Court in the case of *Rasmussen v. Baker,* 7 Wyo. 117, 50 Pac. 819 (1897), where on pages 148 and 149 of the Wyoming Report, our Court held: "* * * in the sense of the constitutional requirement, no person is able to read the constitution of this state who cannot read it in the English language; and consequently is not entitled to vote, unless such incapacity is the result of physical disability, or such person has the right to vote at the time of the adoption of the constitution."

The literacy test is still incorporated in our statutes. (Sec. 22–6 and 22–158, Wyoming Statutes 1957.)

Yours truly,

JAMES E. BARRETT,
Attorney General.

STATE OF CALIFORNIA, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF JUSTICE,
Sacramento, May 8, 1969.

Hon. FLETCHER THOMPSON,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN THOMPSON: This will acknowledge receipt of your recent letter requesting information as to whether literacy tests are still being used by voter registrars in the State of California. As you may know, the provisions of Article II, Section 1, of the California Constitution set forth the qualifications for voters in California and provides in part as follows: ". . . and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; . . ."

Up until 1961, under the provisions of Section 14235 of the California Elections Code, a voter could be challenged at the voting polls on election day on the grounds that he could not read as required by the Constitution but that challenge provision was repealed by the provisions of Statutes of 1961, Chapter 56, Section 3.

Up until 1961, the provisions of Section 14247 set forth a provision that if a person was challenged on the grounds that he could not read, he could be required to read ". . . any consecutive 100 words of the Constitution of the State selected by the Judges . . ." That provision was also repealed by Statutes of 1961, Chapter 23.

Actually, registration of voters is conducted by the County Clerks or Registrars of Voters of the 58 counties of the State of California.

The Secretary of State conducts statewide elections in the State of California and H. P. Sullivan, Assistant Secretary of State, and former Registrar of Voters of Santa Clara County, informs us that the statewide practice is as follows: County Deputy Registrars of Voters are usually instructed to question a voter if they have doubts concerning his ability to read. If a voter admits he cannot read English, he is not registered, but if he states he can, he is usually registered or asked to read a few words on the Affidavit of Registration prior to being registered.

We hope this information will be of assistance to you.

Very truly yours,

THOMAS C. LYNCH,
Attorney General.
CHARLES A. BARRETT,
Assistant Attorney General.

PHOENIX, ARIZ.,
September 15, 1965.

Department of law letter opinion No. 65–19 (R–133).

No. 1 requested by: The Honorable Sarah Folsom, Superintendent of Public Instruction.

Question: What effect, if any, does the Voting Rights Act of 1965 (P.L. 89–110) have on local district school board elections?

Answer: See body of opinion.

No. 2. requested by: The Honorable D. L. Greer, Apache County Attorney.

Question: May the present registration form used in Apache County still be used in view of the passage of the Voting Rights Act of 1965?

Answer: Yes.

No. 3 requested by: The Honorable Richard J. Riley, Cochise County Attorney, The Honorable David E. Ellsworth, Yuma County Attorney.

Question: Does the Voting Rights Act of 1965 (P.L. 89–110) effect voter registration in Arizona?

Answer: Yes.

OPINION NO. 65–19 (R–133) SEPTEMBER 15, 1965

The Voting Rights Act of 1965 (P.L. 89–110) was passed to enforce the provisions of the 15th Amendment of the United States Constitution, which reads as follows:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation."

In the spirit of the amendment, Congress has set forth the purpose of the Act, in Section 2, in these words:

"No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any state or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

Following Section 2 there are seventeen additional sections of which only one, Section 4, has immediate applicability and effect up on our state election laws and the specific questions asked.

Section 4, generally, provides that a citizen's right to vote may not be denied by his failure to comply with any "test or device". This prohibition clearly stated in Section 4 (a), does not automatically apply to all states, or subdivisions of the states, but requires a prior determination to be made by designated officials. In Subsection 4(b) this requirement is set forth as follows:

"The provisions of subsection (a) shall apply to a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November, 1964."

The express intention of Congress is that Section 4(a) only apply to a federal, state or local election after Section 4(b) facts are ascertained by the Attorney General and Director of the Census. It follows that these provisions are not self-executing and not applicable to state election laws until the determination has been made and communicated by publication in the Federal Register (Section 4[b]). Our immediate information is that such a determination has not been made concerning Arizona.

The only provision of the Act which has immediate application appears to be Subsection 4(e) (1) and (2), which by express terms is also enacted under authority of the 14th Amendment of the United States Constitution. This Subsection makes a demonstrated sixth grade education presumption of ability to read, write, understand or interpret any matter in the English language. Pertinent parts of the Subsection are as follows:

"4(e)(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominate classroom language was other than English, shall be denied the right to vote in any Federal, State or local election because of his inability to read, write, understand or interpret any matter in the English language. . . ."

In its first regular session of 1965, the Twenty-Seventh Legislature amended A.R.S. § 16–921, entitled "Grounds for Challenging Voter," by removing the requirement that a voter be able to read and understand the Constitution. The only element remaining in the nature of a test or device is the requirement that the voter be able to write his name, unless prevented from doing so by physical disability. In addition to this is A.R.S. § 16–101 A(4), which is entitled: "Qualification of Electors" and reads:

"Every resident of the state is qualified to become an elector and may register to vote at all elections authorized by law if he:

* * * * *

"4. Is able to read the Constitution of the United States in the English language in a manner showing that he is neither prompted nor reciting from memory, unless prevented from so doing by physical disability.

"5. Is able to write his name, unless prevented from doing so by physical disability."

It seems clear to this office that the aforequoted Section 4(e)(2) is intended by Congress to have immediate effect and that said section must be read to modify both A.R.S. Sections 16–101 and 16–921 to the effect that where a person can demonstrate that he or she has gone through the sixth grade, in a school as specified heretobefore, such demonstration takes the place of Subsections 4 and 5 of A.R.S. § 16–101 A and Subsection 7 of A.R.S. § 16–921.

Our answers to Questions No. 1 and 3 are answered by the foregoing paragraph. The Voting Act of 1965 does have an effect upon the local school board election and voter registration. Its effect in Arizona, however, as pointed out, is slight.

Our answer to Question No. 2 is that the same registration form may be used. When a person demonstrates sixth grade primary schooling, this demonstration replaces the necessity for inquiry into his or her ability to read or understand the Constitution or to write his or her name.

Respectfully submitted,

DARRELL F. SMITH,
The Attorney General.

CITY AND COUNTY OF HONOLULU,
OFFICE OF THE MAYOR,
Honolulu, Hawaii, March 25, 1969.

Hon. SPARK M. MATSUNAGA,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR SPARKY: I am happy to respond to your inquiry of March 21, requesting information concerning the administration of the Voting Rights Act of 1965 as it relates to the City and County of Honolulu.

As your letter states, Honolulu County was triggered under this Act. This meant that applicants for registration to vote could not be questioned about their literacy for five years or until we obtained a declaratory judgment from the United States District Court that the test had not been used in a discriminatory manner.

In this connection, Mrs. Ione Akana, Deputy Chief of the United States District Court here, has informed our City Clerk Eileen K. Lota on January 10, 1969 that there is no record that Honolulu County has filed suit to obtain such declaratory judgment.

Meanwhile, please be informed that we are not administering any literacy tests in registering voters.

With much aloha,

Sincerely,

JACK F. TEEHAN,
Executive Assistant.

A LETTER FROM A CONSTITUENT

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. SCHADEBERG. Mr. Speaker, in an effort to inform my colleagues of what people back home are thinking, upon occasion I include in the RECORD letters I have received from constituents—some with whom I agree and some with whom I do not agree. I believe we should listen to what our citizens are saying so that, in the decisions we make, their will is reflected. Of course, I receive the consent of my constituents whose letters I wish to share with the Members of the House. Mr. Roger Moon, a resident of the first district who is of American Indian descent, recently wrote to me, reflecting his thinking concerning an unfortunate incident which occurred in April in his community. The full text of his letter follows:

RACINE, WIS.

DEAR SIR: Since everyone else is protesting, here is mine: We are having a riot and property damage to public property. Since some of my tax money is involved, I'm concerned.

First, if these rotten people want to spend the fruit of my labor, they shouldn't interfere with my ability to go to work.

Second, our police have to be paid for the extra hours of work. Since this will cost very much, I think they have used their fair share of my wages. Since I am a non-White, I think I can understand their problems. They need a school attendance law with teeth in it; as unless my history teacher was wrong, there was never a time in history when appeasement made any different in the militant action.

Third, I dont' think I'm special. I get up at 4:30 a.m., drive 20 miles to work, I work 9 hours, and drive 20 miles back home. I'm just a man with seven children and a pregnant wife, so you see I'm not so different from these poor, misunderstood people.

Fourth, I watched the Colored Genocide March on Madison (the capital city of Wisconsin). I wish I could have as new a car as these people. Mine is ten years old and I paid $20 for it six months ago; so I'm a mechanic, though not by choice.

Fifth, I don't think I have anything to complain about. We are happy in our poverty. Just would you please try to make a better country for these little children of ours. I do fear for their safety.

ROGER MOON.

PILGRIMAGE TO THE ALAMO

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. GONZALEZ. Mr. Speaker, San Antonio, Tex., my district, is the home of the Alamo. Every year now for some time it has become traditional to make a pilgrimage to this historic shrine in order to commemorate the heroes who died there more than 135 years ago.

The official address this year was made by a great American soldier, Lt. Gen. Harry H. Critz, the commanding general of the 4th U.S. Army in San Antonio.

Mr. Speaker, I ask unanimous consent that his eloquent and unforgettable words be placed into the RECORD at this point:

PILGRIMAGE TO THE ALAMO ADDRESS, LT. GEN. HARRY H. CRITZ, COMMANDING GENERAL, 4TH U.S. ARMY, SAN ANTONIO, TEX., APRIL 21, 1969

Thank you, Mr. Garrett (response to introductory remarks).

Mayor McAllister, Mrs. Gorner, ladies and gentlemen, as an American I am greatly honored to have this opportunity to present the traditional address at these ceremonies commemorating the heroes who gave their lives here over 130 years ago. As a native Texan, brought up on the traditions of our State, this occasion has a deeply personal meaning, as I recall the significance of "the Alamo" to the people of Texas.

On March 6, 1836, on this ground where we stand this afternoon, a small group of dedicated men died in triumphant defeat. Defeat, because in a strict military sense they had lost the battle. Triumphant, because in that greater sense of the ultimate in devotion to an ideal, they had won their war for independence. For it was those who fought here who bequeathed to the people of Texas the unity and common purpose epitomized by that rallying cry which has become a part of our national heritage: "Remember the Alamo."

It was this bequest of those heroic men we honor here today which made so invaluable a contribution to the final victory of Texans on another day on the battlefield at San Jacinto.

But how should we, the Americans of today, "remember the Alamo"?

Not for the military activities of that conflict of years past, violent and deadly as they were. Not for its magnitude, for even by the standards of that time and place it was a little battle in which a small force ultimately succumbed to superior numbers. We "remember" because it was not a piece of ground, not a partially ruined mission, those brave men were defending but rather, a cause—a belief in the right of a people to determine their own destiny—free from the fear and power of the dictator and the tyrant.

It is this belief, held by those Texans and other earlier Americans—and steadfastly maintained by later generations—that has made the United States of America the greatest nation the world has ever known!

But, let us reflect a moment upon those attributes which sustain a great people. Material wealth?—certainly this is important if we are to cope with the problems and dangers of the world we live in. Yet, history has too frequently demonstrated that no nation dedicated solely to material gain will endure. To realize our unprecedented potential for enduring greatness it is vital that we continue to be great in spirit—great in our unswerving dedication to those ideals which made, and have kept, our country free. If we are to insure that future generations of Americans will continue to enjoy the liberties that those ideals have gained we must be constantly alert to threats to those liberties.

A well-known American writer* once made a remark to the effect that those who refuse to study history are destined to repeat it. And, history is replete with the stories of great nations which were destroyed because they had ceased to believe in their own ideals—destroyed by forces from within their societies.

This, I think, is of particular significance to us at this time for we are all aware of the disorders which have taken place in recent years throughout this Nation. While it is true that a very small minority have been actively engaged in this turbulence, it is of considerable concern that a part of this minority is students in our institutions of higher education—a segment of the society to which we must look for our future national leadership.

The reasons given for this disorder are almost as many as they are complex. However, running through the wide spectrum of these disturbances is a highly discernable thread, the thread of a small core of leaders dedicated to an ideology whose stated purpose is explicit—the destruction, by violence, if necessary, of our American social institutions.

The contention of this leadership is that the principles which have guided the moral and spiritual, as well as material, development of the United States are no longer valid because they have not produced "the perfect society."

Much propaganda carries in it, as in this case, a grain of the truth, enough to impress the unwary or the unthinking.

Of course we cannot deny that our society is imperfect. I doubt that it is within human capability to be perfect. But, I submit that this society is the best that has been produced throughout man's history. It will continue to be a viable society, capable of the adjustments necessary to make it the best society man can produce in the future only if we remain steadfast to those values and ideals which have brought us further along the road to social perfection than mankind has ever come before.

* George Santayana: Poet, educator, philosophical writer. Born in Spain; came to US in 1872; studied at Harvard; taught History of Philosophy in Berlin; died in Europe.

But, as we continue up that road we must not be misled: We must be aware that the tyrant and the aggressor *are still with us,* inside as well as outside our borders. They are armed with new weapons of subversion and new techniques of terror, but their ultimate objective is as old as history—the domination of mankind.

The preservation of the freedoms we hold dear dictates that aggression and subversion must be stopped when and where they appear. As history has so tragically recorded, the greater the delay in acting against them, the higher the price that must be paid to subdue them.

As the patriot Thomas Paine wrote during dark days in the founding of our country, "tyranny . . . is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly . . . it would be strange indeed if so celestial an article as freedom should not be highly rated."

The price of liberty has always been high—it is still high.

Freedom is ours to enjoy only because dedicated Americans earned and defended it—and paid the price. Freedom will be our children's to enjoy only because those Americans who defend it throughout the world today are willing to pay that price.

The men who fought here at the Alamo understood the cost of liberty when they chose "never to surrender or retreat"—and died to a man for the cause in which they believed. They knew that freedom must be dearly bought—and this each generation of Americans must know if the ideals we cherish, and this great Nation built on those ideals, are to endure.

THE FATHER OF COLUMBUS DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ANDERSON of California. Mr. Speaker, it has recently come to my attention that the California Knights of Columbus are sponsoring a program for a commemorative postage stamp for the founder of Columbus Day, Mr. Angelo Noce. Mr. Noce, a native Californian, devoted most of his life to having Columbus Day made a national holiday.

Mr. Speaker, I would like to urge President Nixon and Postmaster General Blount to issue such a commemorative stamp and presidential proclamation for the late Angelo Noce, "The Father of Columbus Day."

I would also like to include for the RECORD a copy of a resolution to this effect which has been introduced in the California State Assembly.

Resolution follows:

ASSEMBLY JOINT RESOLUTION 4

Joint resolution relative to the issuing of a commemorative postage stamp and a presidential proclamation regarding Angelo Noce, "The Father of Columbus Day in America"

Whereas, During his life, Angelo Noce gave unselfishly of his time to make Columbus Day a legal holiday; and

Whereas, Columbus Day was first officially proclaimed by Colorado Governor Jesse F. McDonald as a legal holiday in the State of Colorado; and

Whereas, Two years later in 1907 Colorado's Governor Henry A. Buchtel signed the Co-

lumbus Day Bill, inspired and written by Noce, into law making Columbus Day a state holiday; and

Whereas, Angelo Noce devoted most of his life to making Columbus Day a national holiday, and when he died in the year 1922 at the age of 74, 35 states had adopted his worthy proposal; and

Whereas, Angelo Noce should be known as the "Founder and Father of Columbus Day in America," and proper tribute should be given by the United States of America; and

Whereas, Angelo Noce contributed to the history and color of the State of California by working in the "Mother Lode" goldfields, attending school in Jackson, enrolling in the first class at St. Mary's College in 1863, studying printing and journalism at Santa Clara University, and working on the Amador Dispatch in Jackson; and

LEGISLATIVE COUNSEL'S DIGEST

AJR 4, as introduced, Chappie (H.A.D.). Angelo Noce Week.

Urges Post Office Department to honor Angelo Noce, "Founder and Father of Columbus Day" with commemorative stamp and urges President to proclaim Angelo Noce Week.

Whereas, Angelo Noce contributed greatly to the history and color of the State of Colorado by becoming deeply involved in politics and civil affairs in representing Denver's growing Italian-American community, as deputy county assessor, as constable, as deputy sheriff, as clerk in the Colorado House of Representatives, and as nominee in 1898 for a seat in the Legislature; and

Whereas, Angelo Noce also enjoyed renown as a prominent Fourth Degree Knight of Columbus, Catholic Lay Apostle, an outstanding citizen and patriot; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California recommend that the Post Office Department of the United States of America print a commemorative stamp honoring Angelo Noce as the "Founder and Father of Columbus Day"; and be it further

Resolved, That Richard M. Nixon, President of the United States of America, be requested to proclaim October 5 to October 12, 1969, Angelo Noce Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and the Postmaster General of the United States

NIXON'S STAND ON STUDENT UNREST

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. BOGGS. Mr. Speaker, I attach hereto, so that other Members of the Congress may read it, a copy of an editorial recently broadcast by WDSU-TV and WDSU-Radio in New Orleans, with respect to student unrest.

More and more people throughout our country are becoming alarmed over the sheer anarchy which, unfortunately, is prevalent on many of the campuses of our country.

The editorial follows:

NIXON'S STAND ON STUDENT UNREST

(NOTE.—The following editorial was broadcast over WDSU-TV and WDSU Radio on Monday, March 24, 1969.)

A recent poll revealed that Americans are not as deeply concerned over Vietnam, the Middle East, inflation or the missile race, as they are disturbed by growing student unrest and, often, violence.

This weekend President Nixon publicly took a stand which was, we feel, both firm and fair. On one hand, he pointed out that "freedom—intellectual freedom—is in danger in America." He also said: "Violence is becoming an accepted element in the clash between students and university officials."

He acknowledged the need for legitimate reforms . . . the "impersonalization" of teaching in many schools . . . the "need for student involvement" in certain areas.

But he also stressed the obvious if we are to avoid anarchy. Assault and counter-assault (lack of communication) break down any rational attempts to solve real problems.

Into the vacuum have stepped the nihilists, the Marxist-Maoists-Communist self-styled guerrilla revolutionaries . . . and those who simply call themselves "Crazies."

"Violence," the President said, "must never be permitted to influence the action of judgments of the university . . . or it will cease to be a university." One does not burn down the barn to "roast a pig." It is easy to pout and shout if one has no solutions to offer.

The same logic must apply, in a democracy, to all those who use illogical methods—such as the adults who ransacked a Dow Chemical Company office this weekend because Dow manufactures Napalm.

No matter how righteous one feels his cause, no one has the right to make up his own laws, destroy another's property, or interfere with the rights of others who observe the laws, and whose rights also must be considered. This is anarchy—not a democracy.

WILTON McKINNEY WINS MARLBORO AWARD

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. MANN. Mr. Speaker, it is my privilege to pay tribute to an outstanding citizen of my district, Mr. Wilton J. McKinney, of Greenville, S.C.

Mr. McKinney is noted as one of Greenville's most active civic and community leaders, but apart from this he has earned a great deal of respect and recognition through his long-standing work with the young people of the community. As a tennis coach at Greenville Senior High School for 20 years, he guided his teams through successive years of winning seasons and helped to produce a number of regional and national honor players from these teams. During these years, he has devoted a substantial part of his vacations annually to assist in the direction of tennis tournaments in South Carolina and has continually made his home a second "home" to his players and any other sports-minded youngsters interested in playing tennis.

His outstanding service to youth was recently recognized at a special presentation banquet in his honor attended by over 200 of his friends and fellow citizens. At the banquet, Mr. McKinney received as a gift from the citizens of Greenville a trip to see the Wimbledon championships in England this summer.

Mr. Donald Dell, captain of the U.S. Davis Cup team, was also present at the banquet to give Mr. McKinney the Marlboro Award, a national award recognizing outstanding contributions to the game of tennis.

Mr. McKinney's dedication and devotion in serving, coaching, and guiding the young people of the Greenville area has truly been remarkable. I welcome this opportunity to commend Mr. McKinney on these achievements and insert the following article from World Tennis magazine and a letter from the Honorable Robert E. McNair, Governor of South Carolina, along with my remarks:

[From World Tennis magazine, May 1969]

WILTON MCKINNEY WINS MARLBORO AWARD

The 20th Greenville High School tennis team that Wilton McKinney coached scored the greatest sports achievement in the school's history, and when they had finished Wilton couldn't even applaud. In 1968 the Greenville team in South Carolina won the Southern Championships and finished third in the nation in the National Interscholastics at Chattanooga. Most players would have wrung their coach's hand off, but McKinney's hand was in a cast. He jokes about it:

"I broke my wrist in a car accident in January and I wasn't able to demonstrate one thing for this team. Before that, I hurt my knee playing tennis in November and was out of action for two months. Then my players had their greatest achievement. Do you think they are trying to tell me something?"

If they are trying to tell him anything, it's that he started them on the championship route with too much momentum for a plaster cast to stop. How can a boy malinger under a coach who is giving the school 20 hours per week without a cent in return?

McKinney is not and never has been paid for coaching the Greenville team. He doesn't charge them either for using his house as a luxurious locker room, drugstore, tea room and council chamber where free soft drinks, free advice and free encouragement are offered. His home is directly across the street from the Greenville Country Club, where the team practices. He dashes to the courts after work and stays until 9 P.M. when the last pupil of the day has had a hit. New faces are seen at the backboard each year, along with a few old ones whom McKinney has resurrected from a prematute retirement from tennis. Wilton and his good friend Paul Scarpa, the Greenville tennis pro, are too persuasive to allow a man to hang up his rackets permanently.

Among the 20 high school proteges of McKinney who have gone to college on tennis scholarships are Keith Stoneman, who won the Atlantic Coast Conference doubles; Tee Hooper, who took the singles and doubles in the Southern Conference as a sophomore at The Citadel; Brad Wyche, No. 1 on the Princeton freshman team; and Peyton Watson, No. 3 on the University of Miami team. Whenever his players, whether as a team or as individuals, won an event, Wilton had a celebration dinner at the most expensive steak house in town.

In the spring, McKinney averages three hours a day, five days a week on the court. In the summer he takes it relatively easy. One year he spent a week of his vacation at the National Juniors, another week at the Southern Juniors and the third at the State Closed in Columbia. But Wilton is more than just a hard-working guy; he is a delightful man whose remarkable sense of humor and inspiration have won for him the friendship of everyone who has ever met him. He has often been the best man at weddings of his former pupils and he has also been Godfather to the children of his proteges.

The Marlboro Award recognizes the extraordinary contributions of this wonderful man to the sport of tennis.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, S.C.

Mr. WILTON MCKINNEY,
Greenville, S.C.

DEAR WILTON: I am pleased to add my words of congratulations on this auspicious occasion. I know of no one more deserving of this tribute, and it is an honor for me to be included among those who count you a friend.

It is appropriate that World Tennis Magazine has selected you as the Marlboro Award recipient. Your work with young people in tennis has distinguished you in many ways. Your reputation as a teacher, counselor and friend to the hundreds of youngsters you have helped, both on and off the tennis court, has won for you many admirers, as well as many honors. Your contributions to your community, your church and your fellow man have been a source of inspiration for those who have tried to walk in your footsteps.

At this time of commendation, I am proud to join World Tennis Magazine, the Greenville community and all those who participate in and observe the game of tennis in paying tribute to one who has given more than he has received, but who, in giving has won the respect and admiration of hundreds of friends throughout the nation.

Warmest congratulations and kindest regards, I am

Sincerely,

ROBERT E. MCNAIR,
Governor of South Carolina.

SMALL SHIPMENTS MORE DIFFICULT TO MOVE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. STUCKEY. Mr. Speaker, Commissioner Rupert L. Murphy of the Interstate Commerce Commission stressed the mounting difficulty of small shippers to obtain adequate service when he addressed the Freight Forwarders Institute last week.

Commissioner Murphy, a distinguished son of Georgia, is one of our most learned experts in this area of concern and, under unanimous consent, I include his speech in the RECORD, as follows:

TODAY AND TOMORROW

(Remarks of Rupert L. Murphy, Interstate Commerce Commissioner, before the annual meeting of the Freight Forwarders Institute, Washington, D.C., May 7, 1969)

I appreciate the opportunity of having a small part in your program and of meeting with you today. This is my first appearance before your group, and I have come primarily for the purpose of becoming better acquainted with you. However, I recognize some of you as old friends with whom I have worked in a highly important industry—transportation. You represent one of the several modes making up our national system, and you have contributed greatly to that system which, despite its imperfections, still is the envy of the world.

The Commission's regulation of carriers under its jurisdiction is subject to the Congressional pronouncement of the most recent National Transportation Policy in 1940. Our power to regulate in the light of the Policy has been brought to bear with but one goal—the development and maintenance of a sound carrier system geared to the public interest and designed to meet the Nation's transportation needs. To this end, there must be an adequate supply of transportation to handle both volume and small shipments. Rates and charges must be just and reasonable, and non-discriminatory. At the same time, they must provide the shipper with fair and efficient access to raw materials and markets, as well as provide the carriers with sufficient revenues to continue in business and improve their service to the public.

Regulation of surface transportation by the Commission has been in effect for many years. This might lead the uninformed observer to conclude that our goal surely must have been reached by now, but those familiar with transportation know differently. The transportation picture refuses to remain static. In the past decade the rapid economic growth of our country has brought changes in all aspects of transportation with greater frequency and rapidity than in any other time in the past. If we are to retain the best transportation system in the world, the Commission, the carriers, and the shippers must cooperate in meeting the changing conditions.

Today the motor carriers have come of age. The railroads are gearing their efforts to new transportation ideas and to obtaining new sources of traffic, and to put themselves on a sound financial basis. The water carriers are out to retain their position as the low-cost carrier mode and to grow and prosper. The freight forwarders are seeking to improve their place in the sun. And the air carriers are seeking ways and means to divert freight to air service.

In today's arena there is much controversy. Each mode is out to better itself. Congressional leaders and carrier interests are continually calling for changes in this or that transport policy or method. The shippers are becoming better organized and more effective in their efforts to protect their interests. The total picture is awesome, troublesome, and potent with complex challenges. No doubt, there will be many changes in the next decade in regulatory laws and in methods and means of meeting the country's swiftly changing transportation requirements.

With such a stage setting, it is easy to forget or brush aside the individual problems that beset the transportation industry today. Included is one that concerns us all—the small shipments problem. Some may look on this matter as a sideshow to the three-ring circus going on in the big arena. Yet, to the person seeking small shipment transportation it represents a big problem and oft-times means his continuation in business. Efficient and expeditious transportation of small shipments always will be required.

In addition to our decisional function, the Commission constantly is engaged in investigative proceedings and studies relating to the practices of regulated carriers. As many of you know, a Commission Ad Hoc Committee, which it was my privilege to chair, issued a report last year with respect to its small shipments study. A separate staff study has been completed and is available with the Commission report. This report is confined to the motor carrier industry and contains a number of immediate and long-term recommendations directed at the correction of a broad area of service failures.

Incorporated in the proposals is the recommendation that Congress enact legislation imposing a duty upon motor common carriers of property to enter into reasonable through route arrangements and to establish joint rates with other motor carriers and with rail, express and water carriers. Such legislation would, in our opinion, clearly improve intramodal trucking coordination, and coordination of trucking with the other modes. Although the small shipment study is confined to the role of the motor carrier, it is hoped that the many hours of investigation, conferences, and research underlying that report will be beneficial in the development of future overall Commission policy as to all transport modes.

We are, for example, fully aware that the wholesale granting of new and additional operating authority is not the solution. It is not uncommon for successful applicants, upon initiating operations, to forget shipper commitments and to institute traffic selectivity in the quest for more desirable profit margins. This observation, however, is not intended to isolate any one segment of shipper need as we are equally concerned with freedom of entry wherever required by the public interest.

On the other hand, I realize that the freight forwarders also are substantial handlers of small shipments, and that they desire to play an increasing role in the movement and distribution of the traffic in this country. I also know that you are seeking to initiate new ways by legislative and other means to meet the small shipments problem. May I say that your efforts are appreciated. But since Commission policy may be involved, I am not in a position at this time to advocate any particular position in these matters or to express my views in what may be said to be a controversial area.

Still it may be helpful to briefly state a few of the factors involved in the present regulatory framework governing freight forwarders. As early as 1908, the Commission was called upon to determine whether railroads had any right to assess less-than-carload rates on traffic assembled into carloads by forwarding agents. The Commission found that a carrier may not properly look beyond the transportation to the ownership of the shipment as a basis for determining the applicability of rates. It thus was concluded that forwarding agents were entitled to quantity rates on aggregated shipments.[1] The findings of the Commission were fought through the courts and in 1911, the Supreme Court provided an authoritative answer in the following terms:

"The contention that a carrier * * * may discriminate in fixing the charge for carriage, not upon any difference inhering in the goods or in the cost of the service rendered in transporting them, but upon the mere circumstance that the shipper is or is not the real owner of the goods is so in conflict with the obvious and elementary duty resting upon a carrier, and so destructive of the rights of shippers as to demonstrate the unsoundness of the proposition by its mere statement[2]."

In the years that followed, the cost of transporting less-than-carload traffic spiraled upward and the business of freight consolidation grew accordingly. However, in 1930, the Commission began to express concern relative to the domination by railroad companies of the more important forwarding companies and certain practices engaged in by such companies.[3]

As a result of this concern, a formal investigation was instituted for the purpose of considering the lawfulness of the practices of freight forwarders.[4]

In its report on the investigation, a majority of the Commission found that the forwarding industry was primarily an instrumentality of the railroads through which rail carriers engaged in discriminatory and other undesirable practices. At page 303 of its decision a majority of the Commission also opined:

"Should the rail lines be invested with authority to enter into contract or divisional arrangements with the forwarder as a common carrier similar to the present arrange-

[1] *California Commercial Association* v. *Wells Fargo & Co.*, 14 I.C.C. 422, and *Export Shipping Co.* v. *Wabash R.R. Co.*, 14 I.C.C. 441.

[2] *Int. Comm. Comr.* v. *Del., L. & W.R.R.*, 220. U.S. 235, 252.

[3] "Forty-Fourth Annual Report of the Interstate Commerce Commission," pages 81–82.

[4] *Freight Forwarding Investigation*, 229 I.C.C. 201 (1938).

ment with express companies, such contracts or divisions should be subject to investigation and revision by Federal authority. Moreover, in order to adequately regulate the forwarder it is imperative that the rates, charges, rules and practices of the forwarder be filed with Federal authority and strictly observed."

The forwarding industry and for that matter several members of the Commission considered that the harsh criticism of forwarders by the majority was unwarranted. Be this as it may, many of the recommendations of the majority in the *investigation* case have been enacted into law and some are still the subject of intensive debate.

Finally, in the Commission proceeding [5] wherein it was determined that freight forwarders were not subject to regulation as motor carriers or brokers under the provisions of Part II of the Interstate Commerce Act, Chairman Eastman in a concurring expression at page 558, incidentally observed:

"I agree, also, with the conclusion that the forwarding company must pay the same rates as 'other shippers must pay for similar transportation' but in so agreeing I emphasize the words 'similar transportation.' The transportation performed by common carriers for forwarding companies is not necessarily similar to the transportation performed on local shipments of the same commodities between the same points, and usually it is dissimilar. Where such a dissimilarity can be established, a difference in rates can be justified and is lawful."

As you know, the *Acme* case led to the enactment in 1942 of Part IV of the act and the regulation of freight forwarders essentially as we know it today.

In tracing this simplified history of forwarding, I am fully aware that conditions today are different from those which existed during the formative period of freight forwarder regulation. However, whether there has been such a reversal of conditions as to warrant a different legislative approach is a matter requiring the attention of all concerned. This is particularly true since a showing that other carriers have statutory rights, which forwarders do not, may in itself, be insufficient to establish a need for new legislation.

Another subject about which I have spoken many times, and perhaps with little success, is shipper-carrier cooperation. Transportation problems cannot be solved by the Commission alone. Something more is needed, and that something, in my opinion, is greater contributions and cooperation by shipper and carrier interests. There is a rising shipper impatience with any failure of the total transportation network to accommodate him to his complete satisfaction. Transportation history is replete with the penalties that time in the market inflict upon transporters who fail in their broad commitment to serve. A tremendous volume of traffic moves every day with mutual satisfaction of shipper and carrier. It should be possible to gain accord on the troublesome remainder. Yet the cold bare fact remains that, if existing carriers do not provide the required transportation, you may be sure that somebody else will. Here is where the existing carriers, including the freight forwarders, come into the picture, and here is where carrier-shipper rapport also assumes importance.

As I have indicated, the Commission's role in resolving many transportation problems is limited. On the other hand, shipper-carrier cooperation is without limitation and can and should be a potent instrument to resolving basic transportation difficulties. I submit that increased efforts in this direction would well lead to less resort to the regulatory processes of the Commission, with substantial benefits to all concerned. As I have said elsewhere, it is important to remember that in many instances Commission action represents only a public alternative to what could have been voluntary private action.

Throughout history man has expended more energy in moving things from one place to another than in any other endeavor. Every new world, as well as the extension of civilization, has awaited an instrument of transportation necessary for discovery and expansion. There is no question but that the dynamic growth of our economy has created greater demands for more efficient and expanded distribution facilities. While a number of new variations have been devised to keep transportation ahead of the stampeding economy, others are needed. The time is right for new technological methods, for initiative and progress, and for just plain common sense transportation thinking.

There are many areas for exploration in this age of the jumbo jet, the unit train, the superhighway, and the computer. There is also a seemingly simple box known as the container which is promising to revolutionize transportation. It provides a modern and simple way of transporting cargo, both foreign and domestic. Obviously, those engaged in transportation should take advantage of it.

Finally, I am sure that what you are really interested in is expanded operation, in increased revenue, and in a bigger spot in the sun. To achieve these goals in today's competitive world of transportation is not easy. It will require determined effort, and, above all, fertile and productive imagination. This nation is on the move, and only those who can keep up with the fast pace of changing conditions will succeed in their endeavors.

I am grateful for the opportunity to discuss these matters with you here today and I thank you for your courtesy and hospitality.

[5] *Acme Fast Freight, Inc., Common Carrier Application*, 17 M.C.C. 549 (1939).

FUZZY THINKING BEHIND ANTI-ROTC HULLABALOO

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. BEVILL. Mr. Speaker, a very timely and interesting editorial appeared in the April 26 edition of the Gadsden, Ala., Times, a newspaper in my congressional district. This is, in my opinion, a thoughtful, well-written article which presents some very good and logical reasons why we should keep the Reserve Officers' Training Corps as a part of our college and university programs.

Having received permission, I offer this article for publication in the Extensions of Remarks of the CONGRESSIONAL RECORD and urge each of my colleagues to read it.

[From the Gadsden (Ala.) Times, Apr. 26, 1969]

FUZZY THINKING BEHIND ANTI-ROTC HULLABALOO

"ROTC off campus!" seems to be the latest crisis call of the student activists.

The administrations of a number of universities have moved either to abolish Reserve Officers' Training Corps programs at their schools or to cease awarding them academic credits. Whether this is at the behest of the radicals or whether it merely reflects a growing reaction against the military among the intellectuals, it may not necessarily be the peace-promoting thing its advocates think it is.

One of the principles by which this nation has operated from its founding is civilian control over the military. That principle is served not only by the fact that the president is commander-in-chief and that a civilian is head of the Defense Department but by the leavening effect obtained by drawing into the services masses of civilians through the draft and the ROTC.

Should the services be denied this leavening, should they no longer be able to fill the officer ranks with thousands of ROTC graduates yearly, should they be completely isolated from civilian America, the antimilitarists could find in the end that instead of striking a blow for humanitarianism and individual liberty they have only succeeded in creating in this country a Prussian-type military elite infinitely more inimical to their ideals.

This possibility, not the question of money, is also the most cogent argument against proposals to abolish the draft and make military service entirely voluntary.

An anti-ROTC editorial which recently appeared in 29 college newspapers around the country contended that "training soldiers whose ultimate aim is to kill is hostile to the principles of Academia."

The same kind of fuzzy-headed thinking was behind a demonstration at Kent State University in Ohio awhile back in which radicals drove recruiters from the Chicago Department off the campus. As if the police, or the military, are to be humanized by cutting them off from access to the best young minds in the country.

The ultimate aim of soldiers, like that of policemen, is not to kill but to protect the nation and its citizens.

As long as that protection is necessary, as long as we must have soldiers, sailors or airmen, service in and watchful support of the armed forces should be the obligation of all.

We may not like the military, we may agonize over its demands upon our lives and our national resources, we may be convinced of the unredeemable obtuseness of the military mind, we may dream of the time when the only soldiers we see are pictures in history books, but we delude ourselves if we think that wars are made by generals and not by statesmen.

Asked to comment about the campus editorial, Col. Everett Stoutner, chief of the ROTC Division of the Pentagon, said:

"Thank God we have a country where an article like this can appear."

Amen. And thank God we have a country that can produce a soldier capable of such a statement.

FIFTH DARTMOUTH CONFERENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. RARICK. Mr. Speaker, in my remarks of May 7, 1969 at page 11599 I commented on the current oversight of the Nation's legitimate news media to report to the American people on the "private and unofficial" meeting between private American citizens and Soviet officials.

I have since obtained a list of the participants of the Fifth Dartmouth Conference from the Saturday Review of February 8, 1969, which I submit for inclusion in the RECORD, accompanied by the magazine's account of the meeting according to the American cochairman, Norman Cousins:

PARTICIPANTS, FIFTH DARTMOUTH CONFERENCE

Taking part in the Rye Conference from the Soviet side were: Nikolai Blokhin, direc-

tor of the Institute of Oncology, president of the International Association of Cancer Specialists, president of the Institute for Soviet-American Relations, Deputy to Supreme Soviet of the U.S.S.R. (Soviet Co-Chairman); Yuri Zhukov, *Pravda* political commentator, deputy to Supreme Soviet; (Soviet Co-Chairman); Yuri Arbatov, director of the Institute of American Studies of the U.S.S.R. Academy of Sciences; Igor Belayev, Asia and Africa specialist for *Pravda;* Yuri Bobrakov, chief of Department of Economy, Institute of American Studies; Anna Boikova, deputy mayor of Leningrad, Deputy to the Supreme Soviet of the Russian Federation; Konstantin Bochkarev, mayor general, master of sciences (philosophy), author; Viktor Karpov, senior research associate, Institute of American Studies; Daniel Kraminov, editor-in-chief of *Za Rubezhom* ("Life Abroad") weekly, secretary of the Union of Soviet Journalists; Igor Blischenko, professor, Chair of International Law, Institute of Foreign Affairs; Nikolai Mostovets, historian, member of Scientific Board, Institute of International Labor Movement; Boris Polevoi, author, editor-in-chief of *Youth* magazine, deputy chairman, Soviet Peace Fund; Vladimir Trukhanovsky, corresponding member of U.S.S.R. Academy of Sciences, editor-in-chief, *Voprosi Istorii* ("Questions of History") magazine; Nikolai Orlov, director, Scientific Research Institute, U.S.S.R. Ministry of Foreign Trade.

American participants attending two or more sessions were: Norman Cousins, editor, *Saturday Review,* (American co-chairman); Arthur Larson, director of the World Rule of Law Research Center, Duke University (American co-chairman); Merle Fainsod, director, Harvard University Library; R. Buckminster Fuller, professor, Southern Illinois University; James M. Gavin, chairman of the board; Arthur D. Little, Inc.; Patricia R. Harris, Professor of Law, Howard University; George Kistiakowsky, professor of chemistry, Harvard University; James Linen, chief executive officer, Time-Life, Inc.; Arthur Miller, playwright; Dr. Franklin D. Murphy, chairman of the board, Los Angeles *Times-Mirror;* Glenn Olds, educator, campaign advisor to President Nixon; Leslie Paffrath, president, The Johnson Foundation; Rosemary Park, vice chancellor, University of California at Los Angeles; David Rockefeller, president and chairman of the Executive Committee, Chase Manhattan Bank; Stella Russell, vice president, Norton Simon, Inc.; Norton Simon, director, Norton Simon, Inc.

[From the Saturday Review, Feb. 8, 1969]

THE FIFTH DARTMOUTH CONFERENCE

President Dwight D. Eisenhower believed strongly in the need for human contacts on every level between this nation and other nations. He was especially interested in cultural exchanges between Americans and Russians. It was under this program that *SR*'s editor was sent to the Soviet Union in 1959 for the purpose of speaking on American life and institutions. After his return, he proposed that private citizens from the two nations meet—in conference—for the purpose both of widening contacts and exploring outstanding questions between the two governments. The suggestion was accepted by the Soviet Peace Committee. A conference was held in October 1960 at Dartmouth College, in Hanover, New Hampshire, with its President John Dickey as host. The Ford Foundation provided the funds. Each side had twelve representatives who were prominent in the fields of science, education, philosophy, industry, government, and the arts.

One of the principal achievements of the Dartmouth Conference was that the conferees were able to develop a frank and open relationship. George F. Kennan, former U.S. Ambassador to Moscow, put it vividly when he said that he had to come to a college town in New England to have the kind of candid and friendly exchange of views that he had been unable to experience in twenty-five years inside the Soviet Union. The conferees were able to discuss issues of mutual concern that until then had not yet been fully explored across the table between their two governments. At the conclusion of the conference, a full account of the meeting was transmitted to Washington.

The second conference in the series was held the following summer in the Crimea, with many of the same participants. The range of subjects was broadened somewhat, although most of the progress was registered on those topics previouly considered at Dartmouth. As before, there was a direct and open exchange of views.

A third Dartmouth Conference was held in October 1962 at the Phillips Academy at Andover, Massachusetts. The backdrop could not have been more ominous or inauspicious. The beginning of the conference coincided precisely with the start of the Cuban missile crisis. The participants readily discovered that their identity cards belonged not just to their own nations but to the human species. For if the Cuban crisis came to full force, all men on earth would be the victims, as Pope John had warned. To be sure, there was the sharpest debate at Andover over the issues involved in the Cuban missile crisis, but the sense of being joined together in a common peril helped the group to develop a valuable perspective for viewing their other differences and problems.

The fourth Dartmouth Conference was held in Leningrad in July 1964. Some of the major questions raised at previous Conferences—a ban on nuclear testing and limitations on the use of weapons in space—by the time had largely been resolved. But two of the three men who had formed one of the most unusual triumvirates in history and who were identified with the new thrust for peace—President John F. Kennedy, Premier Nikita Khrushchev, and Pope John XXIII—were no longer on the world scene. Much of the discussion in Leningrad, in fact, was directed to the need to create new initiatives for meeting outstanding world problems. The Johnson Foundation of Racine, Wisconsin, joined the Ford Foundation as sponsor for the American participants in the Leningrad meeting.

In January 1965, an invitation was extended to Soviet Chairman Alexander Korneichuk and his colleagues to attend a fifth Dartmouth Conference in the United States. We received no formal reply but were privately informed that the bombing of Vietnam made direct contacts unlikely. We replied through the same channels that the Soviet Union was sending arms to North Vietnam and that it was precisely at a time of threatened confrontation that the Dartmouth meetings had their greatest potential value. The purpose of the conferences was not to celebrate successes in the reduction of tensions but to face up to existing problems affecting the maintenance of world peace. Twice a year for the next three years, the invitation was renewed. Then, last June, David Rockefeller, one of the Dartmouth conferees, spoke in Washington to Soviet Ambassador Dobrynin, assuring him that the American group was still ready to proceed with a fifth meeting. At that time, the limited bombing of North Vietnam was in effect and the Paris preliminaries had begun. A month later we were informed by Ambassador Dobrynin's office that the Russians were ready to proceed.

This, then, is the background of the conference just completed at the Westchester Country Club in Rye, New York. In many ways, the Rye meeting was the most productive of the five conferences. The Soviet representatives came with specific proposals on a wide variety of issues, including the Israeli-Arab crisis in the Middle East; the future of Germany; the world arms race in general; and the full spectrum of U.S.-U.S.S.R. relations, with special emphasis on the importance of enlarged trade between the two countries.

One question of prime concern to the Conference was the world arms race. This race not only consumes resources more urgently needed for human betterment, but poses a growing threat to world peace and stability. The participants attached the highest priority to halting and reversing this arms race. Both sides stressed the need for ratification by all nations of the nuclear nonproliferation treaty and its full implementation. They also called for a prompt beginning of U.S.-U.S.S.R. talks on the limitation of strategic offensive and defensive weapons.

On the Middle East, the Soviet delegates felt the chances for a durable peace depended in large part on the United States and the Soviet Union acting jointly to help maintain stability in the area. The participants in the Conference recognized that urgent measures should be taken to implement the U.N. Security Council resolutions dealing with the Arab-Israeli conflict, which constitute the basis for a just settlement, taking into account the interests of all the countries of that area.

Comments by the Soviet conferees on the Vietnam war were free of acrimonious rhetoric. The feeling seemed to be that nothing should be done to becloud the atmosphere now that the full Paris negotiations were getting under way.

As might be imagined, the American participants made known their strongly critical views on the action against Czechoslovakia, especially in private, person-to-person conversations. There were spirited rejoinders from the Soviet side.

In general, an American at the meeting had the impression that, to the extent the Soviet delegates reflected the official position, a wide area for fruitful talks between the two governments may now be opening up—assuming, of course, a continued easing of the Vietnam war. There appeared to be considerable flexibility on some issues, as on the Middle East and the arms race, but a hardened stand on other issues, particularly on the developing military strength of West Germany. There was genuine eagerness to clear away existing roadblocks in the way of substantial trade between the two countries. In sum, the tone was good and seemed to augur well for comprehensive official talks, if President Richard M. Nixon should wish to pursue them.

There were some extra dividends for the conference. Dr. Nikolai Blokhin, one of the leading cancer research specialists in the Soviet Union, reported on new laboratory findings in his field. He said that poor nutrition was a far greater factor in causing cancer than was generally realized—and that most ideas of what constituted good nutrition were in need of updating. He said that Soviet research proved that the incidence of lung cancer in non-smokers was directly traceable to the inhalation of cigarette smoke from others. He told of the time bomb ticking away in the lungs of children as the result of repeated exposure to smoking parents.

On the American side, Buckminster Fuller introduced his dymaxion map, which revises conventional theories of north and south, east and west, up and down. Bucky, as he was affectionately known to the group, put his large map on the floor and gave us the sensation of being in a spaceship and seeing the earth whole.

The conferees went to dinner receptions at the homes of Mr. and Mrs. Richard Lombard and Mr. and Mrs. David Rockefeller. Mr. Lombard is president of the Kettering Foundation, which this year joined the Ford Foundation and Johnson Foundation as sponsor of the conference. A feature of the evening at Mr. Rockefeller's home in Tarrytown was concert entertainment provided by talented music students from the International House in New York.

After the Conference, most of the Russians stayed for a week in New York City, where they took in some Broadway plays and concerts at Lincoln Center. Other Russians went on to California where they saw the art collection of Mr. Norton Simon, one of the conferees. Through UCLA Vice Chancellor Dr. Rosemary Park and Dr. Franklin Murphy, former chancellor of UCLA and now chairman of the board of the Los Angeles *Times-Mirror* Publishing Company, the Russians met a number of Californians who were prominent in education, communications, and the arts. Both Dr. Park and Dr. Murphy were Conference participants.

What did the fifth Dartmouth Conference accomplish? Very little, if measured by the ability of the participants on either side to change the minds of the others on basic issues. But such was not the purpose of the conference. The purpose was to obtain the fullest possible view of the respective positions of the two countries in order to avoid misunderstandings, misassessments, or miscalculations. Also, it was hoped that reducing the dangers produced by faulty appraisals might lead to mutual efforts in behalf of a less troubled world. In this sense, the meetings have been reasonably fruitful. It is too early to talk about a sixth meeting. We are hopeful that the Soviet Committee, whose turn it is to do the inviting, will want to have another round. If so, an affirmative response is virtually certain.

A SALUTE TO OUR FALLEN COMMANDER

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. SISK. Mr. Speaker, although some time has now passed since the death of General Eisenhower, a tribute to him which appeared in a newspaper in my district was recently called to my attention.

This tribute, written from the heart by Mal Johnson, publisher of the Clovis News and Pinedale Local, is a moving expression of admiration for the man who led this Nation through perilous times in peace and war.

Under unanimous consent I include Mr. Johnson's article in the RECORD, as follows:

A SALUTE TO OUR FALLEN COMMANDER

(By Mal Johnson)

Dwight David Eisenhower, October 14, 1890 to March 28, 1969: Five Star General of the United States Army, Chief of Staff, Supreme Commander of Allied Forces, Commander of NATO, President of Columbia University, and 34th President of the United States.

All these titles belong to one man, Dwight D. Eisenhower.

His accomplishments would fill a book. Probably the most outstanding are: His victory over the German forces of World War II. Stopping the Korean War and his landslide Presidential Victory of 1956.

But these do not tell the personal story of Dwight D. Eisenhower. He was a religious man. He had read the Bible through two times before he was eighteen years old. He was presented with the Bible used by George Washington when he took his oath as the first President of the United States. He used this Bible when he took his oath of office as the 34th President of the United States.

He will be remembered for many things but few people knew that he loathed war, hated military oppression and hoped the world would put the professional soldier out of business.

To me his greatest act went unheralded. He put God in our Pledge of Allegiance to the Flag of the United States—"Under God, Indivisible, with Liberty and Justice for All."

Now, when I finish saying the Pledge I automatically want to add, "Amen".

This is one evidence of the greatness of a great man.

No other President had the foresight, courage or humility to publicly express his opinion and demand action.

Now that "Ike" is gone over a hundred million Americans will be reminded of him every day when they Pledge Allegiance to the Flag of the United States of America.

"Under God, indivisible, with liberty and justice for all."

TAX REFORM

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. BENNETT. Mr. Speaker, I am today introducing a comprehensive tax reform bill which seeks to eliminate inequities inherent in our Federal tax system. My bill does not seek solely to raise the total revenue flowing into the Federal Government, but primarily to redistribute the taxload and make it more equitable for all. This objective is one of the major issues of the 91st Congress.

It has now been over 8 years since President Kennedy advocated a comprehensive reform of our tax laws, and corrective measures in this are long overdue. Recent public opinion polls show that a vast majority of the American people want some type of tax reform. I am pleased that this is also a major proposal of the Nixon administration. Treasury Secretary Kennedy, speaking for the President, recently said:

> The American people are saying something and it is getting through. . . . They are reading in the papers that a lot of rich people are getting away with not paying much in taxes.

My constituent mail mirrors this point.

My bill is in two sections. The first deals with expenditures and the second with revenue. On the expenditure side, my bill provides for increasing the deduction of personal exemption from $600 to $1,200. This is one of the greatest humanitarian needs of the country and will provide tax relief to every taxpayer in an amount proportionate to the size of each family. This provision seeks to give consideration to the tremendous increase in the cost of living and to families with students.

The revenue provisions of my bill would:

First. Repeal depletion allowance for oil and gas. This allowance should be eliminated because its size is greatly disproportionate to any cost incurred in most cases. A recent survey of the Nation's 20 largest oil companies showed that they pay an average tax of 8.3 percent on earnings and therefore are very able to pay a fair tax.

Second. Repeal unlimited charitable deduction. The provision of law which allows persons to avoid all tax payments by unlimited charitable deduction is discriminatory against the average taxpayer in an unfair way and should therefore end.

Third. Eliminate tax avoidance on interest received on industrial development types of local and State bonds. These bonds are considered against public policy in some States as they pledge government assistance to special private interests and they should not therefore be assisted by Federal tax advantages.

Fourth. Establish a minimum 10-percent tax on income of individuals who have an income over $25,000 per year. The need for this provision is clear because there are incomes which after the passage of this bill could still evade all taxes otherwise; for instance, a person whose income is derived 100 percent from municipal, nonindustrial bonds.

Fifth. Repeal the provision allowing groups to elect multiple surtax exemptions. This provision would eliminate the ability of a group or chain of corporations to claim more than one surtax exemption. When Congress originally provided for this exemption, it was intended to apply to small businesses. Recently many large conglomerates have established a number of separate corporate units which are arranged so as to produce an income of less than $25,000 for each unit and thereby qualify for a lower tax rate.

Other tax reform measures which I have pending are H.R. 112, which I introduced with 40 cosponsors to provide tax credits for hiring the unemployed; and H.R. 962 which reduces to $5 the tax on individuals with very low incomes and give corresponding but less help on a sliding scale to those better situated. A copy of the bill I am introducing today follows:

H.R. 11353, THE TAX REFORM ACT OF 1969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE, ETC.

SEC. 101. (a) SHORT TITLE.—This Act may be cited as the "Tax Reform Act of 1969".

(b) TABLE OF CONTENTS.—The titles and sections of this Act are as follows:

(c) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to a section

or other provision of the Internal Revenue Code of 1954.

TECHNICAL AND CONFORMING CHANGES

SEC. 102. The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of the technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

TITLE II—INCREASE IN PERSONAL EXEMPTIONS

INCREASE FROM $600 TO $1,200

SEC. 201. (a) The following provisions are amended by striking out "$600" wherever appearing therein and inserting in lieu thereof "$1,200":

(1) Section 151 (relating to allowance of deductions for personal exemptions);

(2) Section 642(b) (relating to allowance of deductions for estates);

(3) Section 6012(a) (relating to persons required to make returns of income); and

(4) Section 6013(b)(3)(A) (relating to assessment of and collection in the case of certain returns of husband and wife).

(b) The following provisions are amended by striking out "$1,200" wherever appearing therein and inserting in lieu thereof "$2,400":

(1) Section 6012(a)(1) (relating to persons required to make returns of income); and

(2) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

SEC. 202. (A) CHANGES IN OPTIONAL TAX

Section 3(b) (relating to optional tax if adjusted gross income is less than $5,000, in the case of taxable years beginning after December 31, 1964) is amended—

(1) by inserting in the heading before the period the following: "And Before January 1, 1970";

(2) by inserting "and before January 1, 1970," after "beginning after December 31, 1964,"; and

(3) by inserting after "After December 31, 1964" each place it appears in the tables the following: "And Before January 1, 1970".

(b) Section 3 is further amended by adding at the end thereof the following new subsection:

"(c) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1969.—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $5,000 and who has elected for such year to pay the tax imposed by this section, a tax determined under tables which shall be prescribed by the Secretary or his delegate. The tables prescribed under this subsection shall correspond in form to the tables in subsection (b) and shall provide for amounts of tax in the various adjusted gross income brackets approximately equal to the amounts which would be determined under section 1 if the taxable income were computed by taking the standard deduction."

(c) Section 4(a) (relating to number of exemptions) is amended by striking out "the tables in section 3" and inserting in lieu thereof "the tables in section 3(a) and 3(b) and the tables prescribed under section 3(c)".

(d) Paragraphs (2) and (3) of section 4(c) (relating to husband or wife filing separate return) are amended to read as follows:

"(2) Except as otherwise provided in this subsection in the case of a husband or wife filing a separate return, the tax imposed by section 3 shall be—

"(A) for taxable years beginning in 1964, the lesser of the tax shown in Table IV or Table V of section 3(a).

"(B) for taxable years beginning after December 31, 1964, and before January 1, 1970, the lesser of the tax shown in Table IV or Table V of section 3(b), and

"(C) for taxable years beginning after December 31, 1969, the lesser of the taxes shown in the corresponding tables prescribed under section 3(c).

"(3) Table V of section 3(a), Table V of section 3(b), and the corresponding table prescribed under section 3(c) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in Table V of section 3(a), Table V of section 3(b), or the corresponding table prescribed under section 3(c) in lieu of the tax shown in Table IV of section 3(a), Table IV of section 3(b), or the corresponding table prescribed under section 3(c), as the case may be. For purposes of this title, an election made under the preceding sentence shall be treated as an election made under section 141(d)(2)."

(e) Section 4(f)(4) (cross references) is amended by striking out "and Table V in section 3(b)" and inserting in lieu thereof ", Table V in section 3(b), and the corresponding table prescribed under section 3(c)".

(f) The last sentence of section 6014(a) (relating to election by taxpayer) is amended to read as follows: "In the case of a married individual filing a separate return and electing the benefits of this subsection Table V of section 3(a), Table V of section 3(b), and the corresponding table prescribed under section 3(c) shall not apply."

CHANGES IN AMOUNT WITHHELD

SEC. 203. (a) Section 3402(b)(1) (relating to percentage method of withholding income tax at source) is amended by striking out the table and inserting in lieu thereof the following:

"Percentage method withholding table

"Payroll period:	Amount of one withholding exemption
Weekly	$25.00
Biweekly	50.00
Semimonthly	54.20
Monthly	108.30
Quarterly	325.00
Semiannual	650.00
Annual	1,300.00
Daily or miscellaneous (per day of such period)	3.60".

(b)(1) Section 3402(c)(1) (relating to wage bracket withholding) is amended to read as follows:

"(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with tables prescribed by the Secretary or his delegate, which shall be in lieu of the tax required to be deducted and withheld under subsection (a). The tables prescribed under this paragraph shall correspond in form to the wage bracket withholding tables contained in this paragraph prior to 1970 and shall provide for deducting and withholding at any time amounts of tax in the various wage brackets approximately equal to the amounts which would be determined if the tax were deducted and withheld under subsection (a) at such time."

(2) Section 3402(c)(6) (authorizing the Secretary to prescribe certain withholding tables) is repealed.

(c) Section 3402(m)(1) (relating to withholding allowances based on itemized deductions) is amended by striking out "$700" and inserting in lieu thereof "$1,300".

EFFECTIVE DATE

SEC. 204. The amendments made by sections 201 and 202 shall apply only with respect to taxable years beginning after December 31, 1969. The amendments made by section 203 shall apply only with respect to remuneration paid on and after December 31, 1969.

TITLE III—TAX REFORM

REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS

SEC. 301. Section 613(b)(1) (relating to percentage depletion in the case of oil and gas) is amended to read as follows:

"(1) zero percent—oil and gas wells."

REPEAL OF UNLIMITED CHARITABLE DEDUCTION

SEC. 302. Sections 170(b)(1)(C) (relating to unlimited deduction for certain individuals) and 170(g) (relating to application of unlimited deduction) are repealed.

ELIMINATION OF EXEMPTION ON MUNICIPAL INDUSTRIAL DEVELOPMENT BONDS

SEC. 303. (a) IN GENERAL.—Section 103(c) (relating to industrial development bonds) is amended to read as follows:

"(c) INDUSTRIAL DEVELOPMENT BONDS.—

"(1) SUBSECTION (a)(1) NOT TO APPLY.—Any industrial development bond issued after June 30, 1969, shall not be considered an obligation described in subsection (a)(1).

MINIMUM 10 PERCENT TAX WHERE INCOME IS OVER $25,000

SEC. 304. Part I of subchapter A of chapter 1 (relating to tax on individuals) is amended by adding at the end thereof the following new section:

"MINIMUM TAX

"SEC. 6. (a) ALTERNATIVE 10-PERCENT TAX.—In the case of an individual, if the taxpayer's minimum tax taxable income for the taxable year exceeds $25,000, the tax imposed by section 1 or 1201 (as the case may be) shall not be less than 10 percent of the taxpayer's minimum taxable income for the taxable year.

"(b) MINIMUM TAX TAXABLE INCOME.—For purposes of this section, the taxpayer's minimum tax taxable income for the taxable year shall be determined—

"(1) on the basis of the method of filing (whether joint or separate returns) used, and

"(2) by taking into account those items of income and deduction properly taken into account in arriving at taxable income, except that the following provisions shall not apply—

"(A) section 103 (relating to interest on certain governmental obligations), and

"(B) section 1202 (relating to deduction for capital gains)."

REPEAL OF PRIVILEGE OF GROUPS TO ELECT MULTIPLE SURTAX EXEMPTION

SEC. 305. Section 1562 (relating to privilege of group to elect multiple surtax exemption) is repealed.

EFFECTIVE DATE

SEC. 306. The amendments and repeals made by this title shall apply to taxable years beginning after December 31, 1969.

NEED FOR AND BENEFITS TO BE GAINED FROM THE BILINGUAL EDUCATION ACT

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. BUSH. Mr. Speaker, "Bilingual Education: A Psychological Helping Hand," an article by Bertha G. Trevino in Texas Outlook, does an exceptional

job of portraying the need for and the benefits to be gained from the Bilingual Education Act.

I have long been interested in the problems of the Mexican-American in my State and am particularly interested in seeing that every child from this background has the opportunities of his white counterpart. So that every Member of Congress may have access to it, I submit the article for inclusion in the CONGRESSIONAL RECORD, as follows:

BILINGUAL EDUCATION: A PSYCHOLOGICAL HELPING HAND

(By Bertha G. Trevino, chairman of the department of mathematics at Laredo Junior College)

Currently attention is being focused on a century-old problem. How should one teach English to a non-English-speaking child?

The results of teaching him in English are most disappointing. According to the figures in the 1960 U.S. Census, the average scholastic achievement level of the Spanish-speaking minority in Texas is 4.7 percent, the lowest of any other ethnic group in the nation.

A failure of such magnitude cannot be investigated without analyzing and questioning the school's philosophy, curriculum, and practices. The fact that a school policy has been followed for decades does not in itself make it pedagogically, psychologically, or sociologically valid. The Spanish-speaking child has been attending a school geared to teach English-speaking children.

The practice of bilingual teaching is under investigation. Basically it involves using the language the child speaks to teach him subject matter content, to communicate with him, and to introduce English to him, going from the old and familiar to the new.

There are a variety of methods, time schedules, materials, and procedures; but the one element all the research programs have in common is the use of the mother tongue for communication and instruction.

The writer investigated the results of the practice of bilingual teaching at Nye Elementary School in United CISD in Webb County. In this district the school population is about evenly divided between English monolinguals and Spanish monolinguals.

The scores obtained by all the children on the California Achievement Tests administered during a three-year period (September 1964-May 1967) were the basis of the investigation. The effectiveness of the program was investigated by a one-way classification analysis of variance with two independent groups, the children taught bilingually and those taught exclusively in English in 1963.

In all comparisons, both the English-speaking and the Spanish-speaking children taught bilingually had higher scores; and in several cases the difference of the means was statistically significant.

The fact that all the differences were in the same direction indicates that the use of both languages encourages, promotes, facilitates, and accelerates academic achievement.

The results of this analysis make a closer look at the present method mandatory, since the low scholastic achievement of the Spanish-speaking minority constitutes a tremendous educational problem. Teaching in a foreign language, in this case English, has failed. Could it be that basic psychological principles have been ignored?

It is an accepted principle that the curriculum must fit the child, who is the most important factor to consider in educational planning. Perhaps some have not realized the tremendous gap between what they professed to believe and what they actually practiced.

As a noted educator has said, "We have tried to fit the child to the pants." The self-confidence of a child is a fragile thing. Should he be forced into a situation where bewilderment and frustration are bound to happen to him?

One has been admonished, "Take the child where he is." It must inevitably follow that if he comes to school speaking only Spanish then this means of communication must be utilized.

How can anyone say we strive to meet the needs of the individual child when we ignore his need to be instructed in a language he understands? His needs are not the same as the needs of an English-speaking child.

How can anyone say we consider individual differences when we label the Spanish-speaking child a failure because he cannot do as well as English-speaking children in a school where learning experiences are given to both in English only?

"Enable him to acquire a positive self-image," we are told. The school provides ample opportunities for initial success for the English-speaking child by using his mother tongue and his background of home experiences. Could the school provide these opportunities for the Spanish-speaking child?

A feeling of competency is the best self-motivation. Repeated failure destroys the personality, but success breeds success. If a child has this feeling of competency, he will try day after day; it is well known that motivation comes from within.

"Establish rapport with the student." To what degree can this be accomplished when the teacher and the child speak different languages? Children are highly perceptive. The verbal and nonverbal signs of rejection are not lost on a child who has to sit and listen to unintelligible sounds from a teacher clearly understood by the English-speaking children.

Recent studies like the one in San Francisco reported by a Harvard professor have indicated that, if the teacher thinks the child cannot learn, he will not learn. In some subtle, or perhaps open, way the teacher conveys his judgment and the child accepts it; he will not even try, much less succeed.

"Relate the new to what the child already knows." The Spanish-speaking child has lived six years when he enters school. He has had the usual childhood experiences and has acquired enough command of his native speech to communicate with those in his community.

He has names for the concepts acquired, but these words are Spanish ones. He has refinements of concepts which it is not possible to convey pictorially.

We think with words. The Spanish words the child knows were learned in a particular setting. Lists of English words cannot immediately replace them, for they do not relate to the concepts the child already has firmly established in his mind.

In summary, a child's language is part of himself; it is the essence of his being and mental processes. To suppress his means of communication is to close the door to mutual understanding. Without communication there cannot be genuine understanding, trust, and cooperation.

This dialogue between the teacher and the child is imperative. Psychologists state that the success of teaching depends on the understanding the teacher has of the individual child's needs, and on his ability to communicate to the child his personal concern and desire to help him as an individual.

Bilingual teaching conforms to accepted principles of psychology. Its practice should inaugurate a dramatic improvement in the scholastic achievement of the Spanish-speaking child.

The recent passage of the Bilingual Education Act, with its first $7.5 million for research and pilot programs in bilingual education, should produce evidence of its worth and effectiveness.

I was pleased to learn from the Department of Health, Education, and Welfare recently that 19 school districts from Texas have been asked to submit formal proposals for participation in the bilingual education program.

CONGRESS NEEDS TO ACT NOW TO AVERT AN ABSURDITY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. DULSKI. Mr. Speaker, I am gratified by the favorable reaction which I am receiving to my legislative proposal for setting standards for future congressional redistricting.

In its several decisions, the Supreme Court has decreed that districts must be as even as possible in population. With this conclusion, no one can argue.

But the practicalities of the matter are that the districts cannot be identical in size without drawing lines that would be utterly ridiculous—cutting into the middle of blocks, and, conceivably, through multifamily buildings in heavily congested metropolitan areas.

Any variation from strict equality would leave open the way for endless challenges in the courts. And these would be just a further mark of futility because today's mobile population means than even a head count or census really is valid only on the day that it is taken. The figures are outdated before they are validated and published.

Since the court has set no rule of thumb, it is up to Congress to establish standards for redistricting. With established standards in law, the States will know exactly how much variation is tolerable.

I introduced legislation in the House this week—H.R. 11128—to set standards for congressional redistricting. I hope that the House Committee on the Judiciary will arrange for early consideration.

Mr. Speaker, my home city newspaper, the Buffalo, N.Y., Evening News has endorsed my plan in an editorial as follows:

[From the Buffalo (N.Y.) Evening News, May 13, 1969]

TO AVERT AN ABSURDITY

Lots of luck to Buffalo's Rep. Thaddeus J. Dulski in his effort to negate, by sensible legislation, the latest judicial decree for another costly and foolish reapportionment of New York's 41 congressional districts. Mr. Dulski would simply have Congress prescribe its own population standard, one allowing a maximum 10 per cent variance above or below the average district population.

This strikes us as an eminently reasonable way to assure substantial population equality while still permitting states to pay some heed to practical geographic lines in drawing districts. Whether it would satisfy the high court's fetish for strict adherence to one-man-one-vote as the only tolerable basis for redistricting is another matter, but it is certainly worth the try in Congress.

What is so utterly asinine about the latest judicial decree in the New York case, however, is its insistence on a 1970 redistricting based on a 10-year-old population count that is completely out of date. Here Mr. Dulski has only to cite his own case as a particularly "glaring example."

His 41st district, it seems, had a 1960 census population of 435,858, and the neighboring 40th and 39th districts had almost exactly the same. But this new court order would now require all three of them to lose population because they exceeded the average district size by about 26,000 each. But, says Mr. Dulski, "today my district is estimated to comprise only about 375,000 persons—nearly 61,000 less than in 1960. . . . In contrast, the 39th District is now estimated to contain 515,000 persons."

Thus, under the Supreme Court's new edict, which compels reliance on the obsolete 1960 census for the electing of New York's 41 congressmen in 1970, the Dulski district will have to be reduced to an estimated present population of about 349,000, while the neighboring Richard D. McCarthy district will be cut to a mere 490,000. And this in the mocking name of "one man one vote!"

ADDITIONAL JUDICIAL DISTRICT URGED FOR OHIO

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ASHLEY. Mr. Speaker, I am being joined today in the introduction of legislation to provide that the western division of the northern judicial district of Ohio shall constitute an additional judicial district in Ohio and to authorize two district judges for such judicial district.

We are taking this action, Mr. Speaker, because the unprecedented growth in the caseload of Toledo's Federal district court makes it imperative that this new district be created as quickly as possible. Last year alone the court received a record 358 new civil cases and 104 criminal cases—an increase of 25 percent more filings than in 1967.

In the area of civil law, which represents the biggest growth in the court, there is a delay of at least 6 months to a year for persons wanting trials in civil cases. And the records show that new cases are being filed at an even faster rate this year than last.

To handle this caseload the court has one full-time judge, the Honorable Don J. Young. However, the Honorable Frank L. Kloeb who retired as a full-time jurist in 1965 has continued on a part-time basis to assist Judge Young with this heavy docket. Judge Kloeb recently remarked that in his 32 years on the bench the most trials he ever conducted in 1 year was 27. Yet last year he and Judge Young tried 43 civil cases alone.

"No one man could try anywhere near 43 cases a year," Judge Kloeb said, noting that the number did not even take into account the disposition of the 104 criminal cases filed last year.

Mr. Speaker, the need for another full-time judge is abundantly clear and the need is now. The court in Toledo handles Federal cases in 21 northwestern Ohio counties with a total population of 1,439,716. The nearby Cleveland court covers an area with three times the number of residents and handles three times as many cases but it has six full-time judges to Toledo's one.

Twenty-two court districts in the United States had fewer cases filed than the Toledo district court during the first half of the current fiscal year and no less than 12 of these have at least two full-time judges. Five other separate districts with fewer filings than Toledo have a full-time judge and also share the services of a full-time judge with another district on a permanent basis.

Two other districts had the same number of cases filed during the first half of this fiscal year as the Toledo court and each has two judges.

It is urgent that we act now to create an adequate number of judges for northwestern Ohio, Mr. Speaker, before a backlog of cases becomes so large that the court is unable to provide for speedy criminal trials and before persons seeking trials in civil cases are forced to wait a year or more to vindicate their rights.

TOM O'CONNOR—AN EXTRAORDINARY WRITER

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. RIVERS. Mr. Speaker, from time to time I have had the pleasure of placing the works of my favorite writer in the RECORD. The writer of whom I speak is Tom O'Connor, of Allendale, S.C.

Tom is the publisher of a couple of county papers down in South Carolina—one paper in Allendale County and one in Hampton County. Superb though these papers are, Tom's writings transcend what is local and approach that which is common to all men. Such a piece is the one that I am today placing in the RECORD for others to share.

By way of explanation, Tom lost his only son in Vietnam last year—shortly before he was to return to this country. I think the following column should be required reading for a lot of people—especially for some of our so-called "students."

THE TIME HAS COME

(By Tom O'Connor)

Somewhere along the line I probably failed him and so my son grew up to be a man who held some ideas peculiar and outmoded in this day. I try to believe that the blame in no way attaches to me.

Yet, I let him take it for granted that he owed the world something, he owed his country something, he owed other people something, and he, unequipped with the type of mentality which refuses to believe what seems very apparent, indeed, absorbed what he found and so became forever young.

I failed when I did not make an effort to keep him out of military service. I knew he was subject to being drafted; I knew he wanted to enlist and I did nothing to discourage him or to protect him.

I didn't suggest Canada as a fine new frontier where he would not have to serve in anybody's armed forces. I did not suggest tearing up a draft card, even risking a few months in prison, as a means of dodging what some men stupidly called duty.

I guess I cannot dodge my own responsibility for letting him go on thinking that honor and duty and patriotism are more than emotional ideas harbored by morons.

I never told him that those heroes of the past for whom he expressed admiration were fools for being where they were when they were. They could just as well have been safely at home, selling shoes, or groceries, or pumping gas.

When he spent a day wandering across the battlefield at Gettysburg, I failed to tell him that those rows upon rows of stones marked the resting places of men who did not rebel against a system, or an establishment, of which they were part and who were too spineless to flee from their nations in the hour of need.

He thought each marker spoke of a man with a special place to be held secure forever in the hearts and minds of his fellowmen of any and every age.

He did not agree that one had a right to rebel against what was plainly a life amenable to one's ability to live it. In other words he did not have a clarity of vision, sometimes drug induced, to see that cutting off his own hand was a cure for ills and inequalities and injustices. He saw only in such case, a man who had stupidly handicapped himself and made even less even the uneven struggle.

There are perhaps 60,000 or even 100,000 men and women on earth today who share my blame. For they too have failed sons, or husbands, who served in Vietnam.

They haven't become involved in dodging duty, in slandering honor, in demanding changes they want regardless of what others might want.

They haven't burned flags to show how involved with life they are. They haven't degraded heroes of the past with obscenities, and foul-mouthed curses. They haven't opposed forces which are dedicated to the well-being and safety of all men.

They haven't cried and fought and been bloodied in order that they might impose their wills upon others.

They haven't succumbed to the argument that if they fight hard enough, blast enough buildings, burn enough homes, destroy enough business houses, harass the authorities to desperation, they can win and make the World do what they want it to do.

I can't do that. My son stands in the way. The sons and husbands stand in the way. The path to irresponsibility is barred to us by our dead.

They fought, they were bloodied, they died, because to them honor, duty, integrity and patriotism were more than words. They were expressions of man's need to rise above himself if ever he is to accomplish the ultimate goodness and achieve the perfect civilization.

I shall not take the blame nor seek the credit for my son. He was his own man and a man in his own right. What he died for are things I too hold dear and in so holding I do not see how I in anywise diminish any other man, his rights, his privileges, his opportunities.

I grieve for the son who is lost, but in my heart I am now able to sometimes be a little glad that in his death he has added something to the stature of mankind and that from hence my own involvement in life will be affirmation of man's need to cherish honor, to foster integrity and to stand to duty in any circumstance.

HAPPY BIRTHDAY, MR. PRESIDENT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1969

Mr. GIAIMO. Mr. Speaker, it is truly a pleasure and a privilege to rise today to pay tribute to one of our country's

greatest Presidents, the Honorable Harry S. Truman, on his 85th birthday.

During his time in office, President Truman did many things which will always be remembered by an appreciative Nation. He is remembered for the Truman doctrine, the Marshall plan, the creation of NATO and the United Nations, the Berlin airlift, and desegregation of the Armed Forces, to name but a few.

In addition to these magnificent contributions, however, Harry Truman will also be remembered as the President who "told it like it is." He never minced words with anyone. He had the courage and the strength to overlook political implications when making his decisions. Harry Truman came from a humble background, and throughout his career in public service he continued to be a man of the people. He once wrote:

My own sympathy has always been with the little people, the man without the advantages, and these have always been the people who responded to a politician named Harry Truman.

Mr. Speaker, the people of this country were blessed to have this great man as their leader during the turbulent period of 1945–52. He had the courage, the fortitude, and the foresight to plot a course which saved much of the world from Communist domination, while helping to create an organization dedicated to world peace, the United Nations. We are truly in his debt.

Happy birthday, Mr. President.

ST. BONAVENTURE PRESIDENT LAUDED FOR BANNING SDS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. HASTINGS. Mr. Speaker, last Sunday, the Very Reverend Reginald A. Redlon, president of St. Bonaventure University which I am proud to say is located in my hometown of Allegany in the 38th Congressional District of New York, banned the Students for a Democratic Society from the school campus.

He did so in a special Parents' Day address, heard by an audience of 2,000—about half of which were mothers and fathers of students.

Speaking in the university center following Mass, Father Redlon declared that he was banning SDS from the campus because the organization is "antidemocratic, anti-American, and anti-Christian."

Two recent incidents prompted Father Redlon to act. One happened about a week ago at the university's annual Press Day, which was attended by several hundred high school students engaged in the publishing and editing of their school newspapers. SDS, Father Redlon said, had set up a table and was distributing SDS recruitment literature to the high school students.

The other incident was a burglary last Friday. The office of the academic vice president was broken into and several confidential files were stolen.

I think it is significant to know that Father Redlon's declaration barring SDS touched off a 4-minute standing ovation and when he left he had to almost fight his way through a crowd of people with outstretched arms wanting to congratulate him.

Mr. Speaker, this is the kind of forthright action that is expected and should be taken by our college administrators if radical minorities are to be prevented from making a shambles of our educational system.

Father Redlon deserves the highest praise for standing firm on disciplinary principles which must prevail if our colleges and universities are to remain a lofty symbol for learning.

Mr. Speaker, under unanimous consent I include the full text of Father Redlon's Parents' Day talk in the RECORD:

ADDRESS BY FATHER REDLON TO PARENTS

It is May; it is Mothers' Day; it is Parents' Weekend. And so I am pleased in the name of all to welcome you, particularly you who are parents, to St. Bonaventure University. I trust that your weekend has been and will be, in spite of the weather, pleasant and profitable.

There is so very much I would like to say to each of you, and I apologize for the fact that last evening, though I was here for two hours, I'm certain that there were many parents I did not have the opportunity even to greet personally. But I want to tell you how much we respect and reverence your presence here, especially in so far as it reveals your desire to give to your son and daughter—in many cases at great sacrifice—an opportunity to realize the beauty and loveliness as also the discipline, and, at times, the suffering of a truly adult Catholic life. In a word, that you have sacrificed to provide for your son or daughter a Catholic college education.

I would like to begin these remarks by making something abundantly clear, not only to you who are parents but to the students who are here as also to any faculty member or to any other member of this community or of this institution. To do this, may I quote a recent editorial:

"Today's students are bright, immaginative, energetic, idealistic; they are thinking and they are acting about the war in Vietnam, the draft, the Negro's place in society, fairness to all minorities, the rights of people everywhere to the good things of life: justice, dignity, freedom, democracy—these are not mere words in a book to our young today, they are banners flying in a breeze inspiring action here and now. Confronting the evil of the world, and the world is full of it as it has always been, students strive for change and for improvment. And above all, no student should leave a campus without the sure knowledge that his mind and heart are precious to America and to our Church. Out of such assurance will come later, as other have discovered, that with all of it's shame and drudgery and broken dreams, ours is still a beautiful world."

I endorse those words. I believe they represent the truth, I have enormous respect—indeed, affection—for the students on this campus. My entire life and the lives of so many of the faculty and the administration—indeed, of this staff—have been devoted to education. And that means, therefore, to many students and over a long period of time.

It is not difficult to dialogue with most students, even those with whom I most seriously disagree. And this was demonstrated in this very hall, in this very gymnasium, Palm Sunday night.

What then has happened? What is the problem? Believe me when I say that it is not due process—a much used and abused term. In so far as it means fair and just treatment and indeed with an attitude that involves considerable compassion for the members of this community or any similar institution—that I assure you has been and is, and always will be, the policy here. But the issues, I believe, are much deeper. They reflect the phenomena that are so well known to all in our country and, indeed, in our Church.

Simply and honestly, I believe there are principles that are either differently understood, misunderstood or denied. And they cannot in any way be compromised, for they touch deeply the lives of all of us, not just here, but really anywhere.

For example: There is the principle or authority and its responsible exercise. To address myself to this, may I quote from an article that appeared in last Sunday's New York Times, specifically the magazine section:

"Each campus is entitled to be as radical or conservative as it desires, but students are the ones to decide; not the faculty, not the administration. If a fringe have an idealism, indeed even a fanaticism, in which one man's personal force is equal to that of ten apathetic opponents, who is to declare that the minority do not determine the history of the school? Democracy is the free and fair play of human forces. We can remember a minority of early bearded Christians who proved eventually an ongoing force for better or worse. But the point behind all the points is that civilization has lost the way, and we may not find it until we recognize that the vote of the man who would not commit himself to his ideals is not necessarily equal to that of the man who would."

To speak very softly, I trust, I find these words strange, if not very confusing and, indeed, dangerous.

In the first place, on the one hand tribute is paid to the democratic ideal of the free and fair play of human forces and then says it is better, indeed, maybe the only salvation of our western civilization at least, that a radical minority or a revolutionary group that is committed should find that its attitudes and its actions prevail. I ask very simply, is this democracy?

In the second place, it seems presumptuous to say that the ten voters or the opponents are apathetic. It could very well be that they too are very committed, but they are committed to the basic values of our republic, of our Church or of any institution and they do not want to see any of these destroyed. Why should we presume without proof that the majority is apathetic?

In the third place, reference is made, and somewhat snidely, to the early bearded Christians. What mattered then and what always matters is not whether or not someone is committed to an ideal, but to what ideal one is committed. And I venture to say that the early bearded Christians who proved to be an ongoing force, did not do so because they were few in number or because they were bearded but because the ideal to which they were committed was the truth—the truth makes us *free*. And it still remains the truth that will make us free.

And I challenge the S.D.S. and any other radical group to prove that the ideal to which they are committed is constructive and involves respecting the rights and the freedoms of others.

So much time on this campus—I am certain that is it true of others—has been wasted. So much energy has been dissipated because we have allowed ourselves to forget our goals.

If the Ku Klux Klan were to request to organize on this campus, it would be imperative for myself and everyone here to acknowledge that such an organization, because it is racist, is opposed to everything for which we stand and it could not be allowed to exist—no matter how you might appeal to the constitutional right to assemble. And I am convinced, that the S.D.S. is not only anti-democratic, anti-American and

anti-Christian, but also that it is opposed to everything for which this University stands. It was finally proven within the past few days when that organization distributed literature on this campus to numberless young people which unquestionably is, as I have just said, opposed to all that our republic and our Church and this institution stands for.

And therefore, I am banning that organization from existence on this campus.

Finally, with respect to the quotation, I find its incredible that anyone would say that the character and spirit, however you would describe it, of any campus should be determined by the students alone and not at least by the students and faculty and the administration.

I want to make it very clear again, and I'm sure I'm speaking now to the vast majority of the administration and the faculty, if not the entire administration and faculty, I believe firmly in community government in so far as that means everyone's voice should be heard (and I will make additional efforts to listen to each and every student on this campus). And that they should be effectively heard in accord with their competency. But I do not believe that this institution or anyone similar to it can be governed democratically insofar as that means each member of the institution has an equal vote.

I do not above all believe that we will promote the common good or preserve the purposes of this institution if we hand it over to the students. Maybe what we are witnessing right now, however, is that such thinking, which has been around for sometime, is just now beginning to pass from the realm of ideas to that of action. And let us never forget that one man with the wrong idea published a manifesto in February 1848 in London. And the ideas contained in that document have revolutionized our world though it took several decades, if not a century, and the man's name was Karl Marx.

To return to the deeper issues, there are other principles and other truths, which means we have, I believe, reached a certain critical moment in the history of St. Bonaventure University. For it is a moment that reveals to us the need to be more clear and more articulate in our understanding of our basic philosophy of Christian education. In a word, our future does not involve Bona's becoming some sort of nebulously religion-orientated school, but a real, genuine Catholic University.

Those who would refashion our society, the Church indeed even the Franciscan Order, or very specifically this university into something of their own image no matter how sincere or well-intentioned they may be must be confronted with the fact that there are real, basic principles which we do not intend to compromise.

And included among them is this: That we reverence and respect and accept the authority and office of the Holy Father.

We cannot allow ourselves to become lost or submerged in a sea of contemporary anxiety, frustration, confusion and romanticism. It is for us to accept and to continually rediscover these truths and then to proclaim them for all to hear and understand. And we cannot stand back unconcerned because we are talking about the future of the youth of America and our Church and the truths by which they must live.

Now I wish briefly to refer to certain very unpleasant events that have recently occurred on this campus. I do this because I feel it is necessary to inform all of you, the parents as also the students.

A week ago an attempt was made to break into my office during the night. There have been several instances of vandalism and robbery of departmental offices, as also the Maintenance Department, and yesterday, in the early morning, sometime after one a.m., the office of the Academic Vice President was entered by breaking a window. His confidential files were stolen, including faculty evaluations that had been prepared by appropriate academic officers over a period of months. All of his correspondence between his office and that of other members of the administration as also with members of the faculty and others has been destroyed or at least stolen.

Police have been informed; an investigation is underway. We intend to use every available means to apprehend those responsible for this reprehensive action. And the University is prepared to offer a substantial reward to anyone who can assist successfully in the apprehension and conviction of such persons.

I have, therefore, ordered the hiring of additional day and night security for this campus, for we will not allow anything whatsoever to interfere with the orderly termination of this semester's activities, including those of senior week and the commencement exercises.

To that end, I serve notice that anyone who in any way disrupts the ROTC awards ceremony—which is an academic function—on Friday, May 16th, will be immediately suspended or expelled.

We will not allow any protests or demonstration, except those which are in accord with the regulations contained in the Student Manual, or in accord with directives that have been issued by the Office of the Vice President for Student Affairs.

And I need not remind those of you who know that during the past few weeks there were demonstrations that did violate these regulations and they will *No Longer Be Tolerated.*

It grieves, I am certain, the vast majority of people here or who are associated with this school, that these latter remarks are necessary. I appeal to the understanding and loyalty of all to assist us in our individual responsibilities to promote the welfare of this venerable and much loved institution.

These are hard sayings indeed. I look forward to difficult but, I pray, happy days, and eventually a great—certainly challenging—future for St. Bonaventure. As Catholics and as Franciscans we will continue to honor, reverence and respect those who dissent. And above all, we intend to love those who choose to walk away.

How I hope and pray, that each Bona graduate will be, by the way he talks and the way he walks through life, someone of whom others will say when they are gone: "The world is poorer because of their departure, and the sources of inspiration run more thinly for all of us." But even more significantly, and even more heart-felt, is my prayer that others will say of them what Robert Kennedy said of his Brother John, quoting Romeo and Juliet:

"When he shall die, take him and cut him out in little stars and he will make the face of heaven so fine that all the world will be in love with night and pay no worship to the garish sun."

Good Bye, and a safe journey home. Thank you.

ISRAEL'S INDEPENDENCE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. DADDARIO. Mr. Speaker, on May 15, the State of Israel celebrated the 21st year of its independence. Because of its long and close relationship with the United States, it is fitting that we should note this event and that we should take the occasion to reflect upon the growth and the achievements of this young and vital nation.

In the few short years of its existence Israel has successfully absorbed countless thousands of immigrants from lands as diverse as Yemen and the Soviet Union. Under conditions of extreme physical hardship, a state has been built that rivals any in the world for its industry, its creativity, and the dedication of its people. Three times this nation has fought to preserve its very right to exist.

The relations of the State of Israel with its Arab neighbors, however, seem at present once again to be deteriorating in a spiral that could eventually lead to yet another Mideast conflagration. Goaded and prodded to the brink of endurance by Arab threats and guerrilla attacks, Israel must show patience in exploring steps which, while fully consistent with Israel's undeniable right to a future prosperous existence, must be the basis for a future just and mutually agreeable lasting peace.

THE 200TH ANNIVERSARY OF DARTMOUTH COLLEGE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. MESKILL. Mr. Speaker, it has come to my attention that the 200th anniversary of the founding of Dartmouth College will be celebrated in Columbia, Conn. Mr. Robert L. Bennett, the commissioner of Indian Affairs, is scheduled to give the major address of the celebration on the "Educational Needs of the American Indian."

From all indications, the Dartmouth Alumni Clubs of Connecticut have planned a gala celebration for their alma mater. A brief description and a schedule of events follow:

On Saturday, May 17, 1969, the Dartmouth Alumni Clubs of Connecticut will sponsor a celebration of the birthplace of Dartmouth College at the original site where Rev. Eleazor Wheelock started and supervised an Indian charity school at Columbia—then Lebonan—Connecticut. From 1755 to 1769, the Reverend Mr. Wheelock carried out his dream of educating Indian youths in the colonies. The original schoolhouse and Reverend Wheelock's home still exist and are maintained by the Columbia Historical Society. In 1769, Reverend Wheelock moved his school to Hanover, N.H., and with the help of Rev. Samson Occom, the most outstanding Christian Indian of that time, started Dartmouth College.

This year, 1969, 200 years after the founding of Dartmouth, the college and the Dartmouth Alumni Clubs of Connecticut have planned to commemorate this charity school and the town of Columbia. This is part of a bicentennial celebration that Dartmouth will continue throughout the world during 1969. The schedule of events is as follows on May 17:

10 A.M. Exhibits (On the Green): Moor's Charity School. The original building on the

Green will be open from 10–4. The Scotford Exhibit of Colonial educational material and artifacts will be displayed. Adjacent buildings, under the guidance of the Columbia Historical Society will be open to the public. Also participating are the Historical Societies of Mansfield and Lebanan.

10 A.M. (At a nearby auditorium): Movies, produced by Dartmouth College and dealing with the origin of Dartmouth and the College today, will be in continuous showing from 10 A.M. to 1 P.M. and again from 3 P.M. to 4 P.M.

11 A.M. (On the Green): The Dartmouth Outing Club will sponsor competitions with other outstanding College Outing Clubs in chopping, wood splitting and crosscut, and buck sawing.

12 P.M. (On the Green): Lunch will be prepared and sold by the Women's Guild of the Columbia Congregational Church. Many Dartmouth families plan to attend and make this an old-time picnic outing on the Green.

1 P.M. (During the Picnic): The Dartmouth Band will present a Concert in front of Moor's Charity School with marches and Dartmouth Songs.

2 P.M. At the Platform on the Green: Edwin T. Rice, Dartmouth '52 and Chairman of the Events will introduce the President of Dartmouth College, John Sloan Dickey. President Dickey will present, to the town of Columbia and the Columbia Historical Society, a bronze plaque to be placed at Moor's Charity School, commemorating this as the birthplace of Dartmouth College.

2:30 P.M. At the Platform on the Green (The Principle Speaker): Following this, Commissioner of Indian Affairs, Robert L. Bennett from the United States Department of Interior will speak on the Educational Needs of the American Indian. This will be a most timely and important address as we, as a nation turn our eyes and our hearts to those less privileged in our society. No more fitting site could be found to speak on this subject than at Columbia, where the Reverend Wheelock's dream first came to life.

The Dartmouth committee sponsoring this event hopes that the plaque may be brought from Hanover to Connecticut by the Ledyard Canoe Club in its annual canoe trip down the Connecticut River. They believe this would be a most appropriate vehicle for a commemorative plaque of this nature, paralleling, perhaps, part of the danger and excitement that the Rev. Eleazor Wheelock felt as he moved his Indian school up into the then wilderness of Hanover, N.H. The Canoe Club will put on a demonstration and a race on the beautiful Columbia Lake. The competitors are to be announced later.

One of the most significant developments to come from the organization of this celebration is a recent word that the people of Columbia are investigating how they may rededicate themselves to Reverend Wheelock's dream of education of the American Indian. Under the leadership of Mr. George Evans, today's successor to the Wheelock Parish, the town is studying the Dartmouth ABC Program—A Better Chance—for underprivileged students with the possibility of supporting A Better Chance Indian program. How very fitting, as 200 years are rolled back, for this town to once again take on the noble purpose of its early white and Indian ancestors.

Invited to the ceremony as a guest is a descendant of Eleazor Wheelock, the Rev. Arthur S. Wheelock of the Congregational Christian Church, 14 Beacon Street, Boston. Also invited is a descendant of Samson Occom, the Indian who helped Reverend Wheelock; this is Mrs. Robert H. Fawcett of Uncasville, Conn. Mrs. Gladys Tantaquidgeon, of Uncasville, and of the Mohegan Tribe—of which Samson Occom was a leading member—will have, on display, museum pieces from this most famous of the New England Tribes.

The committee from the Dartmouth Alumni Clubs of Connecticut is as follows:

Chairman: Edwin T. Rice, 4 Carver Circle, Simsbury.

Program: Richard A. Watson, 317 Dug Rd., Glastonbury, and Peter Schwartz, 145 Natchaug Dr., Glastonbury.

Arrangements: Joel B. Alvord, 85 Chestnut Hill Rd., Glastonbury.

Liaison: Robert B. Foster, 96 Preston St., Windsor.

Publicity: Dr. Donald G. Russell, 73 Cedar St., New Britain.

Commemorative Booklet: Raymond J. Buck, Jr., Storrs, Conn.

Committee Members: H. Russell Burgess, Jr., 170 Prospect Hill Rd., Noank; Robert Adnopoz, 111 Carmalt Rd., Hamden, and Culver A. Modisette, 65 Highridge Rd., West Simsbury.

From Columbia, Conn., the following have been instrumental in making arrangements for this celebration:

Mr. George K. Evans, congregational minister.

Joseph Szegda, first selectman.

Donald R. Tuttle, school board chairman.

Albert B. Gray, president, Columbia Historical Society.

Dr. R. Gene MacDonald, director, Columbia Historical Society.

Mrs. Wilbur Fletcher, president, Women's Guild of Congregational Church.

Mrs. William J. Murphy, director, Columbia Canoe Club.

The committee expects attendance of over 1,000 people, including children, as Dartmouth families and friends plan to make this a spring picnic with band concert on the green. The college has sent a mailing to all Southern New England Dartmouth alumni and all clubs in the area, including Massachusetts and Rhode Island, have instituted their own publicity programs. A special commemorative program will be distributed free of charge.

PRESIDENT NIXON'S APPROACH TO VIETNAM SITUATION LAUDED

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. QUILLEN. Mr. Speaker, the President has made a truly constructive move toward achieving peace in Vietnam and, indirectly, fulfilling another pledge he made to America—to "bring us together."

He made our goals clear—free choice for the Vietnamese people and an end to violence. He then offered the most workable program yet to achieve these goals—a program all sides can find reasonable and acceptable.

President Nixon's approach also cleared the air of a lot of useless talk about how and why we got into Vietnam. As he pointed out, that is not important now. What is important is what to do with the situation we have now.

By showing the world a true desire for peace and a workable program to attain peace, the President has put it squarely up to Hanoi and the NLF. Now, more than ever, they have nothing to gain by delaying on this offer.

AMERICA'S FORESTS: CHAOTIC CONSTERNATION OR CONSTRUCTIVE CONSERVATION?

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. JOHNSON of California. Mr. Speaker, night before last I was privileged to attend the 67th annual meeting of the National Forest Products Association. The speaker for the evening was Mr. James D. Bronson of Yakima, Wash., who currently is serving as president of the NFPA. Mr. Bronson has served with this association for more than 15 years and is a veteran of more than 40 years in the forest products industry, having started his career as a logger in Yakima with the old Cascade Lumber Co. He worked up through the ranks until he became president of the company in 1946; and with a merger of his company into the Boise Cascade Corp., became a director and he still heads the lumber operations center in the Yakima area.

Mr. Speaker, I was tremendously impressed with Mr. Bronson's remarks concerning the problems of the forest products industry today and his discussion of some of the efforts which those of us representing the timber areas, and the Federal agencies responsibility for growing the timber, and the industry itself are making to meet the timber needs of the Nation.

I believe that it would be of interest to all of my colleagues, and I insert Mr. Bronson's "America's Forests: Chaotic Consternation or Constructive Conservation?" in the RECORD at this point:

AMERICA'S FORESTS: CHAOTIC CONSTERNATION OR CONSTRUCTIVE CONSERVATION?

(Speech by James D. Bronson)

Mr. Secretary, Distinguished Guests, Fellow Americans: There are those in this nation who think of forests, both public and private, as a paradise—a portion of our natural surroundings which are far removed from the humdrum world and which warrant continued separation from realities.

There are others of us who think of forests as a vital and replenishible concentration of miraculous fibers which can serve the needs of mankind.

The extremes of these two interpretations of the meaningful forest have imposed upon our nation, through its lawmakers and its administrators, a patchwork of philosophies and management practices which satisfy few. As a result, the vast majority of us who value order and tranquility tend to find ourselves being pushed to one side or another of this sylvan confrontation.

Faced with a choice, whether we are by nature hikers or loggers, we find ourselves "strangers in paradise". We are uncomfortable with the restraints imposed upon us

by the current policies governing particular forests and, regardless of the side we may find ourselves on in a given situation, we are all deeply concerned.

A CONSEQUENCE OF DIFFERENCES

American forest management, for its many values, has become a chaotic situation wholly as a consequence of human differences. Those of us obliged to provide a continuous and increasing flow of wood fiber from our forests view with alarm contemporary trends toward land withdrawal for non-economic use. Men and women who are dedicated to the out-of-doors as a retreat for contemplation and wholesome recreation are equally alarmed at the threat they consider commercial forest management and the nation's wood needs may be to their interests.

And, when the nation is faced with a crisis in housing requiring vast quantities of wood—as it presently is—both sides of the forest controversy dissolve in chaotic consternation.

Each sees his own paradise threatened or forever lost to him. Chaos reigns.

John Milton described the circumstances in his "Paradise Lost":

"Chaos umpire sits,
And by decision more embroils the fray
By which he reigns: next him high arbiter
Chance governs all."

We have, I fear, reached that state in the responsible management of our forest resource for all the people. We have submitted our differences to umpire Chaos and have appealed chaotic decisions to Chance for arbitration.

This is a luxury of indulged whimsy which we as a nation can no longer afford.

That is why I intend to speak out today for a new concept in forest management—a second chance, if you will, to establish orderly fulfillment of the needs and desires of all of our people. I propose that the United States embark upon an era of constructive conservation, an era of enlightenment when all the inherent and intrinsic values of the forest are realized in the interest of the people.

As concerned citizens there is none of us who does not recognize the urgent need to improve the environment for human life. This is just as true of lumbermen as it is of outdoor recreationists. The forests of America are in a unique position to bridge the void between the daily needs of citizens for improved housing as an element of environment and the desire of men to flee the cities and enjoy the beauties and solace of the out-of-doors. Both of these purposes can be accomplished *at the same time*—if we all have the will to make it happen.

ESSENTIAL INGREDIENTS

The essential ingredients of "constructive conservation" are simultaneous realization of all the benefits of the forest and development of a national point-of-view which favors compatibility over exclusivity in terms of forest use.

There may be some who will consider that what I am espousing is already provided in the Multiple Use Act of 1960 which stipulated that National Forests should be managed for timber, fish and wildlife, watershed, grazing and recreation. This is not so.

Multiple Use Act implementation has ignored the second ingredient of "constructive conservation" . . . compatible use rather than exclusive use of given areas for given purposes. Multiple Use has been attacked by the recreationists because it permits the harvesting of timber; it has been attacked by individuals in the forest industries because it requires them to adjust or abandon harvesting operations to the recreationists. It has been honored in the breech by the Forest Service which has increasingly tended to set aside areas for exclusive use of recreationists, sometimes without regard to the timber values involved. Multiple Use has been criticized as a meaningless term—"the people don't understand it", "the people don't want it", "the loggers can't live with it", "the Forest Service declines to impose it"—all these things have been said.

BROADER VIEWS NECESSARY

But each of those statements has been made by someone expressing disdain from a single use point-of-view without regard to the interests of others and with, in the final analysis, total disregard for the best interests of all the people.

I am persuaded that we cannot, as a nation, prolong the series of monologues which have tended to constitute the bulk of our literature on forest use.

If we are to achieve understanding and respect of varying views it is essential that there be constructive leadership demonstrated by the single element of our society which has the strength and the responsibility to accommodate public opinion and public interest. In our system this power is assigned to the Federal government. It is from the government that we have the right to expect attentive consideration of all sides of the forest management issue and objective evaluation of the course which will best serve the nation.

Federal forest management policies today tend to vacillate with the winds of public and private pressures. This is not surprising and is no indictment of the public officials involved. The Forest Service of the U.S. Department of Agriculture, for instance, is the principal manager of the Federally-owned commercial timber lands of the nation. We are honored, as was pointed out in presenting our head table, to have the distinguished Chief of the Forest Service, Ed Cliff, with us. He is a highly responsible official. He is eminently qualified to bear the burdens imposed upon him and he is assisted in his undertakings by other dedicated Americans of the Forest Service—many of whom are with us today.

MR. CLIFF'S IMPOSSIBLE TASK

But Ed Cliff has been assigned an almost impossible task by the public policies with respect to forest management which respond to changes in administration, legislative response to public pressures, and local or regional accommodation to special situations. In addition, his is a head which must wear an almost constantly changing series of hats. He is regularly obliged to wear two and three hats simultaneously and I would guess that he is subject to frequent headaches since the headbands tend to shrink or expand depending upon the particular block upon which they have been shaped.

This fluctuating pressure to which Ed Cliff must respond would not be tolerated by the business executives in any corporation represented here.

It is intolerable that a business executive—and the Chief of the Forest Service operates a timber growing business which returns $300 million in sales receipts to the Federal Treasury every year—he operates a land area twice the size of the State of California—half of which is commercial timber growing land—it is intolerable that such a business executive is denied enduring long-range policy which will enable him to improve his product, broaden its market, and increase its annual sales.

But this is the condition which exists and the Federal government—in both its legislative and executive branches—is the only agency which has either the authority or the responsibility to alter it.

THE NATIONAL TIMBER SUPPLY ACT

Senator Sparkman told us in some detail yesterday the means to this end which resides in the National Timber Supply Act. Our industry considers the reinvestment of Federal timber sale dollars in improved management of Federal commercial timber lands a logical and wholly responsible means to guarantee the nation's future wood needs. It is, we believe, the only feasible way to respond with speed and efficiency to the urgent demands for softwood lumber and plywood imposed upon our industry and upon the nation by the projected housing goals of 26 million units in the next decade.

We intend to work for the speedy passage of this measure, along with the National Association of Home Builders, the United Brotherhood of Carpenters and Joiners, the National Lumber and Building Material Dealers Association, the National-American Wholesale Lumber Association and the many other organizations directly concerned with fulfilling America's housing needs. We are most heartened by the spontaneous support which has been generated in the Senate and the House of Representatives on both sides of the aisle. Sponsors of this bill reflect a true cross-section of our nation and demonstate that our legislators recognize that timber availability holds the key to adequate housing for all our people.

The National Timber Supply Act affords a dramatic demonstration of the interdependency of social progress and natural resource management. It has been heartening to see dedicated preservationists, who have been traditionally antagonistic to timber harvest measures sought by the forest products industry and the Federal forest management agencies, endorse the concept of high yield management of the National Forest commercial timberlands.

RESPONSIBLE ACTION BY ALL

The positive response of the Sierra Club witnesses before the Senate Banking and Currency Committee is a sign, I believe, that where the national interest is clearly revealed and the social need is obviously compelling, natural adversaries can act responsibly together. The Sierra Club, properly, stipulated that intensified management of the National Forests for timber harvest should be undertaken with full consideration of the other forest values. The forest products industry fully endorses this stipulation and asks that the Forest Service fully emulate the practices which have been pioneered in this regard on better managed industrial forest lands.

This mutuality of positions between the Sierra Club and the forest industries is, I am convinced, the first glimmer of what can be achieved under the concept of "constructive conservation." There will, no doubt, be confrontations on specific issues in the future. There will be extremists on both sides who will indulge in invective.

But, it is my earnest hope that in the great middle, the center, if you will, of the dedicated men and women heretofore on opposite sides of the conservation fence, there will be enlightenment and understanding. It is only when the common interest of all the people is properly served that "constructive conservation" can be a reality.

WHO WILL DECIDE?

Who will decide what the policy should embrace? How should the scales be balanced equitably if a choice must be made between areas where timber harvest should be encouraged and areas where other forest use should be emphasized? When should community dependency on timber harvest take precedence over potentialities which might develop as a result of emphasis on recreation and tourism?

These are difficult questions which I am not prepared to answer.

But they must be answered. And they must be answered always in terms of the identifiable needs of all the people of the United

States where public lands are involved. And they must, further, be answered on a foundation of logic and reason and judgment so firmly established that the long-term process of growing timber is not subject to the vagaries of temporary expediency of monentary clamor.

It occurs to me that where issues of public policy affecting the nation's timberlands are concerned the people must look to the responsible public agencies for expertise. In turn, the public agencies must apply their expertise without regard to the pressures from one side or another of the controversy. The Forest Service timber management function, for instance, should not be susceptible to stop-and-go restraints imposed by speculative consideration of realignment of area uses. Growing a crop, and timber is a crop, must be governed by the duration of the time from planting to maturity and harvest. Land committed to a crop must be reserved for that primary use and all other uses must be coordinated with that rather than superior to that use.

This is simply one example of the kind of decision which must be made binding upon the nation if it is to realize the potentials of modern forest management.

WE CAN IMPROVE

And these potentials are remarkable, as most of this audience knows. It is possible to improve timberland through fertilization; it is possible to increase the yield and quality of timber by genetic selection; it is possible to accelerate growth through thinning and spacing; it is possible to maximize the timber harvest through orderly salvage operations. All of these things are being done with great success on industrial forest lands. They should be done on all forest lands so that there need never be any shortage of timber in the United States.

I believe that they will be done as a matter of national policy within the life-times of many of us in this room. I am hopeful that the passage of the National Timber Supply Act, coupled with the assumption of leadership in "constructive conservation" by the Forest Service, will make them happen this year on the commercial timberlands of the National Forest system.

LET THE FORESTERS DO THEIR JOB

The leaders of this crusade towards "constructive conservation" must, of necessity, be professional foresters. The forester—while the nature of his work and his surroundings tend to identify him with rough clothes and rugged physical strength—is a professional man like a doctor or lawyer or a nuclear scientist. He is a highly trained specialist in dealing with the needs of trees from gestation through harvest. He is, if you will, a forest agronomist and ecologist dedicated wholly to the creation of a flourishing balance among trees, wildlife, watershed, recreation and forage. He is a planner and a protector. He is the fundamental factor in determining whether a forest is to become an asset to our society or a curiosity fit only for occasional visits and contributing little to our human material requirements.

The public has for too long viewed foresters as gamekeepers and fire watchers when they should be equated with surgeons, engineers, attorneys, and scientific agriculturists. There has been a tendency on the part of the public at large to respond to preservationist appeals for the *status quo* in the forests when, without the practice of scientific and technical forestry the forest is doomed to eventual decline through age, fire, storm, insect attack, disease, decay and neglect.

I cannot urge strongly enough that everyone in this room, in this capital city, and in the nation at large, rely in the future upon the professional forester to conceive and execute our long-range plans for use of the forests in the United States. This is the only way in which we as a people can have any assurance that the forests of our land will flourish and be replenished in a scientific and wholly contributive way.

TECHNOLOGY CONTRIBUTES

Our industry believes in science and technology, and profesisonalism as a means to greater productivity—not only in the woods—but in the mill and at the jobsite as well. In recent years our industry, through mechanization and product line diversification has been able to increase log utilization remarkably. Saw lumber is simply a primary product of timber as is plywood—bits and pieces, chips, bark, culls, and other odd parts of the logs are converted into pulp and paper, particle board, hardboard, glued laminated assemblies of various kinds, on through the final composite fireplace log. Little is wasted at the mill any longer—and this advancement contributes to "constructive conservation" of our timber resource too.

Construction techniques have been advanced to reduce waste on the jobsite as well. Pre-cut members for modular framing are an example. The elimination of bridging between floor joists is another. Research studies have demonstrated the concept of load-sharing among members in wood frame construction and have thus led the way to reduced dimensions which perform well but reduce the volume of wood fiber necessary to do the job. The long sought-after improved standard will be a major breakthrough in improving the quality and performance of lumber. The new dimensions will save an estimated eight per cent in every stud and larger dimension lumber and that represents a tremendous amount of wood fiber nationwide. In effect, adoption and application of the new American lumber standard will mean that a log which would produce twelve studs today will produce thirteen tomorrow.

BOTH ENDS OF THE LINE

So, we in the industry are working towards "constructive conservation" from both ends of the line—in the woods and on the construction site.

We are determined that our industry will not fail the American people by being unable to meet the wood fiber demands of the nation today, tomorrow and forever.

But to fulfill this commitment we will need help. We will need the help of the Congress in passing the National Timber Supply Act so that the National Forests can assume an appropriate share of wood fiber production; we will need the help and guidance of the Department of Agriculture in doing a better woods job on both public and private lands: we will need the enthusiasm of public and private foresters and those who own the lands of America; we will need the understanding of our purposes and our performance from the people who want to use the out-of-doors for purposes other than wood production; we will need the patience and cooperation of communities, counties, and states.

Most of all we will need the help of Nature itself and of the Creator of all growing things. Blessed with both sunshine and rain, free from storm and destruction, inspired by the wonderment of the seedling, the sapling, and the sturdy forest giant and their endless regeneration we will serve our America.

If we assume and carry forward the promise of "constructive conservation" against all odds, it may be our chance to realize in our own time the words of Isaiah 35:1:

"The wilderness and the solitary place shall be glad for them; and the desert shall rejoice, and blossom as the rose."

God will it shall be so.

Thank you.

MEDICAL MISSION TO DOMINICAN REPUBLIC INSPIRING FOR ATTLEBORO'S DR. RODGERS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Attleboro Mass., Sun recently contained an article which described a medical mission to the Dominican Republic, under the auspices of the Christian Medical Society. Dr. Theodore Y. Rodgers III, of Attleboro, his son, Ted, and Miss Gail Bunce, R.N., of the operating room staff of Sturdy Memorial Hospital, participated in this visit. In the face of extreme discomfort and primitive conditions, the group brought medical attention to village clinics and provincial hospitals in the Dominican Republic. This type of selfless, charitable venture is truly inspirational, in an age where few of us find time to give of ourselves for the benefit of others. I know that my colleagues will share my interest in the Attleboro Sun's account of Dr. Rodgers' trip. The article follows:

MEDICAL MISSION TO DOMINICAN REPUBLIC INSPIRING FOR ATTLEBORO'S DR. RODGERS

Although it took almost five months to prepare for a medical mission that lasted only two weeks, Theodore Y. Rodgers III, M.D., of this city considers the personal benefits greater than any inconvenience that may have been incurred.

It was last October that Dr. Rodgers made a firm commitment to join a medical caravan of 75 from the United States and Canada to work under the auspices of the Christian Medical Society on its annual visit in the Province of Puerto Plata, Dominican Republic. Volunteering to go with him were his son Ted, a senior at Attleboro High School, and Miss Gail Bunce, R.N., of the operating room staff at Sturdy Memorial Hospital.

SOME 180,000 INHABITANTS

"There are 180,000 inhabitants in a peripheral 50 or 60 miles from the capital," says Dr. Rodgers, "and, as travel is mostly by burro, they look to an itinerant team to meet some of their needs. Yet, through the efforts of five medical teams traveling into the villages, care was given to only some 10,000."

Members of the caravan reported that they went to the Dominican Republic to be of service to those less fortunate than themselves, "but many times we were rewarded with kindness and expressions of appreciation that made us feel we had received far more than we had given."

In the village clinics, where diseases associated with malnutrition and parasitic infestations were encountered, villagers were instructed on the importance of boiling their drinking water and milk, proper disposal of waste products, and use of foodstuffs for proper nutrition.

At the provincial hospital, surgical procedures were performed for hernia repairs, bleeding gastric and duodenal ulcers, tendon injuries, revisions of scar contractures due to burns, and acute and chronic bone infections. There were also caesarian sections and procedures for the correction of gynecological disorders.

All equipment and supplies, including drugs, were brought by the caravan under the auspices of the Christian Medical Society.

Dr. Rodgers says, "In addition to the practice of medicine—ministering to the body—the members of the Christian Medical So-

ciety believe that they also have a responsibility for spiritual ministry to the souls of those with whom they come in contact through their medical mission.

"In order to accomplish this purpose, the caravan distributed religious literature, held special Gospel services, and showed a series of motion pictures produced by the Moody Institute of Science. These films were the same ones viewed by millions at both the New York World's Fair and at Expo under the title "Sermons from Science." These films had been produced with a Spanish text so that all could understand the message.

"Aware of the words of Christ found in the Scripture in St. John 5:24—'Verily, verily, I say unto you, He that heareth my word and believeth in Him that sent me, hath everlasting life and shall not come into judgment, but is passed from death unto life'—the caravan considered it a special privilege to see lives helped physically as well as spiritually. The experience has helped to develop a new outlook and purpose in life."

CONTINUED EXCELLENCE IN JOURNALISM BY THE LOS ANGELES TIMES, RECENT WINNER OF TWO MORE PULITZER PRIZES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to call to the attention of this distinguished body the outstanding record of public service and excellent journalistic achievement which has been compiled by one of the finest newspapers in the country, the Los Angeles Times. The Times has recently been the recipient of two Pulitzer Prizes for their superb journalism.

This fine newspaper has consistently maintained a high interest in civic affairs and in championing honest and responsible local government for the city of Los Angeles. I would like to offer the following article from the Los Angeles Times describing the awards and those responsible for these high journalistic honors:

TIMES HONORED WITH TWO PULITZER PRIZES—EXPOSE OF WRONGDOING IN CITY GOVERNMENT, COVERAGE OF VIET WAR EARN COVETED AWARDS

(By Richard Dougherty)

NEW YORK.—The Los Angeles Times won two Pulitzer Prizes Monday, one for exposing wrongdoing in Los Angeles city government and the other for coverage of the Vietnam war.

The gold medal for meritorious public service was awarded to the newspaper for its city government articles, while the international reporting award went to staff writer William Tuohy.

Tuohy, now assigned to Beirut, formerly headed the Times Bureau in Saigon.

The public service award was in recognition of more than two years of investigations into various city commissions.

The Times' findings led to the indictment of five city commissioners appointed by Mayor Sam Yorty. Three have been convicted of bribery and criminal conflict of interest. Two are awaiting trial.

RESIGNATIONS FOLLOWED

The articles also led to the resignations and transfer of other commissioners, the cancellation of questionable contracts and the launching of steps toward municipal reform.

Several members of The Times' metropolitan staff participated in the municipal investigations.

George Reasons, The Times' chief investigative reporter, began the assignment in 1966 with a study of planning and zoning irregularities. He later was joined by staff writer Art Berman as the investigation continued and expanded into the Harbor Commission and Recreation and Park Commission.

Staff writers Gene Blake, Robert L. Jackson and Ed Meagher also assisted in portions of the investigations. . . .

Tuohy, 42, is the fourth American correspondent to win a Pulitzer Prize for his Vietnam war reporting. In recognizing Tuohy, the trustees of Columbia noted that "few correspondents have seen and written more about the war in Vietnam than William Tuohy of the Los Angeles Times. . . . Mr. Tuohy has known . . . what it means to be in danger and sometimes under fire. He has been in every part of South Vietnam, from the delta to the DMZ, and he has reported virtually every major operation since President Johnson's decision to escalate the war in February of 1965."

Among Tuohy's prize-winning dispatches were reports from the Marine battle to liberate Hue from the North Vietnamese during the Tet offensive, on the surrounded American garrison at Khe Sanh, and on the court-martial of Marine Pvt. Robert J. Vickers. The only one of seven marines who pleaded innocent to a murder charge, Vickers received a life sentence at hard labor while his co-defendants received light sentences. Following Tuohy's article, Vickers was freed.

Tuohy served as The Times' Saigon bureau chief from July, 1966, to last October, when he was assigned to head coverage of the Arab world.

A native of Chicago, Tuohy entered journalism as a copy boy for the San Francisco Chronicle in 1952, serving later as a reporter and night city editor until 1959, when he joined Newsweek magazie.

WIDE EXPERIENCE

In seven years with Newsweek, Tuohy was successively a reporter, writer, assistant national affairs editor, and national political correspondent. His cover stories for the magazine included articles on Presidents John F. Kennedy and Lyndon B. Johnson, the Cuban missile crisis and the 1964 national elections.

His Vietnam experience dates from his assignment to Newsweek's Saigon bureau in December 1964.

Tuohy served two years in the Navy in World War II, spending time in China and the Philippines. Afterward he entered Northwestern University and was graduated with honors in 1951.

He is married to the former Johanna Iselin and they have a son, Cyril.

EXPOSÉ BRINGS PRAISE

The Public Service Award given by the trustees to The Times cited it for its "exposé of wrongdoing within the Los Angeles city government commissions, resulting in resignations or criminal convictions of certain members, as well as widespread reforms."

As a result of the Planning and Zoning Commission inquiry, two commissioners resigned and two others were transferred.

In the Harbor Commission Investigation, two commissioners were convicted of bribery, one was found guilty of conflict of interest, and a $12 million city contract was canceled. One commissioner is awaiting trial.

In the Recreation and Park Commission investigation, two commissioners resigned and a golf course contract was canceled.

One of the commissioners named in the articles was indicted for bribery.

Overall, the Times investigations led to a study of the whole structure of the Los Angeles city government with a possibility of eventual city charter reforms.

ACTION NEEDED TO HALT GUN REGISTRATION BY PROXY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ASHBROOK. Mr. Speaker, in an effort to rectify a runaway interpretation by the Treasury Department last year of its authority under the Gun Control Act of 1968 to issue rules and regulations pertaining to the sale of ammunition, I am introducing today a bill to curb this bureaucratic excess and reflect the will and intent of Congress.

My bill would exempt ammunition from Federal regulation under the Gun Control Act.

Action by the Congress to halt what has become registration by proxy is essential to correct the insidious form of registration required by the IRS regulations. These regulations are in direct contravention of the intent and purpose of the Congress and are but another example of the continuing erosion of the individual's right to privacy when no public good is served by requiring such disclosure.

The provision approved by the Congress in section 922(b)(5) requires the licensed importer, manufacturer, dealer, or collector to record only the name, age, and place of residence of each person to whom he delivers or sells any firearm or ammunition. Form 4473, the "Firearms Transaction Record" required under the Treasury Department regulations calls for the following information: date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, and mode of identification—driver's license—other, specify. We see then that the three original requirements have grown to eight already.

Clearly the Secretary has misconstrued the intent of Congress. The gun buyer, in completing this form, is in fact registering himself and his firearm. The Congress specifically and decisively defeated an amendment last year that would provide for gun licensing and registration. I have consistently opposed registration and did so then, as did a majority of my colleagues. Consequently, I cannot stand idly by and countenance this flagrant departure from the will of Congress and, I feel confident, the will of the people. Simply put, the Treasury Department action amounts to a repudiation of this intent.

We have made the mistake in the past of making broad delegations of power to executive departments and agencies, and the trend in the past few years has been to grant virtually every power conceivable. Perhaps our delegation of powers was too broad in the Gun Control Act of 1968. Either that or the Secretary be-

lieved he was given much broader discretion in this matter than the Congress intended to vest in him.

In any event, we have an executive agency of the Government hamstringing law-abiding citizens and gun dealers with burdensome, costly, and time-consuming redtape. You would be hard pressed to make them think they had not just gone through a registration procedure. This is a result that the Congress not only did not intend but, more important, expressly rejected. I do not believe the Congress should condone the action of the Internal Revenue Service which accomplishes by regulation what the Congress would not sanction by law.

By exempting ammunition from recordkeeping requirements amounting to registration, the dealer and law-abiding sportsman would not be encumbered by a lot of unnecessary redtape which does not serve to keep firearms out of the hands of criminals. No one should be so naive as to think that regulations making it difficult to purchase firearms for legitimate purposes would in any way impede the unlawful conduct of the criminal or prevent him from securing a gun.

I have on numerous previous occasions expressed my vehement opposition to efforts to register firearms and this opposition extends to de facto registration. The present IRS regulations, if not modified now to reflect the will of Congress, might well lead to de jure registration requiring completion of a form that resembles the proposed 1970 census questionnaire.

PRESIDENT'S NIXON'S VIETNAM TALK

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. HASTINGS. Mr. Speaker, President Nixon's address to the Nation last night was a clear enunciation of perhaps the most agonizing problem confronting the Nation today.

He carefully spelled out the complexities of Vietnam and the need for establishing a durable peace instead of temporary truce. His call for a mutual withdrawal of troops is certainly fair and reasonable and leaves leeway for negotiations.

And once again he has emphasized to the world that the United States is concerned only in assuring that the South Vietnamese people will be able to choose their own government in a freely conducted election.

I was happy to hear the President stress again the need for unity here at home. To me, this is so important to our peace efforts in Paris. Hanoi cannot understand that in a democracy such as ours it is possible to have differing points of view but still be united when it comes to the common good and safety of our country.

But Hanoi must be made to understand that bearded, bead-wearing, sign carrying minorities do not speak for the great majority of seriously concerned and loyal Americans. As President Nixon said, we must remain firm in our goal to secure a meaningful end to the war without abandoning the ideals for which so many of our young sons have already given their lives.

CHICAGO'S WBBM EXPLODES INACCURACIES BY THE NEW STATESMAN OF LONDON

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. PUCINSKI. Mr. Speaker, on May 9 and 12, radio station WBBM, a Columbia Broadcasting affiliate in Chicago, performed a most noble and public service by editorially exposing a series of falsehoods which appeared in an article written about Chicago by a young lady named Victoria Brittain. Her scurrilous attack on Chicago's mayor appeared in the April 18 issue of the New Statesman published in London.

Mr. John Madigan, public affairs commentator for CBS in Chicago, deserves the highest plaudits for bringing to electronic journalism the highest standards of fair play.

Mr. Madigan's scathing denunciation of Miss Brittain's shameful inaccuracies brings to mind an old saying by Damon Runyon that an irresponsible reporter at a typewriter is more dangerous than a drunk doctor in an operating room. Damon Runyon obviously must have anticipated Miss Victoria Brittain's scandalous irresponsibility as a journalist. I hope that if Miss Brittain even returns to the United States that those in public office will remember well her total lack of credibility and treat her with the scorn she has so deservedly earned in her irresponsible article about Chicago.

Mr. Madigan's excellent editorial follows:

EDITORIAL BY JOHN MADIGAN

The April 8 issue of The New Statesman . . . published in London . . . has been sent to me.

A prominently displayed article is titled: "Whatever happened to Mayor Daley?"

It bears the by-line "Victoria Brittain." Indiana Congressman John Brademas ran interference for Miss Brittain . . . who showed up at police headquarters some weeks ago saying she wanted to do an article on the managerial process of the force.

She wanted to talk to Capt. Pat Needham . . . executive assistant to Superintendent Conlisk. Capt. Needham was attending a funeral . . . so Miss Brittain left the building without picking up anything more than a couple of "hellos."

This seemingly routine background is important . . . because Miss Brittain's article isn't about managerial process . . . but is another in a long list of scathing attacks on Mayor Daley appearing in foreign newspapers since the Democratic convention.

If it were just another attack . . . fine. Mayor Daley made some serious mistakes in planning for the street demonstrations . . . so did the police.

But Miss Brittain's article is loaded with errors of fact . . . compounded by erroneous conclusions based upon them.

The thrust of the article is that Mayor Daley is no longer "Lord God" . . . that the skids are gradually being put under him . . . but the erosion isn't as fast as desired . . . so he'll be around for a while.

He is described as a "proud . . . choleric . . . almost illiterate . . . yet cunning man" . . . who rules through patronage and favor . . . using the blacks . . . buying Republican business support through federal programs . . . and directs a head-cracking police force.

Errors abound in filling out this skeleton. A few examples: The impression that Negroes . . . particularly Catholic black . . . are moving away from the regular Democratic organization en masse. Not true. Ask Independent Alderman Fred Hubbard.

Blaming Mayor Daley for losing the aldermanic race in the 44th ward! Not true. It was a ward matter. The independent won because the Jewish vote stayed with him solidly . . . while Republicans voted for him just to be anti-city-hall.

Identifying Ab Mikva as completely independent . . . and beating Daley's nominee for congress. Mikva was the regular organization's choice this time because he couldn't be beaten. But the incumbent he defeated wasn't downtown's selection. He was asked to step out gracefully . . . and be taken care of . . . and he refused.

Lauding Adlai Stevenson as having "total contempt" for the machine. Well . . . he used it . . . its money . . . and his father's name . . . or he wouldn't be where he is today. And right now he's seeking power.

Implying the Daley Machine put Dick Gregory in jail. Not true. And yes he is black and a pacifist . . . but he is not much loved.

The errors run on . . . as to why Republican businessmen support Daley . . . on branch banking and currency exchanges.

On the circumstances under which an FBI man used walkie-talkies at the trial of a convention demonstrator . . . on the status of Governor Ogilvie's reform bills.

Telling of policemen being screened for duty at the assassination anniversary of Martin Luther King . . . when it was actually for an anti-Viet Nam march the next day.

Chicago's American (now Today) isn't raising a defense fund for the indicted convention cops. Its Columnist Jack Mabley is . . . and he and his paper differ strongly on Mayor Daley's convention role. Mabley criticizes him and the police . . .

Complaints that Daley is olympian to newsmen. The truth is he has had more news conferences in office than most other important officials in government. And his people are not spreading the word he'll run again. They don't know a thing.

Most vicious is the description of him as "illiterate and cunning." He's a lawyer with extensive knowledge of government and finance . . . and amazingly frank . . . except to dishonest news people like Victoria Brittain.

John Madigan . . . WBBM Newsradio 78.

RETIREMENT OF MATTHEW DEMORE, GENERAL VICE PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. VANIK. Mr. Speaker, on Saturday, May 31, 1969, Matthew DeMore, retiring general vice president of the International Association of Machinists will be honored with a testimonial dinner by his "home" IAM District 54. The testimonial

committee is chaired by Mr. James N. Iafelice, president of IAM District 54 and cochaired by Mr. Ed Moss, secretary-treasurer of district 54.

Few people within public service or in the labor movement in this country can point to the devotion and wholehearted involvement which Matt DeMore has shown in his work with the machinists and with our Greater Cleveland Community and the Nation.

Matt is blessed with a fine wife, Mary, whom he married in 1923. They have five children and 14 grandchildren.

Matt was born in 1903 in Cleveland and attended Murray Hill and East high schools. Working as a newsboy at age 9 and as a part-time hardware store clerk at age 11, Matt left school at age 16 to become a blacksmith's helper with the Michigan Central Railroad in Detroit. He returned to his native city to work with Electric Vacuum Cleaner Co. as a maintenance machinist.

In 1935, Matt joined IAM Lodge 439 serving as shop steward. In 1936, he was elected president. By 1938, Matt was elected president of IAM District 54 and served as president of the district for 22 consecutive years. During these critical years in the labor movement, Matt also served as vice president of the Ohio State AFL–CIO and as legislative director of the Ohio State Council of Machinists.

By 1961, Matt's talents were fully at work and he was elected IAM general vice president assigned to the northeast territory during 1961–64. Since the middle of 1954, Matt has been assigned as resident vice president at IAM Washington headquarters.

Besides all of the obvious achievements which have marked Matt's extensive career in the labor movement, those of us who have been privileged to work with him know him as a fair, just, and good man. I know no higher praise that can be paid to any man.

The entire community is grateful for the exemplary leadership of this fine citizen.

FATHER MICHAEL HREBIN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. GAYDOS. Mr. Speaker, on May 8, at Ascension Auditorium in Clairton, Pa., I had the privilege of attending a parishioner-sponsored banquet honoring Father Michael Hrebin on the 20th anniversary of his ordination to the holy priesthood and 10 years of pastoral service to the Ascension of Our Lord Byzantine Catholic Church.

Father Hrebin is an exemplary man of the cloth, who, in addition to his spiritual guidance, has engendered a spirit of unity among his parishioners which has resulted in many physical renovations and a warm, cooperative family spirit.

I include herewith for the RECORD and invite the attention of my colleagues to a brief historical sketch from the banquet program.

FATHER MICHAEL HREBIN

Father Michael Hrebin studied at St. Procopius Seminary in Lisle, Illinois and was ordained to the Holy Priesthood on May 8, 1949 at St. Mary's Church in Whiting, Indiana by Bishop Daniel Ivancho. Thereafter he served in two assignments as assistant pastor, to Father Joseph Hanyulya of Holy Ghost Church in Cleveland and to Father Alexander Papp of St. Michael's Church in Gary, Indiana. In 1952 Father Hrebin became pastor at Holy Spirit Church in the Oakland district of Pittsburgh. On November 1, 1959 he was assigned to his present position as pastor of the Ascension of Our Lord Church in Clairton, Pennsylvania.

Father Hrebin was born in Swoyersville, Pennsylvania, a son of Anna, nee Pauley, and Michael Hrebin, Sr. His sisters are Ann and Theresa (Mrs. John Depcrymski). His brother, Joseph, is a physician in Bridgeport, Connecticut. A second brother, Daniel, died while studying for the priesthood.

The spiritual success of Father Hrebin is reflected by increases in attendance at Mass and in the number of communicants. In addition he has encouraged, cultivated and strengthened other beneficial spiritual programs. Among these are the Confraternity of Christian Doctrine which provides religious training from the first through twelfth grades, a large and well trained group of altar boys, a very active Sodality and an enthusiastic choir.

Father has also been involved in extra-parochial programs, including the Catholic community lenten lectures and activities of the Catholic Youth Organization. In the areas of ecumenical and community affairs, he was one of the founding group of the Clairton Mayor's Prayer Breakfast and he serves on the city's Human Relations Commission.

Father Hrebin's musical interests originated in his youth. He was taught piano, violin and music principles by the late Father Francis Jevnik. With this background and influenced by a family tradition of seven cantors—his father, maternal grandfather and five uncles—he became cantor at the Lyndora parish at the age of sixteen, serving for two years before entering the seminary.

As a seminarian, Father Hrebin directed the St. Procopius Choir. While at St. Michael's in Gary he directed the two hundred voice Mid-West Byzantine Catholic Chorus. Among other activities publicizing our Rite, the group sang at Notre Dame University and at the Holy Name Cathedral in Chicago. Similarly, in the Pittsburgh area he directed the five hundred voice Western Pennsylvania Catholic Chorus. This group sang frequently at the annual pilgrimage to Mount St. Macrina and at other religious and social functions. It was at Mount St. Macrina in 1953 that the Most Reverend Bishop Fulton Sheen celebrated the first English Mass using music arranged by Father Hrebin. To help preserve our music, Father has served as Choir Director and Professor of Chant at SS. Cyril and Methodius Seminary and as first Director of the Diocesan Cantors Institute. At Ascension Father has trained the choir and encouraged its participation in parish and local programs.

In addition to his parochial spiritual duties and his musical interests, Father has participated in Diocesan affairs as Director of Retreats, Notarius on the Matrimonial Tribunal and member of the planning committee for the first Diocesan newspaper. Early preparation for this work involved summer classes in Catholic action and social action at Catholic University in Washington, D.C.

A major accomplishment of Father Hrebin's pastorate at Ascension is the growth of a cooperative family spirit. Soon after his arrival this growth began as energetic and talented parishioners donated time to repair and renovate the Church basement and the rectory. If a single project can be cited as the focus of such activity, it is the parish auditorium. From the beginning Father has encouraged the voluntary sacrifices of the people which have made the program a success, from the fund raising stage through the present operational phases. It is on this foundation that much of the future progress of the parish can be based.

As a center for parish social activities Ascension Auditorium reflects the dedication of the people whose support makes it possible. Parish social nights and holiday programs foster a warm family atmosphere in which young and old can participate. In attracting diocesan and community functions the Auditorium serves to highlight the spirit of Christian hospitality and co-operation which Father Hrebin encourages.

TWENTY-FIRST ANNIVERSARY OF ISRAEL'S INDEPENDENCE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ROONEY of New York. Mr. Speaker, in spite of the unrest and uncertainty presently prevailing in the Middle East we can join happily with all our Jewish friends and neighbors in observing the anniversary of Israel's independence. Jews throughout the world give pause to offer prayers of thanksgiving for the little nation which becomes 21 years old today and they extend warmest congratulations and greetings to the leaders and people of Israel on reaching this historic national milestone.

American Jewry is particularly happy on this day and proud to pay tribute to Israel, for in a large sense they look upon this strong young nation with justifiable paternal pride. Without the continued and unflagging help of the officers and workers of the United Jewish Appeal there would be no Israel today. Without the help of many other fine Jewish organizations and without the generous and selfless help of thousands of individual Americans of Jewish extraction there would be no national homeland for Jews today.

I take great pride in having worked closely with these great leaders for well over 20 years. I prize the cooperation which they extended to me and to many of you in helping to secure the enaction of legislation which helped to create Israel. I am grateful for this help to those of us in Congress to assure the extension of U.S. assistance to this brave new nation. For coupled with the magnificent contributions of private funds and resources, the Federal Government has made available enormous economic aid in grants and loans. It has supplied military assistance and furnished generous contributions of food, medicines, building supplies, as well as aid to schools and colleges.

It seems hardly possible that 21 years have elapsed since so many of us here today were beginning to realize success for our years of effort to bring about the establishment of a sovereign nation to be called Israel. But it is even harder to realize the truly miraculous accomplishments which the people of Israel and

her leaders have made in such a short time. In visiting Israel today one has difficulty in believing what his own eyes behold when he sees about him throbbing cities, a network of modern highways, fertile farms and orchards fed by thoroughly up to date irrigation projects.

If one's visits to Israel have spanned the full 21 years of statehood as mine have, it is difficult to overcome the memory of barren wastes and uninhabited desert vastness which are now no longer visible. Instead what might be termed a "continuous oasis" makes a mockery out of memory.

I have taken real pride in visiting the schools and colleges established and maintained by funds appropriated by this body. I have talked with students and have marveled at their earnestness and their zest for learning. I know that from their ranks will come many of the future leaders of Israel.

Mr. Speaker, these 21 years have wrought many changes in Israel, for in her early infant days I saw great relentless pride fully adequate to protect and safeguard the independence which these pioneers had struggled for so long and so arduously.

I have met heroes on every visit—heroes who have distinguished themselves on the battlefield, heroes who have won battle after battle in the halls of international diplomacy and heroes who have conquered the elements and the ravages of nature as well as man's corruption of a once fertile area.

On the farms and in the city, from young and from old, I caught the contageous fever of progress. I sensed the national pride of achievement and I sensed, too, the nationwide impatience to get things done not today or tomorrow but yesterday. So I have found on each successive visit to Israel less suffering, less poverty and more happiness—happiness that comes from doing and achieving.

All of us are mightily concerned with the position into which Israel has been projected in the extremely delicately balanced scales of the Middle East. We shudder at the thought of even the slightest tipping of these scales which could set off the flame igniting the powder keg which would jeopardize the promise of peace not only in that area but throughout the world. Some of us have even stronger fears that the well meaning but shortsighted attempts being generated to soothe the frayed nerves and reconcile the deep-rooted differences in that area might result in a disastrous peace at any price—even at a price of national honor and the impairment of the sovereign status held so dear by our friends in Israel.

Mr. Speaker, it would be well for all of us to realize how serious are the problems confronting the world—major powers and lesser powers alike—in and around the youthful state of Israel. They are far more significant than border clashes or occasional head-on collisions of competing military units serious as these may be. These problems are a part and parcel of the real and political conflict of our concept of man's right of advancement by means of self-determination in contrast to the Kremlin's long recognized aim of obtaining and retaining political and economic domination by utilizing puppet regimes to maintain a vassal state.

It ill affords Americans, particularly those of us in this body, to allow our anti-Communist defenses to deteriorate or to permit the siren songs of coexistence to fall upon unplugged ears in these days when the Kremlin seems more preoccupied with maintaining its control over its squirming, protesting, and unhappy puppet states than with more active attempts to achieve worldwide expansion of communism. We must keep ourselves constantly informed and ever alert to meet this awful threat hovering over the future of Israel.

Once more I congratulate the people of Israel and their leaders for their remarkable achievements for the past 21 years. I congratulate them upon reaching their majority. I wish them many years of solid growth and prosperity devoid of the tensions and peril to which they have so long been subjected. I congratulate, too, our fine Jewish organizations for the efforts they have made over the years to permit us to share today in the observance of Israel's 21st birthday.

BALANCE OF PAYMENTS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. O'KONSKI. Mr. Speaker, on April 23, Mr. Edward Littlejohn, director of public affairs for Chas. Pfizer & Co., testified before the Subcommittee on Foreign Policy of the Committee on Foreign Affairs.

Mr. Littlejohn is one of the most eloquent spokesmen of the business community on balance-of-payments problems. I commend his statement to my colleagues:

My name is Edward Littlejohn. I am Director of Public Affairs of Chas. Pfizer & Co., Inc. In the past eighteen years since Pfizer International has existed, we have established Pfizer organizations in 56 countries, including manufacturing facilities in 32 countries. Slightly under 50% of the sales and earnings of Chas. Pfizer & Co., Inc. come from operations abroad. Pfizer is among the very few, that is some 15, U.S. companies with foreign sales in the neighborhood of 50% of total sales. In 1968 our sales abroad amounted to $333 million.

Mr. Chairman, we support Congressional Resolution No. 85. We believe that the foreign direct investment controls should be promptly removed. We believe that they are not a cure for our basic payments problem and that in fact they work in the other direction.

International business is basically no different from domestic business. International business operations are a natural outgrowth of domestic operations. One can no longer separate the two. Just as the railroad, the automobile, and finally the airplane created the U.S. continental market, so jet aircraft and electronic communications are uniting vast areas of the world in one market with similar tastes and similar business possibilities. American business is reaching out to serve those markets with exports, licensing arrangements, marketing organizations, and production facilities as conditions require.

I emphasize the phrase "as conditions require." Prior to World War II international business was done largely through exports but under changed conditions, including the worldwide desire for the development of industry, companies have found it necessary to establish local marketing and production facilities. The result is that whereas exports are currently running at about $33 billion, deliveries from production facilities abroad probably amount to a figure of four or five times this amount or some $150 billion.

Since 1950 the amount of funds sent abroad annually to establish and feed international business operations has been growing at the rate of 10% a year. In the years 1950–1967 these dollar outflows amounted to $30 billion, a sizeable amount, but—and this is the important point—they resulted in dollar inflows amounting to $53 billion, leaving a positive balance of $23 billion. These outflows represent business investments not significantly different from investments in our domestic businesses. American businessmen have made these investments abroad because they believed that they were necessary not only to maintain but to increase market shares and contribute to the profitable growth of their companies. Their judgments have been confirmed in the substantial dollar returns these investments have generated. They are investments made with the expectation of good returns, and let me emphasize good returns in dollars to the parent company and hence to stockholders in the United States. An automatic balance of payments guideline is necessarily built into the objectives of international business management. The dividends of the U.S. parent company are paid in dollars, and it expects its international subsidiaries to contribute their share of them.

In these circumstances businessmen find it difficult to understand how restrictions on the freedom to expand profitable operations abroad can be regarded as a means of strengthening the balance of payments. One wonders where we would be today if these investments had not been made. And in fact we do know where we would be. From 1965 the favorable U.S. trade balance has been steadily falling:

	Billion
1965	$4.8
1966	3.7
1967	3.5
1968	0.09

Admittedly 1968 was a very abnormal year, but the trend is unmistakable. For 1969, we might get the trade surplus up to $2.5 billion, but even that is uncertain. On the other hand the net inflow on direct investment maintains a steady and continuous contribution to the balance of payments:

	Billion
1965	$1.5
1966	1.6
1967	2.6

Though the foreign direct investment program has abnormally boosted these inflows, the pattern was established before they were instituted. I should add that these figures do not include the inflow from exports to affiliates. It has been officially estimated that these exports generated by direct investments abroad represent some 25% of U.S. exports. Indeed if we also deduct from the trade balance government-financed exports and deduct an estimate of the exports due to direct investments, there is no doubt that the contribution of direct investments to the balance of payments has in recent years been considerably greater than that of trade. Without the investments that American business has made abroad since 1950 and the returns generated by them, the condition of

our balance of payments would surely be catastrophic.

The question is continually asked, "Has business been hurt by the controls?" I have not access to the data on the experiences of individual companies. It is clear that some companies have been hurt and gained some relief. Some have been hurt and not gained relief. On the other hand, many mature businesses are flexible enough and have a sound enough credit position to be able to increase net inflows for a year or two without suffering liquidity problems. In some cases it is possible that cash and inventories can be reduced without harm to operations, but obviously there is a limit to this kind of adjustment and that limit is reached in short order.

There has been a tendency to regard the great increase in borrowings abroad by American companies as a welcome result of the direct investment regulations. Undoubtedly they have to an extent increased the development of European capital markets. There is, however, another side of the coin. American companies are being forced by the regulations to increase their debt equity ratios and not for sound business reasons. In floating convertible debentures we are potentially placing a greater proportion of the ownership of our companies in the hands of foreign investors. In increasing our bank loans similarly we are increasing the claims of foreigners on the earnings of our business operations abroad. The effect of the vast borrowings by the overseas affiliates of U.S. companies is in a sense therefore disinvestment. The United States is reducing its creditor and increasing its debtor position when it is clear that it is precisely the opposite trend that is needed for the strengthening of the payments position of the United States.

There are other effects of the program which by their nature cannot immediately be observed but are bound to become visible in the near future. In the years since World War II the United States has until recently given an example of leadership in the freeing of international trade and investment from regulations and controls. In the past few years, however, the signs have multiplied of a change in U.S. policy. There is the exchange equalization tax, controls over bank lending abroad, the voluntary direct investment program, the mandatory program, and the discrimination against foreign income in the surtax legislation. In the past official spokesmen have reiterated that there is no change in U.S. policy. The record of these actions must, however, speak louder than words. The fact is that by these measures the United States is encouraging a return to the days of stifling controls over international transactions and progressively increasing the uncertainties confronting American businessmen.

I said earlier that the effects of these uncertainties were bound to become visible. I would like to correct that statement. These effects are already visible. According to a story in the New York Times of March 25th describing a recent report of the Department of Commerce, the rate of increase of U.S. investment abroad is slowing sharply. The Department of Commerce has now reported that nearly final figures for 1968 indicate an increase of only 3% over 1967 which if confirmed by final figures later this year will be the smallest rise since 1960. For 1969 the report projects an increase of 7% over 1968 in total investment in plant and equipment abroad—a figure as large as 1967 and more than 1968 but still far below the growth in the years up to 1966. Moreover, these figures refer to total investment. In 1968 investment in manufacturing actually declined. It declined by 6% and only a small increase is being planned for 1969.

There is another element in this situation that it is important to mention. The rapid increase in U.S. investments in foreign markets could hardly have taken place without imposing some significant challenges to the diplomatic skills of American businesses. We must remember that the business operations which are the source of such significant inflows into the United States are under foreign jurisdictions. Our foreign affiliates are in effect foreign companies, employing foreign nationals, using foreign land, foreign labor, and to some extent foreign capital, and they are often significant elements in the local economy. Management has thus obligations to local jurisdictions which in the final analysis can be enforced by local law. It is clear then that the security of these dollar earning assets depend upon the prudence with which we fulfill these obligations and the degree to which we are successful in reconciling the interests of the investor and the host country. It is hardly necessary to point out that this delicate situation is seriously aggravated by the U.S. direct investment controls. They declare in effect that these foreign registered companies are American companies whose earnings are subject to the extraterritorial jurisdiction of U.S. laws and regulations and that at any time they will be regulated to serve U.S. purposes. In a world in which the spirit of nationalism has been intensified with the multiplication of nation states there could be no policy more calculated to threaten the climate for American investors abroad. Reactions have already occurred in some countries, where limitations have been placed on the freedom of banks to lend to U.S. affiliates, and in other ways all over the world there is evidence of an increasing sensitivity to the potential dominance of American companies. The "American challenge" in the sense of management and technological skills is unfortunately being exacerbated by the political challenge expressed in the foreign direct investment controls.

In summary then, this is our position. The business operations abroad of American companies have developed in response to the growing opportunities of the world economy. They are the necessary business response to the conditions in individual markets. The investments now represented by these operations were made, as are other business investments, in order to generate returns—returns to finance future growth and also, and just as important, returns to the parent companies in the United States. These latter returns have now grown to the point that they represent a major source of the foreign exchange necessary for the strength of the U.S. payments position. The foreign direct investment controls strike at the continuing expansion of these operations, and by their extraterritorial claims, threaten to generate reactions which will worsen the climate for U.S. trade and investment abroad. On both scores, the maintenance and increase of the net inflows referred to above will be adversely affected. For all these reasons the controls are presently counterproductive and will become more and more so as time goes on. In the interests of international business and the growing contribution it can make to our balance of payments, in the interests of the United States and a growing world economy, I urge support of Concurrent Resolution No. 85 as an expression of the sense of Congress that the foreign direct investment controls should be promptly terminated.

EUGENE KINNALY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, I join my colleagues in mourning the loss of our dear friend Eugene Kinnaly. A dedicated and distinguished public servant, Gene Kinnaly loyally assisted our beloved Speaker for many, many years. And, as the trusted aide of the leader of this body, Gene Kinnaly, at one time or another assisted everyone of us here. He was devoted to his official duties, but he was also the sort who always walked the extra mile in behalf of his fellow man.

A person of true humanitarian impulse, Gene Kinnaly's presence was felt and appreciated on Capitol Hill—and throughout the Commonwealth of Massachusetts as well.

He enjoyed the universal respect of all who knew him because of his comprehensive abilities, tireless efforts, and great compassion. Friendly and warm, trustworthy and sincere, devoutly religious, Gene Kinnaly was the epitome of virtuous conduct. These qualities were acknowledged by all who knew him. Let the records of this body always show a tribute to Eugene Kinnaly, whose outstanding abilities and lifetime dedication will never be surpassed.

MARYLAND GOVERNOR URGES RESOLUTION TO PISCATAWAY PROBLEM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. HOGAN. Mr. Speaker, I wish to call the attention of my colleagues to an intolerable situation which desperately needs correction. Prince George's County, one of the counties in Maryland which I represent, needs an effluent line from its sewage disposal plant at Piscataway Bay to curb water pollution and solve a serious health hazard. Local officials have requested a permit from the National Park Service to run an effluent line underground across Piscataway Park for the purpose of discharging effluent into the Potomac River. This would reduce the current pollution of the Potomac as well as Piscataway Bay. Here are the essential facts in the situation:

In 1962 a sewage disposal plant site was selected on the shores of the Potomac upon the recommendation of consultants. However, the Secretary of the Interior at that time, Stewart Udall, objected to the plant being located on the river because it would be an eyesore from Mount Vernon.

The Washington Suburban Sanitary Commission agreed to move the site inland to the present location if Secretary Udall would agree to the issuing of a permit. He assured the WSSC that the Interior Department would cooperate.

The plant was moved inland and constructed, but the Department of the Interior refused to issue the permit to cross National Park Service land.

Reluctantly, the Maryland Department of Health permitted the WSSC to discharge the effluent into Piscataway Bay. The tidal flow and depth of the bay are insufficient to assimilate the effluent. This results in a polluted bay with the accompanying threat to the

health of the community, and interferes with the shoreland of the park. The present restricted operation of the Piscataway plant, because of the lack of the effluent line, requires the WSSC to pump sewage to the Blue Plains plant which is already overtaxed. Consequently, the Blue Plains plant discharges effluent into the Potomac at a higher rate of pollution than at Piscataway. A recent study reported that the Blue Plains plant is one of the three major sources of pollution of the Potomac. Still the Park Service refused to issue the permit.

On February 13, 1969, I called all interested parties from the local, State, and Federal Governments together in my office. After discussions, Nash Castro of the Park Service agreed to issue the permit and so informed the press. The State health department agreed to vigorously enforce water quality standards at the plant.

A group of disgruntled citizens in the southern part of the county who want residential development near them halted, secured the ear of some members of the Interior and Insular Affairs Committee and succeeded in getting the Park Service to hold up issuance of the permit.

Because WSSC cannot get the permit to run the effluent line to the river, it has not been possible to increase the capacity of the plant from 5 million gallons per day to 30 million gallons per day to handle the sewage needs. Consequently, the county has been forced to declare a moratorium on sewer permits. Further, because there have been a great number of septic tanks improperly constructed, the county has declared a 90-day moratorium on septic tank construction. This means that not a single house can be built in southern Prince Georges County. This, of course, is the homebuilding season, and the local economy cannot stand the loss of this revenue. Not only is it impossible to handle the current volume of sewage, but there is no way to plan the orderly development of the county, because the National Park Service refuses to issue a permit to cross park land with the effluent line as promised by Secretary Udall, and as more recently promised by the Park Service itself in my office. The line would be buried underground and the Park Service admits it would not interfere with the park.

Federal Water Pollution Control officials agree the effluent line is needed.

The WSSC is in line for a grant for the construction of a demonstration tertiary plant at Piscataway and this, of course, is also stalled.

Mr. Speaker, the Park Service has indicated its willingness to issue the permit; the Federal Water Pollution Control Administration has indicated that the sewage line is needed; the only reason that this has not been accomplished is that some members of the Interior and Insular Affairs Committee have persuaded the National Park Service to withhold the permit.

The State of Maryland is not in violation of any Federal laws. The question of constructing sewer lines is not a Federal problem. Maryland has qualified under the Clean Rivers Act. There is no legal or substantial reason why the permit by the National Park Service should not be issued except that "congressional pressure" has been applied where, in my opinion, it ought not to have been. In the final analysis, the failure to issue the permit will not stop the construction of the sewer line. It will only increase the cost to the State of Maryland and Prince George's County.

The Maryland congressional delegation has sent a letter to Secretary of the Interior Hickel urging him to have the permit issued. I would now like to insert into the RECORD a letter from the Governor of Maryland, Marvin Mandel, which was sent to Secretary Hickel urging that the permit be issued:

There exists a serious problem in Prince George's County of our State because the National Park Service has failed to issue a permit to run a sewage line across park land from the Piscataway Sewage Disposal Plant to the Potomac River.

I have met with our Congressional delegation and share their concern that the delay in issuing this permit is causing undue hardship to residents and business people in the area affected. Our delegation has written you in more detail about this situation, and I would like to emphasize the urgency of the problem.

The National Park Service should be required by the Secretary of the Interior to issue the permit as soon as possible, so that we can begin immediately to solve the problem. If there is a question of adhering to the water quality set by the Clean Rivers Act, that should be taken up separately by the Pollution Control Administration. The two matters are simply not related.

THE ASIAN DEVELOPMENT BANK AND THE U.S. COMMITMENT TO THE PACIFIC COMMUNITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. HANNA. Mr. Speaker, increasingly, over the last three decades, our Nation's time and attention has been directed to the East. World War II saw over a million of America's young men spend 5 years fighting in the Pacific theater. Five years later, we found ourselves embroiled in a second major conflict in Southeast Asia. The Korean war served to emphasize, once again, the critical importance of Asia to American foreign policy. More recently, the Vietnam conflict has seen our Nation involved in a long, bitter, and costly exercise of asserting vital interests on the Asian subcontinent. Our interest in the Pacific basin is not only reflected in our military involvement in this area over the past 30 years, but it may also be seen by our increasing commitment to economic development and improvement of the lot of peoples and nations of this region. Our involvement is evidenced also by the increased investment by the U.S. business and industry in the countries of this area. Our interests are also evidenced by the increased trade and commerce between the United States and countries of the Pacific. Finally, the influence in Asian culture on American living cannot be ignored. One need only look to the influence that oriental art, architecture, and drama has had upon the counterpart art forms in our society to perceive the importance of Asian culture on our ideas and concepts of living. I offer these comments as evidence of the profound effect that the affairs of the Pacific basin have upon modern American life.

In recognition of the increasing importance of the Pacific basin to our country, we did, in 1966, approve legislation authorizing U.S. participation in the Asian Development Bank. On March 16, 1966, the Asian Development Bank Act, Public Law 89–369, was signed into law by President Johnson. This bill cleared the way for our country to participate in an international bank, corporate in form, whose capital stock is owned by the member nations. The Bank's original membership was made up of 31 countries, 19 of which were in the region and 12, including the United States, from outside Asia.

THE ADB CONCEPT

As conceived, the Bank was to offer loans on conventional terms, what are often called "hard loans," to finance economic development projects in the region. The loan funds were to be derived from subscriptions to stock in the Bank by member nations. The bank was authorized to issue $1.1 billion in capital stock. In addition to its role as a conventional lender in the Pacific region, it was anticipated from the very beginning that the Bank would play an important role in spreading the burden of development assistance by serving as a channel for this form of additional financing from donor countries. Consistent with this aim, the Bank was given authority to earmark up to 10 percent of its paid-in capital as special funds that might be used to make or to guarantee loans of longer than usual maturity, longer grace periods, and lower than ordinary interest rates. Such loans are normally referred to as "soft loans," distinguishing them from the conventional "hard loans." Three countries, Japan, Canada, and Denmark, have pledged funds to the special "soft loan" fund. These pledges total $130 million.

THE U.S. COMMITMENT TO THE SPECIAL LOAN FUND

In 1968, the administration pledged $200 million as the U.S. commitment to this soft loan fund. The House Banking and Currency Committee, reacting to President Johnson's persuasive call for full funding of the American commitment to the soft loan fund of the Asian Development Bank, reported H.R. 13217, a bill to amend the Asian Development Bank bill and provide an authorization for the appropriation of $200 million for the U.S. contribution. This contribution which was to span the period of 4 years, was designed to enable the Bank to more effectively finance regional programs and projects in the areas of agriculture, transportation, communications, Mekong development and other priority areas on terms which were not appropriate to the Bank's ordinary lending activities. I

regret to say that this measure never went to the floor for action, and as a consequence, the United States was already tardy in meeting its commitment to the Asian Development Bank when the Nixon administration took office last January.

It was with the hope that action could be completed promptly on our commitment to the Asian Development Bank that myself and several members of the International Finance Subcommittee of the Banking and Currency Committee, including the subcommittee's distinguished chairman, Congressman RUESS, introduced legislation to make good on our $200 million moral commitment to the special fund of the Bank. It is most regrettable that our example of prompt action was not followed by the Nixon administration. It is also most regrettable that Treasury Secretary Kennedy after over 3 months in office and after having attended the annual meeting of the Asian Development Bank, has not seen fit to announce the Nixon administration's position on this legislation.

THE PERFORMANCE OF THE ADB

One might ask: Why it is that our Government has been so slow to extend a firm commitment to the special loan fund of the Asian Development Bank? The record of the Asian Development Bank certainly shows no basis for our inaction. The record is an eminently good one. A brief synopsis of the activities of the Bank during its first year and a half of operation will serve to demonstrate that. A look at the effect the Asian Development Bank has had on the countries of this region over the last 18 months, will provide an insight of the important role the Asian Development Bank is playing. Therefore, I am including a brief extract of the activities of the Asian Development Bank in several of the countries of this region:

OPERATIONS BY COUNTRIES

Seven loans were extended in the year under review amounting in aggregate to US$41.6 million. In addition, four technical assistance proposals were sanctioned for the formulation of feasibility reports or detailed project reports for later consideration for possible Bank lending, and seven technical assistance proposals were approved for non-loan purposes. The total cost of these eleven projects, spread over seven of the Bank's developing members, will amount to US$1,137,000.

CEYLON

A loan of US$2 million was made to the Central Bank of Ceylon to assist in financing the first phase of the *Tea Factory Modernization Program*. It was approved on 2 July 1968.

The loan is for a term of 15 years including a grace period of three years. The loan documents were signed on 17 July 1968 at the Bank's headquarters.

The tea industry in Ceylon is predominantly owned by the private sector and is the most important source of foreign exchange, contributing over 60 per cent of the annual foreign exchange earnings of the country. While world tea prices declined continuously in the decade ended 1967, Ceylon's tea prices have declined relatively more than those of its competitors. In order to ensure the industry's viability, the Government of Ceylon launched in 1959 the Tea Rehabilitation Program to increase the yields of areas under tea. This Program has already raised productivity on an average from 675 pounds of tea per acre in 1955–57 to 816 pounds in 1967; the Government is pursuing the Program and augmenting it as necessary. Deficiencies in factories that process tea have resulted in a reduction of foreign exchange earnings on the one hand, and a higher cost of production on the other. Against this background, the Government, as a complement to its Tea Rehabilitation Program, introduced a Tea Factory Development Scheme in 1966 aimed at rehabilitating and modernizing tea factories in order to raise their capacity for processing green leaf.

The investment program contemplated by the Government of Ceylon for the modernization of tea factories covers a period of five years, beginning in 1966, and is planned to be implemented in two phases. The total cost of the first phase was estimated at Rs. 29 million (US$4.9 million), including a foreign exchange element equivalent to US$2 million. The local cost will be met by resources raised by the factory owners and by loans from credit institutions refinanced by the Central Bank. The Bank's loan covers the foreign exchange needs for the first phase. The loan was declared effective on 18 September 1968 and is programmed for utilization within 30 months.

CHINA

Two assistance projects have been approved for the Republic of China. They are:

1. On 19 November 1968, the Bank approved the request of the Republic of China for technical assistance in the conduct of (a) a feasibility study of the proposed *North-South Freeway* in Taiwan and (b) a detailed project preparation for one section thereof. The amount involved is US$500,000 representing the foreign exchange cost involved. Of this sum, US$100,000 is being provided as a grant, and the balance of US$400,000 as a loan to the Republic of China for a period of 10 years (including a grace period of 2 years). The agreement was signed on 30 November 1968 in Taipei.

The use of highway transport in Taiwan has risen markedly in recent years. During 1953–67, the volume of passenger traffic by highways increased at an annual average rate of 12 per cent and freight traffic by 18 per cent. During the same period, the growth of rail transport averaged annually 7 per cent for passengers and 5 per cent for freight. The further development of highways and railways in Taiwan is considered essential to cope with the rising tempo of growth in the fields of commerce, industry and agriculture.

The proposed four-lane Freeway is intended to facilitate fast-moving, long distance traffic through the western plain of Taiwan and it is envisaged in four sections. The first two sections in the north and the fourth section in the extreme south will serve three important cities—Taipei, Tainan and Kaohsiung; the third segment which will pass through more sparsely populated areas will account for the greatest length of the highway.

The feasibility study for the proposed Freeway will be undertaken by a team of engineering experts and economists who will assess the traffic potential of the entire project, the routing and type of highway needed, the anticipated economic and financial returns and the patterns of priorities and phasing. The engineering study will be in respect of the northern section between Erchung and Chungli.

2. A loan of US$10.2 million to the Chinese Petroleum Corporation (CPC) was approved on 19 December 1968. The loan is intended to meet the major part of the foreign exchange requirements of a *plant for the production of Dimethyl Terephthalate (DMT)* and is guaranteed by the Republic of China. The relevant loan documents were signed at the Bank's headquarters on 27 December 1968.

The loan is for a term of 12 years, including a grace period of three years.

The CPC, which is a wholly-owned government corporation, was established in 1946 for the purpose of supplying various petroleum products. The activities of CPC include the exploration and production, the refining and manufacturing, and the distribution and marketing of gas, petroleum products and petrochemicals. CPC has been entrusted by the Government with the main task of developing petrochemical complexes based on oil and natural gas. The development of the petrochemical industry is closely linked with overall industrial development and export promotion programs. The Government's policy stresses the production of feedstocks and intermediates which are used in the manufacture of synthetic fibers and other upgraded petrochemical products.

The project to which the loan has been applied comprises the construction and start-up of a plant for the manufacture of 26,400 metric tons per year of DMT—an intermediate for the production of polyester fiber. The installation, which will be sited at CPC's Kaohsiung refinery, will also have built-in provisions for future production (with minimum plant additions) of 12–13,000 metric tons per year of a second product known as Pure Terephthalic Acid (PTA). Both DMT and PTA are intermediate chemicals used in the production of polyethylene terephthalate, a polyester which can be spun into synthetic fibers known by their trade names of Dacron, Terylene and Tetoron. The project is expected to be completed by December 1970 and commercial operations are scheduled to start by January 1971.

It is estimated that, of the total project cost of US$23 million, about US$15.5 million represents the foreign exchange component. The Bank's financial contribution will be US$10.2 million. The balance of the foreign exchange component and the local cost component will be made available by the Government.

CPC plans to organize a subsidiary to be responsible for the operation and management of its petrochemical business including the proposed DMT Project. The relationship between the borrower and its subsidiary will be established in a manner satisfactory to the Bank.

The project, economically viable in itself, is expected to aid in the promotion of certain avenues of regional co-operation decided upon by the Republics of China and Korea at the Fourth Sino-Korean Ministerial Level Economic Co-operation Conference held in July 1968. Under the proposed co-operative effort, both the Republic of China and the Republic of Korea will seek to develop economic and mutually complementary productive capacity in respect of petrochemical-based intermediates for synthetic fibres and to develop joint markets for these products between the two countries. This project and a caprolactam plant planned for Korea are the first projects involved.

INDONESIA

A Mission was sent to Indonesia in October 1967 to study and make recommendations on appropriate *measures to improve food production and food availability* during the current stabilization phase in that country. In January 1968, the Mission's report was made available to the Government of Indonesia. Subsequently the Government initiated action in several areas, including establishment of an appropriate ratio with respect to cost of rice production inputs and price of outputs, steps for stockpiling of rice, the progressive decontrol of rice mills, the provision of greater funds to extend credit to farmers and the adoption of a modified price policy for the urban distribution of rice.

In June 1968, acting on other recommendations in the Report, the Government of Indonesia requested the Bank for further technical assistance in the field of agricultural development, and for a technical mission to study the Indonesian rural credit system. On 30 July 1968, the Board of Directors ap-

proved the furnishing of the technical assistance requested, at an estimated cost of $230,000.

The technical assistance program involved action by the Bank in three directions. First, the Bank has provided an agricultural economist as Advisor to the Department of Agriculture for a period of approximately eighteen months. He is advising the Department on economic policies pertaining to the production and distribution of foodstuffs, especially rice, and the inputs required for production of foodstuffs, and on the formulation and evaluation of project proposals in the Department, especially those for submission to other agencies including potential foreign contributors.

Second, a team of two experts—one crop expert familiar with soil fertility problems and with integrated high-yield rice production techniques and one water management expert with proficiency in irrigation and rice agronomy—is advising the Department of Agriculture on specific aspects of its program to raise food production. These experts are to render technical advice over a period of eighteen months specifically to the Director of Extension on the planning, preparation and operation of the rice production program.

Third, a team of five experts was provided to conduct a survey of the Indonesian rural credit system, including the role of cooperatives. This team completed its field work in December and its Report was forwarded to the Government of Indonesia in January 1969.

KOREA

Two projects have been approved for the Republic of Korea.

1. A loan of US $6.8 million was made to the Republic of Korea for the purpose of financing the foreign exchange cost of the *Seoul-Inchon Expressway* was approved on 3 September 1968. The loan is for a term of 15 years with repayments commencing in February 1972. The loan documents were signed at the Bank's headquarters on 16 September 1968.

Due to rapid expansion of the national economy in recent years, a major bottleneck has developed in the transportation field in Korea. The present highway system in the Republic is underdeveloped, with only 1,934 kms. of paved road or 6 per cent of the total highway system. The Government increased the annual highway budget for the Second Five-Year Plan period (1966–1971) from the original Won 6 billion (US $21.9 million) to Won 18 billion (US $65.7 million). Highway passenger and freight traffic during the 1956–66 period increased by 19 per cent and 16 per cent respectively. It is expected that this combined traffic will increase at an annual rate of 15–20 per cent during the Second Five-Year Plan period.

The purpose of the Seoul-Inchon Expressway is to meet the needs of road transportation between the nation's capital and largest city, Seoul, and its primary port, Inchon. Seoul, Inchon and the area along the Expressway route contain some 16 per cent of the nation's population, and 36 per cent of the nation's industrial area, and further concentration in the region is expected to occur in the future. In view of the limited capacity of existing roads and the fact that the railway is already operating at full capacity, the Expressway is well located to meet a rapidly growing need for increased road transportation facilities. In addition, extra road transport demand will be created by the modernization and expansion of Inchon port facilities now in progress.

The loan from the Bank is intended to finance the foreign exchange component of the Expressway, which is designed as a 29.9 kilometer, four-lane, limited access highway, to be operated as a toll road. The total cost of the project is estimated to be $18.1 million. The toll structure at present proposed is designed to repay the construction, operation and maintenance costs over a seventeen-year period. The annual financial return on investment for a twenty-year period is estimated at 9 per cent.

The Expressway was partly opened for traffic on 21 December 1968 and is expected to be completed by June 1970.

2. A request by the Government of the Republic of Korea for technical assistance to the *Agriculture and Fishery Development Corporation* (AFDC) was approved on 6 February 1968. The AFDC was set up in November 1967 with a capital of Won 5 billion (US $18.5 million) to be subscribed entirely by the Government over a period of time.

The technical assistance mission was to render advice and assistance regarding the institutional framework and organization of the AFDC and to assist in identifying and formulating projects which could be developed to appraisal standards in the fields of fish marketing with particular reference to refrigeration; livestock development including the development of marketing facilities; vegetable production and marketing; and other projects which might hold out prospects for immediate development in agriculture and fisheries.

Mission members were also asked to assist the AFDC in the preparation of appropriate proposals for consideration by the Bank for financing of specific projects in the field of agricultural and fisheries development.

The foreign exchange cost of this assistance as approved was estimated at US $66,000. The local cost incurred is being borne by the Government of Korea.

As a result of this technical assistance effort, a proposal for a refrigeration project for fisheries has been developed and is under consideration by the Bank. Other projects which may prove suitable for consideration by the Bank or other external financing sources are in the course of preparation. The institutional aspect of this technical assistance effort and the work of individual specialists are expected to be completed by the end of March 1969.

LAOS

In April 1968 the Royal Government of Laos drew the attention of the Bank to the need for the preparation of a program for the *integrated development of agriculture in the Vientiane Plain* to enable the full utilization of the benefits expected from the construction of the Nam Ngum hydro-electric and irrigation project. Following discussions between the Bank and the Laotian authorities, a technical assistance program was approved on 3 September 1968 at a cost of approximately $221,000.

The Nam Ngum project involves establishment of a dam on the Nam Ngum river which will create a reservoir of approximately 8.5 billion cubic meters in gross capacity and 3.8 billion in net storage. The reservoir will promote irrigation, flood control and navigation improvement and, further, will serve to generate power. A distribution network will supply energy from the power station to pumping stations and irrigation systems located throughout the Vientiane Plain. With international assistance, the construction of the Nam Ngum project is expected to be completed by 1972.

The technical assistance program approved by this Bank is intended to aid the Laotian authorities in planning the utilization of the benefits from the Nam Ngum project. Experts in various disciplines relevant to integrated agricultural development will study the conditions in the Vientiane Plain. The experts will submit appropriate recommendations and specific projects which will have to be elaborated, studied or implemented by stages in an integrated manner prior to 1972 as well as during a 10-year period thereafter. Field work commenced in January 1969 and the various reports are expected to be completed by June 1969.

MALAYSIA

A loan of $7.2 million was made to the Government of Malaysia for financing the foreign exchange cost of the development of *Penang State Water Supply* was approved on 19 September 1968. The loan documents were signed at the Bank's headquarters on 23 September 1968. The borrower is the Federal Government of Malaysia and the State of Penang acts as executing agency. The loan is for a term of 20 years with repayments commencing after five years.

The present water supply system of the State of Penang serves about 75 per cent of its present population of 803,000 which includes the City of George Town, the second largest city in the country (population 370,000). In spite of recent improvements and additions to the system, the present reliable supply of approximately 30 million gallons per day (MGD) is falling short of demand. The population of Penang has been increasing at 4 per cent per annum in recent years; at the same time, industrial development is having an increasing impact on the demand situation. On the basis of a feasibility study commissioned by the State in 1966 and completed toward the end of 1967, a long-range development plan has been prepared which proposes to meet the anticipated increase in demand up to the year 2000 in three stages.

The works to be designed and constructed in the first stage include a barrage across the River Muda, intake works and pumping stations, supply canal, water treatment works and pumps, transmission mains including a separate line for connection to the island of Penang and a storage reservoir. Water will be transferred from Butterworth on the mainland to the island by means of submarine pipelines. The various structures will be built so as to facilitate future economical increases in capacity in the second and third stages. The works are expected to be in operation by 31 December 1971.

The construction, operation and maintenance of the water supply system in Penang is the responsibility of the State Public Works Department, except within the City of George Town which is responsible for its own water supply, and has its own City Water Department. Approximately two-thirds of the water supply produced by the State from its own system will be sold in bulk by the State to the City.

The total cost of the project is estimated at $13.7 million of which approximately half will be in foreign exchange and will be financed by the Bank loan. The local currency costs will be financed by the Federal Government which has agreed to make loan funds available to the State on terms and conditions satisfactory to the Bank. The proceeds of the Bank's loan will be relent by Malaysia to the State. Disbursement of the loan is expected to take place over the period 1969–71.

NEPAL

Two projects of assistance to the Government of Nepal have been approved. They are:

1. A request by the Government of Nepal for technical assistance in preparing a project for *the development of its air transport system* was approved on 21 November 1968, involving a grant of US $66,000.

This technical assistance, which was requested with a view to seeking a loan from the Bank in the future, covers the formulation of an investment program during 1969–71 for the improvement of airports, airfields, ground communication and navigation aids; for the technical examination of the best manner of replacement of aircraft; and for the related organization improvements that may be necessary. In view of the very specialized expertise required for this type of study, the Bank arranged with the International Civil Aviation Organization for its collaboration in carrying out the study,

which began in January 1969 and is to be finished in about five months.

Transport constitutes one of the weakest links in Nepal's primarily agricultural economy, with the difficult terrain setting a limit, both in terms of financial outlays and time involved, to the expansion of roads and railways. Although successive studies by international agencies and foreign consultants have underlined the crucial importance of air transport in Nepal's economy, the domestic airline has been seriously handicapped by the lack of well-equipped airports and modern terminal facilities, and by the problem of rising operational costs due to difficulty in replacing its fleet of old-model aircraft. It is expected that projects based on this study will yield substantial economic and social benefits to Nepal.

2. In response to a request from the Government of Nepal in June 1968, the Bank approved on 3 September 1968, a technical assistance program involving a grant of approximately US $35,000 to study the organization and operation of the *Agricultural Development Bank of Nepal* and to advise the Government on measures necessary to strengthen the Bank in the discharge of its functions.

The Agricultural Development Bank, which formally came into existence in January 1968 through the reconstitution of the former Cooperative Bank, is the main source of agricultural credit and finance in Nepal. The future of agriculture in the country is therefore closely linked with the Bank's sound organization and healthy growth.

A mission consisting of four experts in various aspects relevant to agricultural development banking carried out the field work involved in this program over a period of two months beginning in October 1968. The experts studied the credit needs for the development of agriculture in Nepal, the role of the Agricultural Development Bank vis-a-vis other sources of credit in the country, the requirements of staff and organization of the Bank, the improvements necessary in accounting, training and branch management and the improvement of procedures for the appraisal and processing of loan applications and for supervision of implementation. The report of the mission was completed in December and sent to the Government of Nepal.

PAKISTAN

A loan equivalent to $10 million to the *Industrial Development Bank of Pakistan* (IDBP) was approved on 12 December 1968. The loan is guaranteed by the Government of the Islamic Republic of Pakistan. Loan documents were signed at the Bank's headquarters on 16 December 1968.

The loan is for a maximum period of 15 years, including a grace period not exceeding three years from the date when the corresponding amounts are credited to the loan account. The loan is expected to be fully committed within a period of two years from its effective date and to be disbursed in three years.

The IDBP, an institution in which the Government of Pakistan has a 51 per cent shareholding, is one of the two principal industrial development banks in Pakistan. After a rapid growth during 1961/62–1965/66, the rate of increase in the IDBP's foreign currency loans progressively diminished in 1966/67 and 1967/68, due chiefly to inadequate loanable resources in foreign currency. In this context, the IDBP obtained a loan from the Bank to augment its foreign exchange resources to meet the medium and long-term credit requirements of small and medium-scale industries in the private sector for the coming two years.

The authorized capital of IDBP is $12.6 million, of which $8.4 million has been paid-in. IDBP's lending resources in rupees are derived from capital and reserves, advances from the Government, credit from the State Bank of Pakistan, term deposits received, and funds available from repayments of outstanding loans. Foreign currency resources at IDBP's disposal come largely from the Government in the form of allocations from lines of external credit arranged by the Government.

PHILIPPINES

The Bank's assistance to the Philippines has taken two forms.

1. On 25 July 1968, the Bank approved a technical assistance grant of US$225,000 for site selection and project formulation for a *fisheries port in Manila Bay*.

The decision to provide technical assistance derived from a review by the Bank of a request from the Government of the Philippines late in 1967 for a loan for the construction and equipment of a fisheries port at North Harbor in Manila Bay. Examination of the request indicated that, on economic grounds, there was *prima facie* justification for a fisheries port as an integral part of the development program drawn up by the Philippine Fisheries Commission. However, there were some uncertainties regarding the location of the fisheries port and the ancillary facilities. Accordingly, the Government of the Philippines agreed with the Bank that, before coming to a decision on the proposed investment, the technical alternatives available should be fully explored. The Bank, thereupon, was requested to make available technical assistance for the examination of the alternatives and for the formulation of a project based on the results of the examination. Consultants have been engaged for carrying out the technical examination and project formulation and the services of a supervising engineer have also been made available to help in carrying out the study. The work is expected to be completed by the end of November 1969. In light of the Government's review of the results of the study, proposals may come up for Bank financing for a fisheries port facility in Manila Bay.

2. A grant of $105,000 to the Philippine Government for technical assistance to the National Irrigation Administration (NIA) in the field of *irrigation water management improvement* was approved in June 1968.

Out of 3.1 million hectares under rice in the Philippines, only 680,000 hectares (22 per cent) during the wet season and 280,000 hectares (9 per cent) during the dry season are irrigated. This reflects both the inadequacy of irrigation facilities and the need for improvements in water management. The Philippine authorities have recently strengthened their efforts to increase both service areas and efficiency in the existing irrigation systems in the country. The Government has provided financial resources sufficient to complete twenty-two unfinished projects and also to start eight new irrigation projects. The NIA also has been actively engaged in an extensive rehabilitation program to improve water conveyance in deteriorated systems. In addition, the NIA has undertaken a pilot project scheme to improve the existing water management and water use in eight representative irrigation systems located in different parts of the country. The results of the pilot project scheme will subsequently benefit other NIA irrigation systems. It was recognized that there would be a shortage, during the initial stage of the pilot project, of well-trained and experienced specialists in the field of water management to participate in the planning of the field operations and in the training of local technical personnel. The technical assistance program of the Bank is intended to meet this shortage.

The technical assistance activity is concentrated in two selected areas in the Angat River Irrigation System and the Peñaranda River Irrigation System, both in Central Luzon, and covers water management planning and operation, technical field studies and demonstrations as well as training of technical personnel. In the other six pilot areas, the scope of assistance will be limited to general technical advice on planning, field operation and extension of the regular local programs.

The technical assistance mission, which began its work in August 1968, is composed of a senior irrigation engineer, a water management expert, an irrigation agronomist, an irrigation economist and a soil and land use expert. The duration of the project has been fixed at one year in order to cover both the wet and dry seasons.

THAILAND

A loan of $5 million to the *Industrial Finance Corporation of Thailand* (IFCT) was approved on 23 January 1968. The loan is guaranteed by the Government of Thailand and is repayable in full on or before 31 December 1983. Loan documents were signed on 25 January 1968 at the Bank's headquarters.

The IFCT was established in 1959 under the Industrial Finance Corporation Act to assist industrial activities in Thailand mainly by extending medium and long-term loans, underwriting shares and securities and guaranteeing loans. In 1964, the IFCT secured loans from Kreditanstalt fuer Wiederaufbau of Germany amounting to DM 11 million and from the International Bank for Reconstruction and Development in an amount of $2.5 million.

The rate of economic growth of Thailand has been impressive in recent years and the scope of industrial development is being enlarged. The share of industry—practically all private—in the GNP is expected to increase from 12.8 per cent to 21.4 per cent over the period 1966–1971. Apart from the Governmental Small Loans Board, the IFCT is the only institution in Thailand which provides medium and long-term loans for private industrial investment. The rising demand for medium and long-term loans is bound to cause expansion of the IFCT's operations.

The Bank's loan is designed to help the IFCT augment its foreign exchange resources and is available for utilization until 31 December 1972. As of 31 December 1968, seven subloans aggregating $1,152,575 had been approved and $700,608 had been disbursed by the Bank. The approved subloans include financing for ice factory and cold storage plants, a cardboard and a strawboard factory, a cotton mill and a kaolin processing plant.

VIETNAM

In response to a request from the Republic of Viet-Nam, the Bank agreed on 2 July 1968 to provide technical assistance in two parts to *development financing institutions* in Viet-Nam at an estimated cost of $89,000.

The institutions primarily concerned are the Industrial Development Center (IDC), the Société Financière pour le Développement de l'Industrie au Viêt-Nam (SOFIDIV), and the Refinancing Fund for Industrial Development (RFID) of the National Bank of Viet-Nam.

The first part of the program provides for a team which, taking into account the need to promote over a period of time industrial growth in the country, is to study and report on:

(a) the Government institutional framework and the procedures for handling investment projects, together with the possibilities for improvement of the investment climate in the context of the overall economic setting;

(b) the work of the IDC and the desirable steps to be taken to strengthen its role as a development financing institution;

(c) the work of the SOFIDIV and the steps which should be taken to strengthen its role as a financial institution;

(d) the work of the RFID, especially in terms of its relationship with the other institutions;

(e) the division of labor among the financial institutions; and

(f) the possibility of advising the Agricultural Development Bank on the establish-

ment of a system of rural banking similar to that established in the Philippines, if such a scheme proves advisable and feasible in Viet-Nam.

The team is to be composed of four members with expertise in development banking, industrial economics, agricultural and rural banking and legal and administrative matters and is scheduled to begin work early in January 1969.

The other part of the program covers the provision of three senior operational advisors, each to be assigned to one of the three above-mentioned industrial financing institutions, with the following functions in respect of the institution concerned.

(1) help the Management in its project appraisals, in particular in respect to the overall economic and financial evaluation of project proposals;

(2) advise and train the staff on project appraisal techniques, on security requirements, on procurement and disbursement procedures, on end-use supervision of the utilization of loans and investments and project implementation.

(3) advise and help the Management in taking necessary action in cases where the end-use supervision and follow-up of loans and investments suggest that such action is called for; and

(4) advise the Management on policy matters and on any day-to-day work as appropriate.

These advisors will be assigned for a period of one year, subject to extension if necessary. They are expected to take up their assignments in April/May 1969.

The record of contributions to the development of these countries is indeed an impressive one and serves as affirmative evidence of the fact that the important program of technical assistance envisioned in the Bank's articles of agreement is off to a good start. This service has been furnished both on grant and loan basis, not only in the context of helping formulate projects, but also in that of furthering the studies of specific economic problems of national and regional concern.

A summary of the activities of the Asian Development Bank during its first 18 months of operation is reflected in the table below:

LOANS APPROVED DURING 1968

[Dollar amounts in millions]

Borrower	Project	Amount (US$)	Date approved	Term [1] (years)	Interest (percent)
Industrial Finance Corporation of Thailand.	Financing industrial enterprises.	$5.0	Jan. 23	12	[2]
Central Bank of Ceylon	Modernization of tea factories	2.0	July 2	15	6⅞
Republic of Korea	Seoul-Inchon Expressway	6.8	Sept. 3	15	6⅞
Malaysia	Penang water supply	7.2	Sept. 19	20	6½
Republic of China	Feasibility study of North-South Freeway [3]	.4	Nov. 19	10	6⅞
Industrial Development Bank of Pakistan.	Financing small and medium-scale industries in private sector.	10.0	Dec. 12	15	[2]
Chinese Petroleum Corporation	Dimethyl terephthalate (DMT) manufacture.	10.2	Dec. 19	12	6⅞

[1] Inclusive of grace period.
[2] Carries interest at the rate prevalent at the time of crediting the loan account.
[3] In addition, a sum of US$100,000 was provided as a grant (see Republic of China next page).

TECHNICAL ASSISTANCE APPROVED DURING 1968

Country	Project	Amount (US$)	Date approved
Project preparation:			
Republic of China	Feasibility study of North-South Freeway	$100,000	Nov. 19
Nepal	Air transport system development	66,000	Nov. 21
Philippines	Fisheries port construction in Manila Bay	225,000	July 25
Advisory and operational:			
Indonesia	Advisers to Ministry of Agriculture	170,000	July 30
	Rural credit survey	60,000	Do.
Republic of Korea	Agriculture & Fishery Development Corporation [1]	66,000	Feb. 6
Laos	Integrated agricultural development program for Vientiane Plain.	221,000	Oct. 15
Nepal	Advisers to Agricultural Development Bank of Nepal.	35,000	Sept. 3
Phillipines	Water management	105,000	June 20
Republic of Viet-Nam	Development financing institutions:		
	(a) Technical assistance mission	19,000	July 2
	(b) Assignment of advisers	70,000	Do.

[1] Includes project preparation (see p. 14).

OUR ROLE IN AND RESPONSIBILITY TO THE ADB

It was through our initiative, in large measure, that the Asian Development Bank's concept, first articulated in 1963, became a reality in 1966. The able efforts of Eugene Black, former President of the World Bank, played an immeasurable part in the formation of this organization—unique in the history of Asia—in its concern for the collective solution of regional problems. It was through Ambassador Black's able efforts and those of our present representative, Bernard Zagorian, that we were successful in initiating expansion of the soft development loan program. Speaking through these two able representatives, our country took a very affirmative posture in urging the need for such a program. Because of our initiatives in this field, it is most embarrassing, in my judgment, that we now find ourselves in the posture as a laggard in implementing our own recommendations. Our embarrassment is compounded by the fact that other nations have already made commitments to the "soft loan window." We are in the position of having been fast with the rhetoric but very slow with the delivery. It raises a very serious question, I think my colleagues will agree, as to the sincerity of our country in meeting its commitments.

Nowhere is this question more seriously raised than in the case of Japan. The Japanese and ourselves were prime instigators in the creation in this Bank. We pledged an equal sum to the Bank's initial capitalization. I think it is fair to say that the Japanese and ourselves were the leaders in encouraging the expansion of the "soft loan" concept and in pledging support to it. As many of my colleagues may know, it has been over a year since the Japanese made their initial pledge of $100 million to this special fund. Their pledge was not unrelated to their belief that our country would make good on our agreement to pledge $200 million to the capital structure of this special loan fund. The Japanese have, since their initial pledge, put up $40 million of the $100 million or 2 years of their 5-year commitment. As I indicated earlier, our country has not as yet made the first step toward making good on its commitment to participate fully in an effort to bring about the type of participation required to make the "soft loan" fund program viable. I do not believe that I overstate the situation when I say the Japanese are more than a bit concerned by our niggardliness in making good on the moral commitment which our Government made to the special loan fund. The President has now been in office over 3 months. His representatives have traveled to Australia for the purpose of participating in the Asian Development Bank meetings. To date, no definitive commitment has been made by the Nixon administration.

STEREOTYPE THINKING

I would certainly hope that the failure to move on this vital matter is not reflective of a view that all forms of foreign assistance are suspect. Such shallow steretoype thinking has no place in such serious deliberations. No doubt it is very attractive and, of course, quite easy to use the criticisms properly leveled at a unilateral foreign aid program founded principally on grants to indict a multilateral loan program, such as that embodied in the Asian Development Bank. While this may be done quite easily, its ease is not at all commensurate with its accuracy. Quite the contrary, such a blanket indictment of all participation and efforts to assist other nations in nation-building, dis-serves both our national interest and the collective intelligence of this body. My travels and experiences in the Pacific Basin, which I believe my colleagues will acknowledge are not inconsiderable, cause me to conclude that the form of multilateral aid represented by the Asian Development Bank makes a great deal of sense in this region. I think above and beyond our experience in Asia it is safe to say that in general, these forms of loans and technical assistance which enable other nations to help themselves have gained not only great success in furnishing a large return on the dollar invested, but also a promise to continue to do so.

In this era of concern for economy in government, it would seem to me that there is no better form to be adopted for the solution of economic development problems than the loan concept. Whereas it is, because a multilateral loan program makes it possible to increase the leverage which the American dollars can

secure, they buy more economic assistance. For example, a foreign aid program requires a dollar of American expenditure for every dollar of activity which takes place in the recipient country; in the case of American participation in the Asian Development Bank, $1 of American participation can lead to an expenditure of over $3 in the recipient country. In addition to giving us this leverage we, at the same time, secure the advantage of having our participation in the form of a loan rather than in the form of a grant. This, of course, means that there is a probability that the funds loaned will eventually be repaid with interest. These funds can then be used once more for the purpose of financing additional development activities in the recipient countries.

INACTION: A GRAVE MATTER

I find our present inaction on the ADB special fund distressing. Not on the basis of partisan politics, but rather on the basis of my grave concern for the corrosive effect that this delay is having upon our relationships with Japan and the other countries who have already provided funds based on their expectation of our participation in the special loan fund. I am also fearful that this reluctance on our part to participate actively in this important undertaking may be interpreted as a reflection of an increasing reticence on the part of Americans to help the countries of Southeast Asia in their efforts to overcome the continual menace of poverty, the constant threat of Communist aggression, the ever-present threat to the health and well-being of the society resulting from an inadequate capital structure. It is my conviction that we must make clear our commitment to the removal of the barriers to economic development which retard efforts to realize a satisfactory rate of economic growth. Because progress toward prosperity is necessary to insure the continued existence in this region of nations in which informed people collectively and democratically decide the destiny of themselves and their nations.

COWLES SUBSIDIARY SOLICITS ROONEY AIDE WITH "FREE MAGAZINES" SALES PITCH

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, for many weeks I have been discussing the widespread use of deceptive and fraudulent sales practices within the magazine subscription sales industry.

In speaking of the "industry," of course, all companies engaged in magazine subscription sales are encompassed. There is, I believe, a degree of abuse of fair sales practices which can be laid at the doorstep of each of the companies engaged in magazine subscription sales. But certainly some of the sales organizations have done a far more effective job to rid their own sales organizations of such abuses than have other competitor sales organizations.

Very soon after I made my first statement on this subject back in February, I was contacted by representatives of Cowles Communications, Inc., publishers of Look magazine and the parent organization of five major subscription sales organizations operating hundreds of franchised dealerships across the country. A short time later Mr. Joseph Kelly, an attorney for Cowles Communications, visited my office in the company of another attorney to discuss unscrupulous sales practices.

Mr. Kelly explained at some length the sincere efforts he said the Cowles organizations were making to stamp out deceptive and fraudulent practices. He said that many of the unscrupulous practices I had been attacking were not to be tolerated by Cowles of its subsidiary sales organizations. In response to his claims, copies of actual Cowles subsidiary sales documents were produced to demonstrate for Mr. Kelly that some of his good intentions had not filtered down through the sales organizations.

Since February, I have amassed a staggering number of complaints and reports pertaining to unscrupulous magazine sales practices from virtually every part of the United States. I have surveyed the attorneys general of every State in the Nation and have received responses from most. Never before in my experience as a legislator have I ever filled an entire drawer on a single subject in so short a period of time.

It is somewhat revealing, then, I believe to find that approximately 80 percent of all of the complaints and reports of deceptive and fraudulent sales practices are directed at six companies engaged in magazine subscription sales. These six companies are the five Cowles subsidiaries, which Mr. Kelly had insisted were trying to stamp out sales abuses, and an organization known as International Magazine Service of the Mid-Atlantic which has an affiliation with the Hearst organization.

The Cowles sales organizations are known as Home Reader Service, Civic Reading Club, Educational Book Club, Home Reference Library, and Mutual Readers League.

The gimmicks and schemes they devise to sell magazine subscriptions are almost endless. Despite denials to the contrary, their sales technique generally involves an oral offer of magazines for "free," with no cost involved except postage, or wrapping, or handling. Such offers are blatantly fraudulent. The postage or wrapping or handling costs add up to staggering sums which clearly cover the full subscription costs for the magazines supposedly being offered the consumer at no cost.

Nevertheless, the deception goes on as a member of my staff can attest. Within the past few weeks, a member of my staff was solicited by Home Reader Service in the Washington area and offered "free" 5-year subscriptions to seven magazines, including Look. Three different members of the sales organization joined in assuring this wary consumer that the magazines, indeed, were "free." The free offer, they explained, was the result of Look's campaign to boost circulation in the metropolitan area.

The sales approach, in virtually every respect except one, clearly violated the code of fair practices administered by Central Registry of Magazine Subscription Solicitors with endorsement of the Federal Trade Commission. The Cowles organization supposedly supports and subscribes to this code, and in fact, was among the organizations which approached the FTC seeking the Commission's endorsement of a magazine subscription sales industry self-regulatory code. Obviously, the Cowles subsidiaries which sell magazine subscriptions are associated with the code in every way possible except that they do not seem to pay any attention to their own obligations to uphold it and abide by it.

Central Registry's own record of enforcement of the code during its first year of operation—1968—is a further example of the attitude of the Coles subsidiaries toward compliance. Central Registry, throughout all of 1968, levied 96 fines totaling $39,000. Of these fines, 72 were levied upon the various Cowles subsidiaries in the total amount of $28,450.

Mr. Speaker, organizations which show no higher regard for the American consumer than do the five Cowles magazine subscription sales companies deserve to have the book thrown at them. I have passed along to each of the individual members of the Federal Trade Commission and to the administrator of Central Registry an account of the solicitation of a member of my staff by Home Reader Service and I certainly urge that both the FTC and Central Registry do throw the book at their entire operation. I personally am convinced that it is the officers of the parent sales corporation who are responsible for these abuses and that they not only tolerate but encourage this type of sales practice by personnel in the field.

To the consumers across the country who are accosted by telephone solicitors or door-to-door solicitors of the five Cowles subsidiaries, I can only say, "Beware."

At this point, I would like to insert in the RECORD a description of the Home Reader Service sales approach as recorded by a member of my staff, as well as several letters of complaint describing other sales tactics being utilized by some of the Cowles subsidiaries. Of particular interest, I believe, is the "green stamp" offer of Mutual Readers League.

The material follows:

ROONEY AIDE DESCRIBES HOME READER SERVICE SALES PITCH

(By Richard D. Henderson, legislative assistant)

On Wednesday evening, April 16, 1968, I received a call from the Look organization in New York City telling me that I had been selected to receive three magazines free for the next 60 issues; I asked whether there was any obligation at all and the answer was "no"; I asked "not even mailing charges?", and the answer was "no".

With that I said that I may as well select my three magazines—which were *Argosy*, *Esquire*, and *Sport*. Then the gal said that I automatically got *Look* with the three which I had selected; then she muttered something about .59¢ per week for wrapping charges; when I said that I thought that

this was all for free, she said that she had better get her supervisor on the line; so on came the supervisor.

She said that she just got on to verify what I had accepted because she knew that I would still be so stunned by this great deal. She went on to explain that all I had to pay was .59¢ per week wrapping charges, or $2.36 per mo. At this point I asked about method of payment and her only answer was that they had several methods of payment. The total would of course be .59¢ per week or $2.36 per mo. to cover expenses for the next five years as she indicated.

Then she said that of course you know that you will receive *Venture* along with the three magazines which I had selected along with *Look* thrown in.

I can't recall what the reply was to whether I would be getting *Venture* for free (which I guess sells on the magazine stands for $3.00 per mo.). And, unfortunately, I can't remember what her answer was when I said that *Look* is bi-monthly, and so, would I get *Look* actually for less than five years.

Jumping the gun a bit, I asked when the route man would be coming out to verify the offer, and made arrangements for the following evening (Thurs.).

One thing both gals emphasized was that the whole point of this was to increase the circulation of these magazines in my area—(several other tenants in my building got the same type of calls from "New York")—that's why I was getting so much at the bargain rate.

The next evening the field man arrived to obtain my signature on the verification slip. He told me that I would also be getting the Washingtonian and Hi Fidelity too—for nothing. He did specify that I had to accept the payment plan of $5.90 now and $5.90 for the next 25 months—rather than $2.36 a mo. for the full five years. He explained nothing else—about cancellation etc. just had me sign; he said he was an employee of the Dept. of Labor—taught psychology in the evenings (somewhere) and was trying to make a little extra money working for one of his students.

The following day I phoned Home Reader Service in Arlington, the sales company identified on the contract form, to ask to cancel the subscriptions. The cancellation was accepted since it was within the 72-hour cancellation period subscription sales companies are supposed to observe.

I questioned the payment plan of $5.90 per month and asked why I couldn't pay $2.36 per month for the full period of five years. They explained that was the agreement they had with Look (Cowles Publications). She tried to dissuade my cancellation by pointing out that a single copy of Look on the newstand costs 50 cents and that at my price of 59 cents I would have nine cents left over and no other magazines. But I was to pay 59 cents each week and Look is published twice a month. And I was to pay at the rate of ten weeks a month, or 10 times 59 cents, every month for 25 months. My suggestions that I pay 59 cents each week or $2.36 each month were rejected.

NANTICOKE, PA.,
March 17, 1969.

EDITOR,
Easton Express,
Easton, Pa.

DEAR SIR: I read your article appearing in the Times-Leader-the Evening News, Wilkes Barre, Pennsylvania, dated March 12th, 1969.

This article was warning the public about telephone calls promising free prizes, like magazine subscriptions.

My wife has been taken in by such a deal as described in your recent article.

My wife received a telephone call promising her two-hundred (200) S & H green stamps. She received the stamps and a salesman, representing the Mutual Readers League, Des Moines, Iowa, came to our home. He asked her if she received the stamps. When she told him she had received the stamps, he asked her to sign a paper in recognition of their receipt. This recognition of receipt was actually a contract for magazines. He then asked her where I work, how long and if she knew anyone else who reads magazines. Now my wife's sister-in-law and her mother receive magazines that we are billed for at ($3.00) three dollars a month. This is for (25) twenty five months.

He told my wife that it would only cost her ($.39) thirty nine cents for postage. The mailman has been informed to return the magazines.

Today I received a call from the Mutual Readers League, Des Moines, Iowa, telling me I am (2) two months in arrears for a total of ($7.00) seven dollars. That is ($6.00) six dollars for the magazines and ($1.00) one dollar fine.

I wrote and told the company I would not honor this contract. They insist they have a valid contract even after I expressed and explained how it was acquired.

Is there any way I can get out of this mess? I still will not honor this contract. Can they have this money taken out of my pay? Do you consider this to be a legal, binding contract under the circumstances explained in this letter? I can't afford an attorney for his advice.

I thank you for your kindest consideration in this matter.

Sincerely,

CHESTER ZDZARSKI.

CALIFORNIA RURAL LEGAL ASSISTANCE,
San Francisco, Calif., March 24, 1969.

Re nationwide magazine subscription frauds.

HON. FRED B. ROONEY,
The House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: Our organization, which represents migrant workers and farm workers, throughout California, has been inundated with magazine subscription fraud problems. Primarily, the frauds are assisted by, if not encouraged by, Cowles Communications, Inc. (Look Magazine).

Look Magazine operates through various franchises in California such as "Mutual Readers League of Northern California," "Home Readers League," etc.

Our Salinas Office, for example, has been involved in a substantial amount of litigation with Look and/or its franchisers.

We filed in Hollister Justice Court, San Benito, California, on behalf of *Nacho Gonzalez* v. *Look Magazine*. Nacho Gonzalez had never previously purchased any magazines, had eight children, and had a third grade education. Look Magazine settled the case by recision, restitution, and $100.00 in what might be termed *punitive* damages.

In other case, filed in Superior Court (Salinas) Look Magazine, through its franchiser, sold an elderly, uneducated and ill woman $125.00 worth of magazines. Subsequent to the complaint being filed, the franchiser settled for recision, restitution, and $150.00 in punitive damages.

Presently, in the case of *Miramontez* v. *Mutual Readers League, et al*, No. 25795 in the Municipal Court for the Salinas Judicial District, we are seeking $1,051.00 damages. Our client, a mother of three, was sold a $125.00, five-year magazine subscription. This included subscriptions to magazines such as Gourmet. She cannot read English and so informed the door-to-door salesman. In addition, she barely completed the first grade in Mexico. She had previously never purchased any magazines. She was informed that if she signed a piece of paper (the contract) she would receive a gift. She did not even receive the gift.

I believe it would be fair to say that legal aid offices throughout the state of California have had similar experiences. If our organization can be of any assistance, please feel free to contact us.

Sincerely,

ROBERT L. GNAIZDA.

CIVIL WAR AHEAD?

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. BURKE of Florida. Mr. Speaker, Is it not becoming apparent that there is a movement in this country intended to fuse together the militants in America regardless of color or creed for the sole purpose of pushing America into a civil war?

This movement which some of the more outspoken radicals call the third world movement has as its specific aim the destruction of the capitalistic system and is aimed at the freedom-loving nations with the direct intent of converting them to socialism, or communism under the guise of liberalism.

Even the militant reactionaries that have been plaguing our campuses and pushing dissenters in other areas can, as far as I can determine, be divided into three distinct groups, namely: the Black Militants; the White Militants usually under the heading "S.D.S.," the so-called Students for a Democratic Society, a liberal, radical group; and more recently the supporters of Al Fatah, the anti-Semitic terrorist organization dedicated to the destruction of Israel and all pro-Western regimes.

Although these three groups have different leaders, they are linked together in one goal and that is to change our basic institutions and ultimately destroy America. How? By dissention and terrorism from within.

The black militant groups more and more are following the line of hate, preaching antisemitic lines and calling for destruction, among other things, of Israel as a nation. We also see these groups rapidly linking up with some Arab students in our country who are dedicated to their homelands and are following the terrorism of Al Fatah.

What is the ultimate goal of this so-called third world movement? President S. I. Hayakawa of the beleaguered San Francisco State College, who testified recently before a House Subcommittee on Education, said:

> Some militants in our country are genuine in their desire to improve the educational system, but there are others, especially those in the Black Student Union, who are more concerned with personal power than with education. The BSU leaders keep saying they want absolute control with no accountability to anyone except their own members, constituents ruled by force, intimidation, and gangster tactics.

He further states:

> The White militants are now as explicit as the Blacks. Their story is now familiar on every major campus. They believe our society is so corrupt that there is no hope except to destroy the entire structure and rebuild from the ground up.

It is interesting to note, however, that these groups in most instances back most causes dealing with communism.

They support the Arab cause in the Middle East which also has strong Communist backing; they support Ho Chi Minh in Southeast Asia, who is a Communist puppet; they pay homage to the slain Cuban Communist revolutionary

Che Gueverra; and they are constantly calling for the destruction of our Government charging us with being capitalist imperialists while at the same time they are promoting the Communist ideologies of Marx and Mao.

It is time for all of us in America to wake up. Our Nation today is facing the most serious planned internal subversion that we have been confronted with and it will take strength and courage by each of us to recognize the dosage of subversive poison that is being fed to us bit by bit.

Our Government officials cannot possibly curb this movement alone. We need backing and support of everyone, of all who know that our country and our way of life has given more people, more of the good things in life and yet has allowed us to live with dignity as free men, than has any other system of government in the world's history.

Last year Congress passed a bill which would limit Federal funds to students convicted of rioting on campuses, but it is apparent that this bill alone just will not do the job. It is necessary now that we must reach our college and university administrators.

There is now evidence indicating that some administrators have failed or refused to discipline militant students and teachers involved in radical activities on the campuses, and have instead meekly capitulated to outrageous demands.

Recently, I introduced a bill in the House which I hope will help to rectify the situation to some extent. This bill, if passed, will withhold Federal funds from any university whose administration fails or refuses to suspend students engaged in campus rioting.

I have also called on the Justice Department to investigate the tie between foreign students linked to Al Fatah and have demanded that the visas for any so-called student who may be involved in this revolutionary guerrilla movement in our country be immediately revoked.

But neither the President nor the Congress alone can end the move toward anarchy in this country.

Remember, our freedom was not given to us but is something we inherited from our forefathers who fought and died to make us a free people. Today's anarchists are not fighting to liberate the American people, but are instead dedicated to enslave us under an alien form of government to keep the promise made by Nikita Khrushchev that our "grandchildren will live under communism."

DR. CHARLES BRADFORD HAILS FALLEN LEADER, PRESIDENT EISENHOWER

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein an excellent tribute to our great, beloved, and late friend, President Eisenhower, written by my dear friend, Dr. Charles H. Bradford, outstanding doctor, medical and civic leader of Boston.

This lovely, inspiring poem is composed with rare sensitivity and charm, and it impressively portrays the rugged character, great ability, extraordinary spirit of dedication and marvelous achievement for the Nation and the American people of our illustrious world and national leader and friend, Ike, as we knew him here on the Hill.

Certainly, no one is more qualified by reason of background, patriotism, learning and talent to pay this tribute, than this great son of Massachusetts, Dr. Bradford, because he and his family spring from the early sources and very foundations of American freedom, democracy, and the spiritual values and beliefs upon which they rest.

He and his brother, Robert, another distinguished friend and outstanding former Governor of the Commonwealth, and family, trace their lineage to a long line of ancestors, including the first Governor, whose wise leadership and magnificent contributions helped so greatly toward the origin, development and glory, which peculiarly belong to the Bay State.

Many tributes have been and will be paid to our fallen leader, President Eisenhower, but most assuredly, none could be more sincere, more feelingly expressed, or more appropriate than this stirring poem by Dr. Bradford, which reaches such a high pitch of eloquence and emotional truth.

This timely, well-written verse will continue to inspire generations of future Americans and give them full understanding of the rare components of character, ability, training, and unselfish dedication, which made it possible for President Eisenhower to take his place as one of the truly great leaders of the Nation and the world.

We may all prayerfully join Dr. Bradford in his beautiful poem, and reflect upon his closing lines:

But our affection follows on his name,
And never fading laurels crown his fame.

I am sure that our beloved general would have liked this great poem and these words, and his gracious wife and family, and all of us who knew and loved him for the great American he was, will always cherish them. The poem follows:

TRIBUTE TO GENERAL EISENHOWER

At our great General, let us look again
As once we knew him in his wartime days
When battles waited on his word, and when
The thunder of great guns echoed his praise.
Soldiers from every land and every race
Served under him in Freedom's vast crusade,
When the world's armies struggled to displace
The Empire of Evil, Hitler made.
From every race, indeed, and every land,
These soldiers gathered to sustain the Right;
While over their array, he held command,
And marshalled them in their heroic fight.
To Africa and Italy, they went
By Eisenhower's conquering orders, sent.

At Fortress Europe, next he aimed a blow
To free the peoples who were there enchained
Under a reign of slavery and woe
That Nazi terror-tactics had ordained.
Wickedness, unparalleled before,
Such as no other nation ever knew,
Kept millions, who were victims of the war,
In death camps, where the stench of horror grew.
Murder and frightfulness and torture ruled,
Like beasts of prey that through the jungle ranged;
And in a cult of vicious hate were schooled
The leaders, from all decency estranged.
'Twas this that Eisenhower sought to free
From the blackout of crime and misery.

With armies centered in the British Isles,
He carefully prepared plans to attack
The foe's defences, where for miles on miles,
Huge gun emplacements lay, to hurl him back.
His word unleashed the storm of blood and war
That like a tempest struck the coast of France.
There, under sweeping shellfire, his troops bore
Their banners in a conquering advance.
With fearful fighting, then, they battled on
And step by step, they breached the German wall,
And victory after victory they won
Until the rule of Hell was forced to fall.
Tragic, the cost in wounds, and blood, and death;
But free men, now, once more, might draw free breath.

As Peace returned, it showed the greatest need
Was for strong men to bear the nation's cares;
Then Eisenhower once more took the lead
In civil life and government affairs.
For eight long years, as President, he served,
Meeting each strenuous crisis as it rose.
He never from the path of duty swerved,
Nor failed in tasks his office might impose.
Around the world, his influence was felt,
Establishing a sound, straightforward course;
While in his policies, he ever dwelt
On principles of reason, not of force.
By a wise use of his authority,
He led the nation with firm dignity.

His character, above all else, we prize
For throughout life, he made his life worth while:
Gazing on all mankind with friendly eyes,
And greeting every new task with a smile.
Wholesome and hearty was his attitude,
With skill in making men cooperate;
His judgment keen, intelligent, and shrewd,
And in his manner, friendly, yet sedate.
Despite his great fame, he was humble still,
And to life's simple duties, remained true;
Genial at heart, and with sincere goodwill,
His soul was filled with honor, through and through.
As he departs, we offer this great man
Our tribute, as a true American.

L' Envoie

Gone are the mighty armies that he led;
Faded, the grandeur of his lofty place;
And down the highways of the Past have fled
The great events he was called on to face.
But our affection follows on his name,
And never fading laurels crown his fame.

THE JUDGE REACHES A VERDICT AFTER HEARING THE EVIDENCE

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. HENDERSON. Mr. Speaker, my colleague from Greensboro, N.C., the Honorable L. RICHARDSON PREYER, a member of the Committee on Interstate and Foreign Commerce, is a freshman Member of this body. Nevertheless his

background and qualifications are such that his opinions are worthy of respect and unusual consideration.

An able and distinguished attorney, he served for a number of years as a Federal district judge. His ability to weigh and consider evidence and arrive at a reasonable and impartial decision based on the weight of the evidence was widely known, both among the lawyers in North Carolina and the general public.

"RICH" PREYER has probably sat through more of the hearings of the Commerce Committee on legislation to extend the tobacco labeling act than any other Member of that body and has heard the testimony, both pro and con. His conclusions, based upon his hearings of this testimony, are worthy of special and unusual consideration and I consequently, for the benefit of my colleagues here offer for the RECORD a copy of a news release he recently issued:

THE JUDGE REACHES A VERDICT AFTER HEARING THE EVIDENCE

Congressman Richardson Preyer today called for the re-opening of the Surgeon General's study of cigarette smoking and health declaring that recent evidence raised serious questions about the validity of conclusions in the 1964 Report.

"Experimental research conducted since the Surgeon General's Report of 1964 and brought out in the recent tobacco hearings before the Committee on Interstate and Foreign Commerce, raises the most serious doubts about the conclusions reached in that report," the North Carolina Representative stated. He asked, in a letter to Secretary of HEW Robert Finch, that Finch include a reevaluation of evidence on cigarette smoking and health in a reseach program the cabinet member recently announced. "Evidence reveals it is at least as likely that constitutional factors other than cigarette smoking are the cause of lung cancer, heart disease, and emphysema. Not a single witness for the anti-smoking forces testified to any research which he himself had done, while 18 witnesses testified that their own research cast serious doubts on the theory that cigarettes cause disease," Preyer declared.

He commended HEW Secretary Finch for his announcement of a cooperative research program on the problems of tobacco and health. "Mr. Finch has recognized that there are gaps in our knowledge about tobacco and health and has urged that these be attacked through cooperative research," he said. Preyer suggested that this should lead to a new Surgeon General's Report, one recognizing the fact that our knowledge is incomplete, and one based on hearing evidence from all sides, not on an ex parte "review of the literature" which ignores new experimental evidence.

Preyer decried the "bandwagon effect" of repeating over and over a number of false and misleading statements which give the impression that the case against tobacco has been strengthened since the Surgeon General's 1964 Report. "Actually, the experimental and statistical evidence has seriously undermined the conclusions of the 1964 report," he said. Among the "myths" that anti-smoking witnesses repeated at the hearings—even though scientific evidence has destroyed their validity—were these:

(1) Myth: "Every smoker is damaged by his smoking."

Fact: Most smokers suffer no impairment or shortening of life. For example, the disease most closely connected with smoking is lung cancer. The lung cancer incidence among smokers is 5/100 of 1%.

(2) Myth: "There is an epidemic of lung cancer."

Fact: There has been a tremendous reduction in overall respiratory disease since 1900, when respiratory death rates were over five times what they are today. It is particularly misleading to say lung cancer is an "epidemic" in view of the declining rate of increase (indicating that the incidence will level off in the next few years).

(3) Myth: "Cigarette smoking causes 300,000 premature deaths a year."

(This was the testimony of the Chairman of the Federal Communications Commission. The Chairman of the Federal Trade Commission testified to "500,000 deaths" and also claimed that smokers miss "33⅓% more working days than non-smokers".)

Fact: These claims have no basis in fact. (The two Chairmen based their statements on findings of the Surgeon General's Advisory Committee but this Committee did not attempt to estimate so-called excess deaths.)

(4) Myth: "Cigarette smoking turns the lungs black," or "Doctors can tell cigarette smoker's lung from a non-smoker's lung."

Fact: It is impossible to tell a smoker's lung from a non-smoker's lung upon examination either grossly or microscopically.

(5) Myth: "Heavy smoking will shorten your life by 8 years."

Fact: This statement is based on a statistical study by Dr. Cuyler Hammond who has refused to disclose the raw data in his studies so as to permit independent evaluation. To the contrary, recent "twin studies"—where one smokes and the other does not—indicates there is no difference in their death rate.

(6) Myth: "Giving up smoking makes one healthier."

Fact: According to the Public Health Service "Morbidity" report *former* smokers have more ill health than present smokers or those who never smoked! This may only show how misleading statistical information can be.

(7) Myth: "There are 77 million excess work days lost each year by smokers."

Fact: The study on which this claim has been based has recently been found to contain such unbelievably large errors that it is worthless. These new analyses have been made available to the Public Health Service with no result.

In addition to replacing "myths" by facts, Preyer said there are many areas of scientific disagreement which additional research can help clarify. For example, testimony relating to nicotine in the recent tobacco hearings was that: (1) nicotine constricts blood vessels; (2) nicotine expands blood vessels; (3) nicotine has no effect on blood vessels. This is the kind of question which Secretary Finch's Committee can help resolve.

UMPIRES SHOULD BE REINSTATED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. UDALL. Mr. Speaker, two American League umpires were fired last year by American League President Joe Cronin on grounds of incompetency.

This came very shortly after the two men—Al Salerno and Bill Valentine—had contacted their fellow umpires about setting up an organization of American League umpires, similar to the organization that had been in existence for some time among National League umpires.

I want to add my voice to those protesting this rather high-handed action by Mr. Cronin that is a slur on all organized baseball. The organization that these two men sought to form has since been formed, and the substandard pay American League umpires had gotten has been raised on about a par with the National League. I think that organized baseball, and especially the American League, should at least remove some of the blight on its record by reinstating these two men as umpires.

Without objection, I will include the following article that sums up the situation:

ERROR CALLED ON CRONIN: RHUBARB POPS UP IN CONGRESS OVER THUMBED-OUT UMPIRES

Three Members of Congress from New York are still battling for American Baseball League umpires Al Salerno and Bill Valentine, who were fired last September for advocating an umpire's union.

Senators Jacob Javits and Charles E. Goodell (R-N.Y.) and Rep. Alexander Pirnie (R-N.Y.) are pressing for resolution of their cases now.

The umpires were fired after they sent letters to their fellow American League umpires suggesting the formation of an American Baseball League Umpires Association similar to the National Baseball League Umpires Association.

American League Pres. Joe Cronin said that both umpires were dismissed on grounds of incompetency.

"If Salerno and Valentine are incompetent," Pirnie asked on the floor of the House recently, "what are the grounds for judging their incompetence?"

He wanted to know why they were not dismissed earlier—one had six years of seniority and the other seven—instead of three days after they proposed the union.

Pirnie said that baseball managers and writers have answered the question, including:

Al Dark, veteran American League manager: "I don't know the whole deal, but I'll tell you these guys were two pretty good umpires. I'll take both of them on the field every game and feel I'm going to get a good, honest, hustling effort—and that's all any manager can expect."

Dick Williams, manager Boston Red Sox: "I had several jams with them, but I consider both of them good umpires and I'd like to see them have their jobs back."

Shirley Povich, Washington Post: "When asked what qualifications his two unfrocked umpires lacked, Cronin said they were 'just inefficient, that's all.' To Cronin's credit, this was not a snap judgment. In Salerno's case, it took the AL president seven years to arrive at it; in Valentine's case, six years."

Red Smith, syndicated columnist: "If they were never good enough, as Cronin says, it took him a hell of a while to find out. Joe has to be one of the least perceptive or most indulgent employers this side of Utopia."

Since the two umpires were fired, American League umpires have joined the National League umpires group which was organized in 1963.

Offers have been made to Cronin to reinstate Salerno and Valentine on a provisional basis but he has rejected them. Then, through an intermediary, Cronin contacted Salerno and offered him a post as scout for umpires in the minor leagues. Salerno, wishing to continue his umpire career, rejected the offer.

"How pungent could irony be?" Pirnie asked, "A man is told he is incompetent to umpire in the American League, yet he is told his incompetency qualifies him to scout for competent American League umpires."

Salerno and Valentine have filed their cases with the National Labor Relations Board. The case is pending before the regional office in Boston.

"Even assuming the NLRB hears their case," Pirnie said, "and decides favorably, a baseball season will probably have long since passed."

"Precedents in similar labor union organization cases do not offer good omens."

Pirnie said that "justice warrants and the image of baseball demands" that both men be immediately reinstated.

BATTLING PORNOGRAPHY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. WYATT. Mr. Speaker, there is a tremendous concern in our society about the growing amount and availability of pornography. The youth of our Nation is particularly susceptible to the degrading influences of smut.

I and many other Members of this body have introduced measures designed to combat this insidious menace to our youngsters. It is of personal concern to each of us to see that our Nation's youth is not subjected to the vile perverting nature of the spreading wave of pornography.

In Portland, Oreg., the newspaper, the Clarke Press, recently performed a fine public service by printing a well-written series of articles about a local effort to combat the spread of pornography.

Whether one agrees or disagrees with the tactics of the organization outlined in the following articles, I believe the Clarke Press has done an excellent job of presenting the little-known side of a growing movement in a usually passive segment of our population against the tide of filth.

I would like to commend the Press for their outstanding service in reporting this movement. Public apathy is pornography's greatest shield, and the series in the Press has helped to pierce this shield. At this time I would like to present the series of articles published in the Clarke Press about Portland's "Pornography Revolt":

[From the Clarke Press, Apr. 9, 1969]

"CARRIE NATION" LEADER: PORNOGRAPHY FOES MOVE UNDERGROUND

There's a new type of underground forming here.

Pornography fighters are dropping out of sight—but not out of hearing.

They are bombarding purveyors of smut anonymously. Nobody knows exactly who they are or—more importantly, how many people are involved.

And partly because of their anonymity, they are achieving startling results.

For instance—already several major Metro Portland retailers, have removed so-called "sexy" publications from their news and magazine racks.

The movement is said to have achieved its start when an unsuspecting wife and mother was passing a supermarket magazine rack and noticed a small boy studiously examining a Playboy centerfold. At her approach the lad turned, displayed the nude cutie's photo and said:

"Isn't that something?"

When the woman recovered her composure, she learned the boy was seven years old.

Operating mostly by telephone, the same woman now functions as titular head of a "secret" organization known only as Carrie Nation and Her American Crusaders.

Carrie claims she's not trying to put any publishers out of business—nor is she guilty of suppressing freedom of speech. Her Crusaders aren't particularly interested in the hard core stuff associated with cigar store backrooms. Nor are they trying to make sex unpopular with the masses.

Rather, they want to "save" youngsters from exposure to what they believe is blatant indecency in many magazines today—magazines too widely displayed and too readily obtained at sources within reach of small children.

In a sense, the Crusaders hope to deter as many boys as possible from growing up to be dirty old men. And they've pretty well given up on the adult population segment that already fits the category.

"I do know one supermarket manager, however, who subscribes to Playboy," she told The Press. "He has removed the magazine from his news rack and told me he is losing interest in it himself."

A talk-show devotee, Carrie and her Crusaders get on the phone and call managers of businesses displaying girlie magazines on racks accessible to children. Their pitch is simple and to the point.

"Get rid of the books or we boycott your store!"

By remaining unknown, the hapless merchant isn't certain the caller represents one or a hundred present or potential customers.

And, of course, the final test is the merchant's cash register.

But few businesses in today's competitive hustle are eager to wait for that kind of result. In many cases, it's easier to get rid of the books!

The insidiousness of the scheme is apparent. And as long as it's channelled in the "right" direction for "good" causes, Carrie and her girls (and men, too) are probably safe from investigation.

But say they are successful in the sexy book campaign. What happens if they decide to flex their muscles against other things?

Sexy movies would be next. Then violence on television. Then cigarets? How about homogenized milk? Diet drinks? High cholesterol margarine? Eggs with albumen? And a host of things repugnant to or disliked by some?

In order to live up to the example of her namesake, there are many who fear the modern Carrie must eventually get around to booze!

Levity aside, the wishes of Carrie's Crusaders are being heeded in the campaign against smut. And lots of people who have been fighting the same battle without success in the open—are quietly enlisting in her ranks.

Any merchant who doesn't want to face the decision has only two choices:

1. Beat Carrie to the punch and drop the books before she calls.

2. Don't answer the phone and ignore her open letter that reads:

"Would you ever forgive yourself if you came home and found that your daughter had been raped and murdered and the man who had done it had just bought a girlie or sex magazine that aroused him, and she was the first one he met?

"Think of this—the Boston Strangler admitted he had read girlie magazines before all 13 rapes and murders."

[From the Clarke Press, Apr. 16, 1969]

"CARRIE" HELPS: ANTI-SMUT CAMPAIGN EFFECTIVE

Carrie Nation is making progress in her underground fight against pornography.

The anonymous woman and her American Crusaders report the removal of magazines they term objectionable from several supermarket and drug store newsstands. And the ranks of Carrie's Crusaders are swelling.

Since the Press last week reported Carrie's telephone campaign to remove girlie magazines and other publications from racks accessible to small children, people have been telephoning to learn how they can help.

Carrie remains completely anonymous and won't even reveal her own phone number. But people wanting to contact her can leave their numbers with the Press and they are referred to her when she "checks in" by phone.

Carrie and her followers threaten to boycott any business that persists in displaying the objectionable literature.

She complained to Paul Miller, manager of Pay 'n Save at Eastport Plaza about Playboy magazine and he quickly "pulled it." Other stores have responded similarly and a spot check of area markets revealed the majority are cooperating.

A spokesman for Safeway said publications are constantly policed for anything that might be objectionable to customers and that firm has even barred certain issues of Life, True and Coronet.

Albertson's also has a strict policy and polices all magazines appearing on racks of its 33 stores.

Fred Meyer's anti-smut policy is one of long standing and rigidly adhered to, said a spokesman.

Bob Dieringer of Disco Mart Stores spoke for a chorus of store operators favoring Carrie's campaign. "More power to her," he said.

At Baza'r all magazines are banned and employees carefully screen paperbacks on display.

[From the Clarke Press, May 7, 1969]

SMUT FIGHT STILL RAGES

While controversy increased locally concerning anonymous tactics used by "Carrie Nation," the fight against smut achieved regional and national significance.

Carrie, an unidentified Metro Portlander, has enlisted followers who telephone businesses displaying offensive books and magazines. They threaten store owners with boycott unless offensive publications are removed from reach or view of children.

As a result of recent publicity, Carrie reports she has been contacted by and recruited some 14,028 followers, in her American Crusade. Sizeable portions of that total, she said, are members of organizations which have joined her crusade en masse.

Some letter-writers and callers object to Carrie's anonymity and "blackmail tactics." Others continue to phone this newspaper and leave telephone numbers in hopes Carrie will contact them so they can join her movement.

Meanwhile, Pay-Less Drug Stores, multi-state Northwest retail chain, joined other retailers in denouncing objectionable literature and announced a policy of stringent policing regarding material displayed in its stores.

And at week's end Pres. Richard Nixon called for new laws to combat sex-oriented smut mail bombarding homes across the nation.

[From the Clarke Press, May 14, 1969]

BOOMERANG CLAIMED: ANTI-SMUT DRIVE BOOSTS SALES OF SOME MAGAZINES

Carrie Nation's crusade to remove objectionable literature from supermarket newsstands is bearing fruit—in more ways than one.

Increasing numbers of retailers are removing specific magazines. But other outlets report zooming sales of Carrie's targets.

Carrie this spring launched an anonymous telephone campaign aimed primarily at food and drug stores which display objectionable literature on stands accessible to children.

In a matter of weeks the ranks of her crusaders swelled to an estimated 15,000 persons, many of whom phoned this newspaper to leave their numbers so Carrie could sign them up.

She now reports formation of "chapters" in Portland, Wilsonville, Tigard, Milwaukee. Oswego, Scappoose, St. Johns and Gresham.

She describes her anti-smut crusaders as peace-loving—with not a hatchet-carrier in the bunch.

"And," she declared this week, "the vast majority of store managers we call are just lovely and want to cooperate."

Meanwhile, a telephone poll of magazine subscription services, smoke shops and magazine suppliers indicate Carrie's campaign is having its effects.

Said Fred Wunderlich, 12-year operator of Fred's Smoke Shop, 911 SW Taylor:

"Sales automatically increase any time someone starts a campaign. I've told that to the District Attorney and the Legislature.

"If you want to squash something, keep it out of the newspapers."

Said Norman Bay, manager of Bay News Company, 3155 NW Yeon, "We supply about 675 outlets in the metro area. We send them what we think they want and they return what they don't want.

"There's been a change in the supply of confessional-type magazines and semi-nude stuff. But what one dealer rejects, another will pick up."

Mgr. Dwain Wolfer, Your Candlelighter (subscription service), 6323 SE Holgate said:

"Boy, I've sure sold a slug of Playboys this month."

Asked if he knew if his customers were ages 7 or 70, he replied:

"Don't let it fool you. Most of them are ordered by the wife for her husband. And for Father's Day. And the women sign themselves 'Mrs.' "

GALLAGHER STATEMENT ON THE 1970 CENSUS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. GALLAGHER. Mr. Speaker, on May 8, 1969, I had the privilege of testifying before the House Subcommittee on Census and Statistics on the issue of the 1970 census. Because the census strikes so directly at the interrelated issues of privacy, citizen respect for the Federal Government, the constitutional balance of powers, and the necessity for accurate information, I am taking the liberty of inserting my complete testimony into the RECORD at this point:

TESTIMONY OF CONGRESSMAN CORNELIUS E. GALLAGHER BEFORE THE SUBCOMMITTEE ON CENSUS AND STATISTICS, MAY 8, 1969

I am very pleased to have the opportunity to testify for the third time before the Subcommittee on Census and Statistics of the House Committee on Post Office and Civil Service. The constant demonstration of your concern over the issue of the Census reflects the fact that it touches every single American family and is, therefore, a problem which must be probed by the Congress. Our responsibilities to our constituents demand no less and we have already seen that this Subcommittee will continue to meet those obligations under you, Mr. Chairman, in the same dedicated and skillful manner that it did under those who preceded you.

When I was the sole Member of Congress to testify on the proposed 1970 Census questions during your 1966 hearings, I made the following statement:

"The Census Bureau perhaps deserves the highest commendation for protecting those who supply them with information. On the aspect of confidentiality of the Census Bureau, it seems to me it is unimpeachable."

On October 24, 1967, when the very able Congressman Jackson Betts and I were the only two Members who appeared to testify, I said:

"I might point out that the Census Bureau has one of the finest records of protecting the information it receives."

Today, I would like to go a step further in praising the Bureau of the Census on its commitment to confidentiality by disclosing a story which puts, in the most graphic terms, Census's ability to defend its respondent's identity. This true event suggests that fears of invasion of privacy may be groundless when data are in the hands of the Bureau of the Census.

Shortly after the attack on Pearl Harbor, our Nation felt there might be a dangerous potential for internal subversion because of the large number of Japanese-American citizens. Intense excitement, even frenzy, was exhibited by many people and the result of overemotionalism represents a rather sorry page in our history.

The Bureau of the Census did not succumb to the prevailing mood of hysteria. The Bureau resisted pressures to make known to other branches of the Executive the names and addresses of every Japanese-American citizen of the United States. The loyalty of Japanese-Americans was proven conclusively by their performance in the European Theatre of Operations. I know by personal experience that no group made better soldiers than those with whom I had the privilege of serving in Europe.

Mr. Chairman, there may be times when invasions of personal privacy are justified by a soberly determined and tightly reasoned sense of National priorities. In the months immediately after Pearl Harbor, however, no sober evaluation was possible. To its everlasting credit, the Bureau of the Census demonstrated a higher devotion to the Constitution than did many of those who were responsible for the creation of detention camps for our fellow citizens who happened to be of Japanese ancestry.

It is in times of great stress that the true character of a man, an institution, or a government can be ultimately determined. By its adherance to its legal guidelines in a time of National fervor, the Bureau of the Census set a high mark which should be emulated by other Federal agencies.

The only criticism I have ever heard about violations of the strict confidentiality restrictions at the Bureau of the Census is an occasionally expressed suspicion that temporary enumerators spread certain interesting facts about their neighbors. The new procedure to be used in 1970—mail out, mail back—should largely remove even this area of doubt from the minds of our people.

Mr. Chairman, as one who has closely identified with the issue of invasion of privacy, I want to say as strongly as I can that fears about the misuse of responses by Americans to the Census do not have a basis in fact. Individuals are protected by law from having their identities disclosed and, what is equally important, they have a solid tradition at the Bureau of the Census to rely upon. One must conclude that the abuses which have aroused justifiable fears of invasion of privacy in other areas of the Federal establishment do not exist at Census.

The mail out, mail back procedure for questionnaires does intensify another problem, however. We must be realistic about human nature when we legislate and it must be acknowledged that some of our citizens will ignore their responsibilities to fill out the Census forms unless they are required, by law, to do so. Previously, the mere presence of the enumerator was an effective reminder of the job to be done. In 1970 this pressure may not be present and I frankly do not think we should alter the mandatory nature of the Census.

But the threat of jail is out of place. The threat of imprisonment to gather information which is so vital to our Nation seems to me to escalate a subtle urging toward good citizenship into outright coercion. I would favor retaining fines for a failure to comply, but the provisions for a jail sentence should be removed.

Mr. Chairman, this Subcommittee has made a splendid record. The Bureau of the Census now seems committed to submitting questions for you to review. Commerce Secretary Stans put the imprimatur of his Department on this practice when he wrote to all Members of Congress on April 17, 1969:

". . . the proposed questions will be submitted to the appropriate Committee of the Congress two years in advance of future censuses . . ."

I believe that this formal recognition of Congressional responsibility will have an extremely important and beneficial impact on a fact of modern life which distresses me more deeply than the specific problem of Census questions. What we are now witnessing is a two pronged attack on the prerogatives and the privileges of the Congress. On the one hand, we frequently act as a merely ceremonial confirming body, supinely acquiescing to Executive Branch dicta. On the other hand, we are becoming the focus of those who are increasingly alienated from government itself. Because we must stand for re-election every two years, we are particularly vulnerable to failures of Federal programs, and yet we have had little opportunity to influence meaningfully their formulation.

And so, Mr. Chairman, what could rightfully be hailed as a victory for your Subcommittee is in reality a reassertion of the most basic feature of our Constitutional government—an effective balance of powers.

The absolute necessity for public men to make public decisions was highlighted in testimony presented to the other body by my good friend, Professor Arthur Miller of the University of Michigan Law School. On April 25, 1969, he made the following thoughtful statement:

". . . the breadth of concern over the dehumanization of modern society and the animus directed at the information activities of the government cannot be ignored. The omnipresence of data collection activities and the computer cannot help but have a numbing effect on the congeries of values we subsume under the heading of 'personal privacy' and debilitate the citizen's conception of the government as a relatively benevolent or protective institution. The climate or atmosphere of suspicion engendered by an accumulation of invasions of privacy is of far greater concern than the direct harm caused by the particular incidents themselves."

As usual, Professor Miller strikes directly at the heart of the question. Since the 1966 hearings of the Special Subcommittee on Invasion of Privacy on The Computer and Invasion of Privacy," I have received thousands of communications from Americans of all walks of life protesting Federal data collection practices. While the basic thrust of those hearings was the suggested National Data Bank, a deeper concern was expressed. This is, quite bluntly, fear of big government, out of the hands of elected public officials, and a sense of individual powerlessness. The ordinary American—that most extraordinary of humans—is beginning to feel suffocated under a sense of surveillance and he is in the process of losing faith in and respect for his government. In fact, a sense of fear, failure, and frustration has replaced

confidence in life, liberty, and the pursuit of happiness for some Americans.

The achievements of the investigations and hearings of this Subcommittee have helped to allay those fears somewhat. My very able and extremely effective colleague, Congressman Jackson Betts, has spearheaded a campaign to make those in the Executive Branch more responsive to altered social and political conditions. My own investigation of invasions of privacy has helped to move the Executive Branch to a clearer understanding of the rising tide of public discomfort and disenchantment.

It is just at this point that the omnipresent whir of the computer must again be injected into the discussion. The computer can be used as a tool to satisfy what seems to be a passion to record every single human transaction and keep it, subject to instant recall, in the bowels of the Federal establishment. Mr. Friend, Dr. Alan Westin of Columbia University, probably knows more about this subject than any other man. He is an advisor to the New York State law enforcement computerized information system; he is a member of at least three academic groups considering the computer an invasion of privacy; and he heads the American Civil Liberties Union privacy panel. Please permit me to allow his words to carry my argument forward:

"Once computers are installed, they acquire a momentum of their own . . . The result is that individuals and organizations today are being asked more detailed questions about themselves than was even possible or desired before computerization. Case studies of organizations adopting computers have shown that their information base is enlarged two or three fold, and that the new information sought is in areas, reporting sources, life, or activities that were previously immune from inquiry because of the physical or cost limits on acquiring, digesting, and using such information."

Dr. Westin's accurate analysis of computer potential is yet another reason why the Congress must be especially vigorous in exercising its mandate to oversee the operations of the Executive Branch. This necessity leads me to two specific recommendations:

1. I believe that the Subcommittee on Census and Statistics should undertake a review of information policies within the Federal establishment and should seek ways to extend the excellent confidentiality safeguards of the Bureau of the Census to other Federal agencies. This Subcommittee and others have assembled a body of data which I believe compels the conclusion that such an extension is essential to the public interest.

2. The advisory committees and the blue-ribbon Commission recently announced by Commerce Secretary Stans must include strong representation from people disinterested in the day-to-day operations of the Bureau of the Census. By this I mean that the panels and advisory groups must include civil libertarians, Constitutional lawyers, and individuals closely attuned to the public mood.

Perhaps most importantly, a professional writer or two should be at the call of the Bureau of the Census. The insensitive manner in which some of the 1970 questions were originally phrased is, in my opinion, a major cause of the public's distress. Commerce Secretary Stans recognizes this when he said in his letter of April 17, 1969:

"Questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implications that the government is interested in knowing with whom these facilities may be shared."

Better late than never!

In addition, one question which I understand will still be asked seems to have been created by a master privacy invader. To ask a woman how many children she has had, as will be done for a 20% sample in 1970, seems a virtual celebration of insensitivity. This cannot help but put many people in an extremely embarrassing position within the family group. One of the concerns expressed by the Special Subcommittee on Invasion of Privacy has been that the machine can neither forget nor forgive. With my apologies to Madalyn Murray O'Hare, I believe that redemption, renewal, and, yes, even resurrection of an individual's personality are basic features of the American experience.

I believe that this question is certain to cause pain in many homes around our Nation and I am sure it could either have been better phrased or else eliminated.

If I may be slightly facetious, this question may also be in violation of the Civil Rights Act of 1966 which prohibits discrimination by sex. I would suspect that no one dreamed of asking 20% of American men how many children they had fathered!

Mr. Chairman, the Bureau of the Census is not made up of faceless, soulless bureaucrats devoted to the collection of personal information so that they may live vicariously. From personal experience, I can report to you that they are reasonable and rational. When a good case is presented for dropping a proposed question, they will remove it. During the lengthy discussions I have had with Dr. Eckler and his associates, I was able to point out compelling reasons for not requesting the Social Security number and for excluding a question regarding religion.

I would like to conclude this morning by observing that the innocent collection and storage of data can have monstrous effects. For centuries, European nations have had a system of records surveillance, primarily in the noble pursuit of efficiency and economy. We must never forget that these naively assembled data facilitated the mass murders of Nazi Germany. The hated, infamous "Fragebogen" was, after all, merely a Census which disclosed who had Jewish blood and who practiced the Jewish faith. By tying such information to the Social Security number and projecting what some Americans fear may be a turn to a Fascism of either the left or Right in our country, similar "impurities" in the American strain could be weeded out by some future government. Perhaps our government will continue to be run by men who will only use this information for benevolent purposes, but I continue to be troubled by the great temptation we are placing in path of the 2nd and 3rd generation of data users. We need to do everything we can by law to forestall the possibility of a police state in order for our children and their children to continue to enjoy a free America.

This was a basic reason why I opposed the National Data Bank in the form it was presented to the Special Subcommittee on Invasion of Privacy in 1966. It is a basic reason why I would oppose any additional questions which elicit larger amounts of strictly personal information on a future Census.

Mr. Chairman, it is apparent that the problem over questions for the 1970 Census is but another skirmish in the continuing struggle of democratic government: how to find a balance between competing interests. Our Nation needs a valid and reliable basis of fact in order to meet the legitimate needs of our people. The Census plays an indispensable role in collecting those essential data. Every American has a stake in an accurate poll in 1970; particularly those of us in Congress whose Districts will be drawn in accordance with Census figures. A mandatory Census has fulfilled those Federal obligations in the past.

On the other hand, the Congress must continue to take the lead in protecting Americans from unwarranted invasions of personal privacy. We must be alert to the kind of insensitivity I have mentioned, a kind of insensitivity which occurs frequently in the rather cloistered confines of the Executive Branch. In short, we in the Congress must continue to assert the voice of the people in the halls of government.

Mr. Chairman, the hearings and investigations of the Subcommittee on Census and Statistics have been invaluable in directing our Nation toward the middle road in this controversy. The balance of competing interest, is what Democracy does better than any other system of government and by continuing to assert the rights of the Congress in this struggle, you have had conspicuous success. I believe that in the area of Census questions we are on the reasonable road, the responsible road. I am delighted to have had the opportunity to present my views before you today.

FORTAS STORY UNFOLDS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. GROSS. Mr. Speaker, the developments of today in the case of Associate Supreme Court Justice Abe Fortas, make it more imperative than ever that the Justice Department empanel a Federal grand jury immediately to make a sweeping investigation of Fortas' activities.

Among the statements that have been made is that of Alexander Rittmaster, former business associate of Louis Wolfson, the financial manipulator, now serving a sentence in a Federal prison in Florida. Rittmaster turned State's evidence and was a key witness in the trial which found Wolfson guilty of violating the Federal Securities Act.

According to Life magazine, Rittmaster said Fortas, while serving on the Supreme Court, visited Wolfson's palatial home in Florida to "take care of the SEC—Securities and Exchange Commission—matter." This is in direct conflict with Fortas' statement to the public before his resignation that he did not then or at any time while on the Supreme Court bench become involved in Wolfson's SEC matters.

Also, according to Life magazine, Rittmaster said Wolfson told him his—Wolfson's—prosecution for violation of the securities act would be taken care of "at the top"; that it would not get out of Washington. The public is entitled to know the truth of this statement and, if true, who "at the top" gave such assurance.

Mr. Speaker, I am advised that there is documentary and other evidence showing that Mr. Fortas made contact with Government officials in connection with the Wolfson criminal investigation, and made an effort to intervene in the case.

This information, together with the known facts on the $20,000 fee arrangement with Wolfson and the Wolfson Family Foundation demonstrates that this is more serious than unethical conduct by a member of the Supreme Court. The reports of the arrangement for a $20,000-a-year fee from the Wolfson Family Foundation for the period of Fortas' life and for the life of Mrs. Carolyn Agger Fortas, is inconsistent with the purported reason for receiving the

fee. Only the naive would believe that a fee of this size, on a lifetime arrangement, would be paid for giving advice and doing research on how to dispense money to create harmonious relations on civil rights and religious matters.

This was a "fix" and it makes no difference what else it is called by Mr. Fortas. There are criminal laws that cover this type of operation, and I hope they will be enforced without fear or favor for the former Associate Justice.

Mr. Speaker, as a background of information dealing with this subject, I insert in the record at this point an article from the Des Moines Register of May 11, 1969; an article from the Washington Post of May 15, 1969, and another article from the Des Moines Register of May 7, 1969:

[From the Des Moines (Iowa) Register, May 11, 1969]

READY TO IMPEACH FORTAS—EXPECT STEP TO BE TAKEN THIS WEEK IF JUSTICE DOESN'T RESIGN POST

(By Clark Mollenhoff)

WASHINGTON, D.C.—Impeachment action will be brought against Supreme Court Justice Abe Fortas this week.

Representative Robert Taft (Rep., Ohio), Representative H. R. Gross (Rep., Ia.) and Representative Richard Poff (Rep., Va.) have discussed such an action with the House Republican leadership and approval has been given with assurance of firm backing.

G.O.P. congressional leaders have had discussions with Justice Department and White House officials, and have been told that the facts in the Life magazine article are correct relative to the $20,000 fee that Fortas received from the Wolfson Family Foundation in January, 1966, and deposited in his personal account.

AN 11-MONTH LAG

They have also been told that the story is correct in stating there was an 11-month lag before Fortas made out a check to repay the money to the foundation.

In addition, there is believed to be substantial corroboration of stories of key figures who have given testimony and affidavits of Justice Fortas.

Gross said Saturday he has an impeachment resolution prepared and will file it this week, or will co-operate with others in forcing immediate action in the House.

"It will be filed this week unless Fortas resigns," Gross said.

A simple majority of the House can impeach a federal judge and send the charge to the Senate for trial. The actual trial requires a two-thirds vote to oust a judge.

Members of the House and Senate have spoken out publicly in criticism of Fortas, including Senator Jack Miller (Rep., Ia.), Senator Harold Hughes (Dem., Ia.), Representative William Scherle (Rep., Ia.), Representative Wiley Mayne (Rep., Ia.), Representative Neal Smith (Dem., Ia.) and Representative John Culver (Dem., Ia.).

NO DEFENSE

No members of the House or Senate have made a public defense of Fortas and editorial comment is almost all critical.

A few—including Gross, Miller and Scherle—have said Fortas should resign his $60,000 lifetime job on the Supreme Court, but many have said they want to see if there is further explanation by Fortas that might modify their judgment.

Only a few, including Republican Senator Everett Dirksen of Illinois, have said they do not believe the Fortas-Wolfson relationship is an impeachable offense.

However, Representative Taft and Senator Robert Griffin (Rep., Mich.) state they have examined the precedents and have concluded that "bad behavior and failing to live up to proper ethical standards" is sufficient grounds for ousting a Supreme Court justice.

Perhaps the key figure is Alexander Rittmaster, former business associate of financial manipulator Louis Wolfson. Rittmaster, who had an intimate role in Wolfson's handling of the Merritt-Chapman & Scott stock, turned states evidence and was a major witness in the trial that resulted in conviction of Wolfson for violation of the Federal Securities Act.

According to the Life magazine article written by associate editor William Lambert, Rittmaster "said that the justice (Fortas) was there (at Wolfson's Harbor View Horse Ranch near Ocala, Fla.) to 'take care of' the SEC matter."

The Fortas visit to the Wolfson ranch was on two days in mid-June, 1966, at a time when Wolfson, Rittmaster and other business associates were concerned about a Securities and Exchange Commission (SEC) investigation that had been in progress for more than a year.

Lambert also reported in February, 1966—a month after the $20,000 fee was received by Fortas—Rittmaster met with Wolfson, expressed concern, and was told by Wolfson that the investigation would be taken care of "at the top" and would never get out of Washington.

Rittmaster has told Justice Department lawyers that it was in that February meeting with Wolfson that Wolfson first told him that Fortas was joining the Wolfson Family Foundation.

The Rittmaster version of the Fortas-Wolfson relationship is on record in the Justice Department, because it was essential to establish the credibility of Rittmaster before the prosecutors in New York could use him as a witness in the prosecution of Wolfson. At the time of the Wolfson trial, there was no direct interest in Rittmaster's comments about the alleged involvement of Fortas.

DIRECT CONFLICT

The statements that Rittmaster has made to the government prosecutors are in direct conflict with the brief statement that Fortas made last Sunday in denying that there was any impropriety involved in his relationship with Wolfson, or in receiving the $20,000 check and depositing it to his account.

Fortas said he received the fee with the idea it would be an advance for advice to the foundation on how to use its money "in the field of harmonious racial and religious relations."

The justice said that he has no reason to believe "that the tender of the fee was motivated by or involved any hope or expectation that it would induce me to intervene or make representations on Mr. Wolfson's behalf."

It would have been a violation of federal law for Fortas as a federal judge to have received any money for the purpose of intervening in any government agency on behalf of Wolfson.

"At no time have I spoken or communicated with any official about Mr. Wolfson, whether with respect to a pardon or his criminal cases or his SEC matters," Fortas said. "At no time have I given Mr. Wolfson or any of his family, associates, foundations, or interests any legal advice or services, since becoming a member of the court."

Atty. Gen. John Mitchell and Asst. Atty. Gen. Will Wilson, who heads the criminal division of the Justice Department, have been making every effort to obtain all information that will be helpful in determining if the Rittmaster or Fortas version is correct.

Wolfson, who less than a month ago started serving a federal prison term, is one of those whose testimony would be important in that respect.

HAD "CONNECTION"

In an interview with the Wall Street Journal in the days just before he went to prison, Wolfson said that he had such an important political connection that could have gotten a pardon from President Johnson in December if he had asked for it. He said he received the assurance "from someone who is as close as anybody could be" to Mr. Johnson.

There were indications in Washington late last week that Mitchell and Wilson were seeking to make arrangements to question Wolfson to determine if he would testify on his relationship with Fortas.

Reports from reliable sources indicate that Wolfson has been willing to co-operate, but that his lawyers are opposed to it unless there is some firm assurance that the millionaire industrialist will not end up in further troubles with the law.

Although indications are that no firm arrangements have been made for Wolfson to testify, a number of Republican congressmen have been told that there is "firm evidence" beyond the facts presented by Life magazine that make the Fortas case "even more serious."

It is reported by a reliable source that Attorney General Mitchell has been in communication with Chief Justice Earl Warren with regard to this additional information. Mitchell has told the chief justice that President Nixon is hopeful that the members of the Supreme Court will find a way to handle the Fortas matter without delay.

[From the Washington (D.C.) Post, May 15, 1969]

WOLFSON AIRS FEE TO FORTAS—$20,000 SET AS ANNUAL FEE, HE TELLS FBI

(By John P. MacKenzie)

Convicted stock manipulator, Louis E. Wolfson emerged yesterday as a prime source of the Justice Department's case of alleged financial impropriety on the part of Supreme Court Associate Justice Abe Fortas.

From the minimum security prison at Elgin Air Force Base, Fla., where he is serving a one-year prison term, Wolfson has told the Government that the $20,000 fee paid to Fortas in 1966 was the first installment in a planned annual fee arrangement.

In his brief explanation May 4 of charges that he accepted money improperly from the Wolfson Family Foundation, Fortas stated that a fee was "tendered" for a writing and research project in civil rights and human relations but returned "with thanks" when Fortas found he could not undertake the assignment.

Evidence obtained through Wolfson, apparently in an effort to reduce his prison term and a consecutive term of 18 months he faces in another case, indicated that Fortas's involvement was much deeper than the Justice implied in his statement.

[The Los Angeles Times reported that documents in the Government's possession, plus Wolfson's statement to FBI agents, are being interpreted to mean that Fortas was willing to assist Wolfson in an investigation by the Securities and Exchange Commission.

[Wolfson told the FBI last Thursday that his written agreement with Fortas provided for a $20,000 lifetime annual retainer that would go to his wife in the event of Fortas's death, the Times said.

[Before talking to the agents last week, Wolfson attempted to strike a bargain with the Government, the Times was told. But Justice Department officials are believed to have rejected Wolfson's offer. However, as a result of the FBI interview the Government was able to obtain the documents by means of subpoena.]

Fortas, meanwhile, remained silent in his Court chambers while the first steps were taken toward a House inquiry that could lead to his impeachment.

Apparently puzzled by Fortas's refusal to capitulate, the Justice Department turned up the heat with an announcement that it was prepared to cooperate, within limits,

with an investigation by the House Judiciary Committee.

The Justice Department move came after more than a week of Nixon Administration efforts to kep eager House Republicans from rushing ahead with impeachment proposals. It appeared to be a measured further step to force Fortas to resign and avoid a Capitol Hill donnybrook over the Court.

Among those claiming knowledge that Fortas intended to resign, there were persistent reports that he wants to stay three or four more weeks—until the end of the term—and then quit without further fuss.

Others pointed out that a resignation under fire—unprecedented in Supreme Court history—would be construed as an admission of guilt and would not end the Justice's ordeal, especially if the Government actually has evidence to back up hints of more serious involvement with Wolfson, the imprisoned stock manipulator.

A major question mark was the potential role of Wolfson, one time corporate wonder boy and a Fortas client and friend who could become the Justice's principal accuser.

Wolfson entered the prison contending, in statements, interviews and advertisements, that he could have used high-level influence to stay out of jail. His lawyer, William O. Bittman of Washington, refused to comment on the case or say whether Wolfson was offering evidence in hope of shortening his prison term.

The tempo of events, climaxed by Fortas's sudden cancellation of a speaking date Tuesday night, had fed expectations that he might break his 10-day silence, either amplifying his May 4 response to a charge he accepted $20,000 from Wolfson, or announcing his decision to resign or to fight attempts to oust him from the Court.

Instead the first move came from Rep. Clark MacGregor (R-Minn.), who told newsment and the House that he had conferred by telephone with Attorney General John N. Mitchell about avenues the House might pursue.

MacGregor delivered a letter to Judiciary Committee Chairman Manuel Celler (D-N.Y.) asking for an investigation starting next Tuesday with Fortas and Mitchell as the first witnesses.

With the independent-minded Rep. H. R. Gross (R–Iowa) listening intently and still ready to file an impeachment resolution, Celler said he and William M. McCulloch (R-Ohio), the Committee's ranking Republican, had agreed on a course of action "to be taken in the not-too-distant future" that would satisfy Gross.

Later in the day Celler and McCulloch were believed to have conferred with the Attorney General at the Justice Department. At day's end McCulloch indicated that the plan of House action was not firm in detail but he would not elaborate.

A Judiciary Committee proceeding could result in an impeachment resolution submitted for floor action, but it could also be the burying ground for such a proposal. If a House majority voted impeachment, Fortas would be tried in the Senate, where a two-thirds vote would be needed to convict and remove him from office.

Shortly after MacGregor called for Committee action, the Justice Department issued a statement affirming that it had "no objections" to such a course and indeed could take no position for or against it under the customary separation of governmental powers.

Noting that the Department had not yet received any "formal communication" about Committee action, the statement concluded with a warning that the Administration could invoke executive privilege and refuse to tell the Committee—as it has refused to tell the public—all it knows about the Fortas case.

A spokesman said, "Any possible cooperation between the Department of Justice and the House would be guided on statutory and constitutional powers and obligations imposed upon each branch."

Mitchell has been under pressure himself to divulge what "certain information" he has conveyed about Fortas to Chief Justice Earl Warren, information that apparently clinches the case against Fortas in the Department's view.

While Sen. Edward M. Kennedy (D-Mass.) was calling again for disclosure and Sen. Robert C. Byrd (D-W. Va.) came out for Fortas' resignation, Majority Leader Mike Mansfield (D-Mont.) joined others in calling for caution by Senators in their public statements in case they should later sit in judgment on Fortas.

Asked last night about Kennedy's call for disclosure, Mitchell said he was not going to respond to each individual criticism of his handling of the Fortas case.

Meanwhile Gov. Ronald Reagan of California, who was in New York to accept a Horatio Alger award, said at a news conference that public confidence in the Supreme Court would be enhanced if Fortas resigned.

[From the Des Moines (Iowa) Register, May 7, 1969]

GRAND JURY PROBE WILL INCLUDE ACTIVITIES OF HIS LAW FIRM—UNDER INVESTIGATION BY JUSTICE DEPARTMENT

(By Clark Mollenhoff)

WASHINGTON, D.C.—A federal grand jury will investigate the activities of Supreme Court Justice Abe Fortas and the operations of the politically active law firm of Arnold, Fortas and Porter, it was learned here Tuesday.

Usually authoritative government sources said a Justice Department investigation has been underway for several months, and that the scope of the investigation is much broader than the $20,000 check that Justice Fortas allegedly received from the Wolfson Family Foundation while serving on the United States Supreme Court.

NOTE OF THANKS

Fortas says he returned the money with a note of thanks, but Life magazine asserts that the repayment of the money did not take place until 11 months after it was received and after the indictment of Louis Wolfson, the Florida financial manipulator, on charges of violations of the securities laws.

Attorney General John Mitchell and all of his top assistants are declining any comment on the investigation, but it was learned that Justice Department inquiries have involved the following:

1. The relationship between Fortas and Wolfson, whose reputation as a free-wheeling political operator goes back to the days when he was called before the Kefauver Crime Committee to explain his contributions and his role in the campaign of Gov. Fuller Warren.

2. The activities of the Arnold, Fortas and Porter law firm before and since Fortas resigned in 1965 after President Lyndon B. Johnson named him to be an associate justice.

3. The activities of the law firm on tax matters during the Johnson administration. Mrs. Fortas, who practices tax law under the name of Carolyn Agger, arranged to have two of her proteges appointed to the two top tax decision spots in the Johnson administration. Sheldon Cohen, a former member of the law firm and her assistant in tax matters, was named commissioner of internal revenue. Mitchell Rogovin, former head of the tax division of the Justice Department, admitted to The Register that he owed his appointment to that job to the support of Mrs. Agger Fortas.

4. A mysterious burglary and safe-cracking at the Arnold and Porter law firm last Aug. 26 that resulted in the loss of $22,160 in jewels owned by Fortas, and the discovery of documents in the law firm's office that had been reported to have been destroyed at the time they were important in a Toledo, Ohio, criminal case.

CRITICAL COMMENT

The operations of the Arnold and Porter law firm have been the subject of much critical comment in Congress over a period of years, but there was no noticeable activity on the investigations until after the Nixon administration took office in January.

Independent of the Justice Department activities, Senator Robert Griffin (Rep., Mich.) said it "is inevitable that a number of congressional committees will make inquiry into the relationships between Fortas and Wolfson."

The Michigan Republican, the key figure in blocking President Johnson's promotion of Fortas to chief justice, said he is confident "there will be an airing of a substantial amount of the information in this matter even if Justice Fortas does not resign or declines to appear before congressional committees."

"There are a number of inquiries into problems of ethics in government, administration of the federal judiciary, and the possibility of reforming the laws dealing with tax-exempt foundations," Griffin said.

NO KNOWLEDGE

Griffin said he had no personal knowledge of the Justice Department investigation of Fortas or the justice's former law firm.

"Our investigations last year left many unanswered questions for Justice Fortas declined to appear for further questioning," Griffin said.

At the time, Griffin said that what was revealed about the $15,000 fee that Fortas received for several lectures at American University was "only the tip of the iceberg."

The fund for the Fortas fee was collected by Paul Porter, Fortas' former law partner, from a number of former clients of the Fortas law firm.

LONG OVERDUE

Senator John McClellan (Dem., Ark.) said that even before the recent revelation by Life magazine, "Justice Fortas should have resigned from the court."

"In view of the facts developed in the Senate Judiciary Committee hearings, and the Senate refusal to confirm Fortas as chief justice, he should have resigned from the Court," McClellan said.

"His departure is long overdue, and the new information simply makes his resignation more urgent."

DOUBLE STANDARD

In the House, Representative H. R. Gross (Rep., Ia.) said the Justice Department should investigate Wolfson's complaints that he was the victim of a "double standard" of justice, and that he could have had a pardon from the Johnson administration.

Gross said that Wall Street Journal reporters interviewed Wolfson and stated that he claimed he could have secured the pardon from Johnson. Wolfson reported he received the assurance "from somebody who is as close as anybody could be" to Mr. Johnson.

The Iowa Republican said Wolfson's statement makes it incumbent upon the Justice Department to establish if someone did give Wolfson such assurances, and if that person had a position as close to President Johnson as was indicated.

NUTRITION AND HUMAN NEEDS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ROYBAL. Mr. Speaker, on May 8, the Senate Select Committee on Nutri-

tion and Human Needs held field hearings in Los Angeles as part of its continuing investigation into the serious problems of malnutrition and unmet human needs in the United States today.

I believe we all owe this committee a debt of gratitude for the outstanding manner in which it has conducted surveys in various sections of the country, brought out the real facts on the extent of hunger and human need in our Nation, and focused public attention on what has now become recognized as America's No. 1 domestic problem.

Through its work, the committee has performed a significant public service in the highest traditions of the legislative branch of our Government—and one, I am confident, that will result in positive and effective action by the Congress and the administration to help remedy the critical inadequacies in our public assistance programs revealed by the committee's diligent efforts.

During the Los Angeles hearings, Mr. Ellis P. Murphy, director of the Los Angeles County Department of Public Social Services, presented, on behalf of Chairman Ernest E.. Debs and the other members of the county board of supervisors, a comprehensive statement on the welfare program in Los Angeles, together with a series of suggested recommendations for susbtantial revisions in our public assistance programs to improve their effectiveness in dealing with the urgent needs of America's disadvantaged citizens.

Because of the importance of this subject, and the timely and thoughtful comments presented by Mr. Murphy, I include, in the CONGRESSIONAL RECORD at this point, the full text of his statement to the Senate Committee:

STATEMENT FOR THE U.S. SENATE COMMITTEE ON NUTRITION AND HUMAN NEEDS, BY ELLIS P. MURPHY, DIRECTOR, LOS ANGELES COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES, LOS ANGELES, CALIF., MAY 8, 1969

I am Ellis P. Murphy, Director of the Los Angeles County Department of Public Social Services, appearing to testify on behalf of Ernest E. Debs, Chairman of the Board of Supervisors, and all other members of the Los Angeles Board. Supervisor Debs is very sorry that he could not appear here today to testify before you as his schedule required that he be out of town. I want to thank you for the opportunity to talk with you about hunger and malnutrition as seen from my viewpoint as the Director of a large county welfare department.

Prior to a discussion of specific areas on which I would urge this Committee to give serious thought, I would like to share with you some information regarding the welfare program in Los Angeles today.

We are beyond the half-million mark in the number of persons receiving public assistance in Los Angeles County. During each eight-hour work day, an aged person applies to us for Old Age Security every five and one-half minutes. Every four minutes we take an application from an adult for Aid to the Disabled. Thirty families apply for AFDC each hour. When you add up the number of applications we receive for all programs, Los Angeles County registers an application every thirty seconds of each eight-hour work day throughout the year.

When we look at past and projected caseload trends, we are startled to learn:

In the past ten years, the number of persons aided per month in Los Angeles County has increased by over a quarter of a million or 144 percent.

In the past five years, the number of Aid to Families with Dependent Children cases has more than doubled.

If this trend continues, by 1971–72 more than one-half million persons, men, women and children, will be aided by AFDC alone.

In the past 10 years, welfare expenditures in Los Angeles County have increased by 182 percent. Our current 1968–69 budget, which totals $522 million, reflects an expenditure of nearly $1.5 million every twenty-four hours, 365 days a year.

Our anticipated need for the next fiscal year budget already indicates an increase of more than $100 million.

If the expenditure rate continues, in five years or less, the Los Angeles County welfare budget alone will exceed one billion dollars.

Hunger and Malnutrition—In spite of the many constructive efforts Los Angeles County and our Department make, I regret to inform you that evidence indicates that hunger and malnutrition still exist in this County. Some reasons for our statements in this regard are as follows:

1. In our Aid to Families with Dependent Children Program, we approve over 1,000 therapeutic diet requests each month. Such requests are made by staff in cases where there is medical evidence that dietary deficiencies exist among AFDC families and children.

2. Out of the more than 1600 cases served last year by our program for protective services for children, 36% of the cases were identified as having as their primary problem the absence of food, clothes, or shelter.

3. We found from our pre-school compensatory education program, which is designed for disadvantaged children between the ages of 3 and 5 years, that around 500, or 8% of the total 6,000 children served suffered from *gross* nutritional neglect. Seven of the children were found to be suffering from advanced stages of rickets.

4. Our Department provides funds to purchase school lunches for public assistance children who, on the recommendation of a school physician or nurse, appear to be malnourished or suffer from other serious health conditions that might be related to nutrition. We find that approximately 210 children are being served daily through this program.

5. Nationwide experts testify that 5% of all Americans are born mentally retarded; and a lack of protein in the expectant mother's diet or an acute shortage of protein in children under the age of five is almost certain to cause mental retardation. A preliminary review of the Los Angeles County AFDC caseload revealed that about 10%, or double the national average, of children in our AFDC families are believed to be developmentally retarded. It is believed that this situation undoubtedly is at least partially related to inadequate nutrition in the families involved.

6. In California, the State has assumed responsibility for aiding families who are unable to support themselves. The County administers this program for the State. We find that approximately 53% of all the families in Los Angeles County being aided under the State program are receiving less than what the State itself says they need to live on at a minimum level of deficiency and health.

7. The Department has created what we term "severe neglect" caseloads in our Aid to Families with Dependent Children Program. The purpose of these caseloads is to give specialized attention to families who may be having difficult problems in money management or other fields related to adequate care of the children. We have some 167 of these caseloads which average about 38 cases each or a total of 6,275 cases. Though this is a small portion of our AFDC caseload, we do find that the problems of malnutrition and hunger are common in regard to these cases. The problems in these cases sometimes relate to inadequate funds to meet the food needs of the family as will be explained later on, but also may be related to the inablity of the parents involved to adequatly manage available funds.

I am as much concerned about the problem of "creeping malnutrition" in welfare cases in this County as I am with respect to cases of outright hunger. In the latter situation, we usually have some way of meeting the needs in the family, at least temporarily, if they are brought to our attention.

I want to point out, however, as indicated above, that approximately 160,000 of the approximately 350,000 children we are aiding in Los Angeles County on the State's Aid to Families with Dependent Children Program do not get enough money to meet their minimum needs for food, clothing, and shelter. This is because the State law creating this program arbitrarily cuts the grant off in individual cases at a certain level depending on the number of children in the case. This results in the following:

1. 55% of all families in this State program, which we must administer, are receiving less than the State itself says they need to live on.

2. The total AFDC caseload averages $12 per case per month below cost schedule, or 5 cents out of a dollar is not allowed by the State Maximum, and remains an unmet need.

3. The maximum allowed for rent for a family of four is $63.

4. The average allowed for food is $25 per person per month based on a four-step scale, according to age and ranging from $19.10 a month for an infant to $31.15 a month for a male adult.

It is difficult for us to understand how the State can on the one hand determine that a family needs so much to meet its minimum needs for food, clothing, shelter, etc., and on the other hand, continue to operate its program under a law that deprives 55% of the families of the need which the State itself says they need to live on. I would like to point out that the basic law which limits family aid grants in this State has not been changed since 1952, which means the State is almost 20 years behind in adjusting its grant structure upward to correspond to yearly studies which the State conducts that are designed to establish the amount of aid that families actually require to live at a minimum level of decency and health.

Our County Board of Supervisors, the Public Social Services Advisory Commission, and this Department have been extremely concerned over this matter, We have adopted several resolutions and reports urging the State to do something about this miserable situation and are currently sponsoring legislation to try to get the State law changed. It appears, however, that our chances for doing this are practically nil.

We believe that the Federal Government should establish a minimum national assistance standard that all states will have to adopt and that this standard should be adequate to meet the needs of families. We also believe that it is imperative that the Federal Government provide financing for the greatest portion of this minimum standard.

Resources for Meeting Needs Related to Hunger and Malnutrition—The Department of Public Social Services has the following resources for meeting the needs of persons who might be experiencing hunger or malnutrition:

1. *Federal financial assistance programs*—we administer all of the Federal categorical financial assistance programs including Old Age Security, Aid to the Blind, Aid to the Disabled, Aid to Families with Dependent Children, and a Medi-Cal program. In addition to this, we have an entirely locally-supported County General Relief program

on which we are spending around $20 million a year.

2. *Emergent aid*—we have a system for getting emergent aid immediately to any person applying to our Department who is in need of such aid and who is eligible. Such aid may be issued either in cash or in kind for up to seven days at a time to meet a specfiic need for food or other emergent necessities pending receipt of an initial assistance check.

3. *Cash and in-kind supplemental aid*—no State or Federal regulations require that the full basic needs of welfare recipients be met. As a matter of fact, the laws and regulations have built-in provisions that usually result in failure to meet the full needs of many cases in the community. For this reason, it is often necessary for the local county to meet supplemental or emergent needs out of its own resources. In this County, we are spending approximately $3½ million a year for emergent cash aid and supplemental aid to meet emergent and other hardship needs in the State aid programs, particularly in the AFDC pogram. This expenditure is coming entirely from the local property tax dollar and is necessary because the State is not fulfilling its legal responsibility to meet the needs of families.

4. *Special needs over the State maximum*—Los Angeles County is spending another million dollars a year to meet what we call special needs of families in unusual or emergent situations where State grants are inadequate in the individual cases involved. This money is for items such as therapeutic diets, beds, stoves, and refrigerators.

5. *Accelerated issuance of warrants* (AIW)—Since 1964, Los Angeles County has had a system to accelerate issuance of initial checks to persons presumed to be eligible for aid and in need of assistance pending receipt of their first aid check. Teletype and high speed computers provide the Department the ability to issue a check the day following application, if this kind of a family emergency exists.

In the past 12 months, the Family and Children's District Offices in Los Angeles County processed over 40,000 accelerated requests. This figure represents those persons who were in immediate need and would have faced severe financial hardship if they had been required to wait the 15 to 30 days for eligibility verification and issuance of the initial aid check.

6. *Check writing in the district office system.*—On February 27, 1969, our Department initiated a new experimental system of writing checks in district offices. We feel the use of this system for issuing emergent aid has great merit and is working well. It effected significant reductions in the number of emergency grocery orders and clothing orders. There was also a reduction in the amount of cash issued. We found in this district that almost 80% of all emergent aid issued was for food.

This again is a progressive program in Los Angeles County to try to meet immediately the very basic food and other needs of our clients. We hope to expand this system to a county-wide program in the near future.

7. *Food stamp program*—The Food Stamp Program was implemented in Los Angeles on December 1, 1965. By January, 1968, Los Angeles County had the largest Food Stamp Program in the United States. Stamps are now sold by 101 sales outlets (95 banks, 1 credit union, and 5 Brink's mobile truck routes Almost all food store chains and many independent markets are certified to accept food stamps for food purchases.

In December, 1968, 21.2% of all public assistance recipients received Food Stamps in Los Angeles County. Of these, 33.6% were AFDC families (approximately 47,000 families or 158,000 individuals) and 14.5% were Adult Aid recipients. $30,700,000 was the value of Food Stamps issued in the year 1968 for which the recipients paid $21,600,000, and bonus stamps of $9,100,000 were issued.

Even though Los Angeles County has the largest food stamp program, less than 3% of the entire County population participates, while about 7% of the population is receiving some type of public assistance.

Despite its continual growth, the Food Stamp Program is not presently reaching the vast majority of low-income households who need more food. Although most public assistance recipients are automatically eligible, only 21% are enrolled in the program. An even smaller percentage, about 10% of potentially eligible non-assistance households, use food stamps. It is the belief of our Department that there are certain inequitable features in the Food Stamp Program which discourage client usage and also fail to provide adequate amounts of food for those families who are participating.

Some of these are as follows:

a. To qualify for food stamps, a non-assistance applicant must pass an income means test which is very low. In *many* instances, a non-assistance or mixed household is ineligible for food stamps even though the total household income may be *less* than that of an equivalent public assistance family.

Property limits are also more restrictive for non-assistance cases than for a public assistance adult aid case.

b. The Food Stamp Program is based on the concept of expanding a family's normal food expenditure as determined by net family income. Although expanding a normal food expenditure does increase the amount of food available, it does not mean that the increased food allowance is sufficient to meet a family's food need. We have very low-income families forced to spend almost half their total income for an insufficient amount of food. The more fortunate families with relatively large incomes spend less than one-fourth of their income to purchase a sufficient amount of food.

c. The Food Stamp Program is available only to households who purchase food stamps regularly. Families who show a repeated pattern of non-usage without "satisfactory" reason are terminated by regulation from the program.

This requirement is unrealistic in its expectation that there is constant buying power and money-management ability in limited income families who have no financial or social resources. It is also a severe limitation of the client's right to decide when and how often he will take advantage of a Federal program to which he is eligible. We believe this regulation is a primary reason for the low participation of public assistance recipients.

d. We also believe many potential non-assistance food stamp recipients do not enroll in the Food Stamp Program because they do not wish to be investigated and are fearful of potential social embarrassment. The unnecessarily complicated application and investigation procedures of the intake process tend to reinforce this negative feeling on the part of the client. When he goes to the store with stamps instead of cash, he is immediately identified by others as a member of the poor and probably on aid.

e. Despite vigorous recruitment by our Department, Los Angeles has only 101 sales outlets in the entire county. Some clients must travel long distances by public transportation and stand in lines for several hours to buy stamps. This problem has severely limited food stamp usage by the aged, disabled, and mothers who need to care for small children at home.

We have submitted several recommendations to the Department of Agriculture for improvement in this program.

Evidence of malnutrition and hunger has been noted in regard to the following programs which the Department operates:

1. *Day Care Centers*—Child care centers have been established by our Department to provide supervised child care thus enabling parents to pursue training or employment opportunities. Almost immediately we found ourselves becoming involved in meeting the basic needs of children brought to the center. What started out as a mid-morning and mid-afternoon snack and lunch turned into three full meals a day. The following are examples of observations made by staff at the centers:

Many children had never been served food at a table before.

The taste and texture of "ordinary" foods such as juices, fresh fruit, and meat other than hot dogs, hamburgers or broiled meats, were new experiences for the children.

Parents "borrowed" the sample menus from the center.

Some of the children initially grabbed at their food and had to be restrained to avoid overeating to the point of sickness.

2. *Protective Services for Children*—Social services for the parents of children who are alleged to have been neglected or abused are available through our agency to all families in the Los Angeles community. A careful look at the program servicing families *not* on public assistance reveals that:

66% of all protective service referrals for 1968–69 were found to be former or current welfare recipients or persons with income below the poverty level.

Out of the 1622 cases served last year, 36% were identified as having as their primary problem the absence of food, clothes, or shelter.

Research done in conjunction with a Brandeis University study in 1968 revealed that both in California and nationwide, over 4% of the children reported under the mandatory child abuse reporting laws were suffering from malnutrition.

3. *Pre-School Compensatory Education Program (Head Start)*—This joint State Department of Education-State Department of Social Welfare program provides enriching experiences and training for disadvantaged children between the ages of 3 to 5 to help compensate for differences in their background and to hopefully avoid future failure in school. The Los Angeles County Department of Public Social Services determines the eligibility of all children in this program. Children receiving aid make up approximately 4,000 of the total 6,000 capacity.

Each child entering the program has a complete medical and dental checkup and provisions are made for necessary corrective action. The following problems are only some of the many revealed by these tests:

Almost 500 children, or 8% of the total 6,000 suffered from *gross* nutritional neglect.

Over 50% of the 6,000 children required extensive dental repair work.

7 children were found to suffer from *advanced stages* of rickets.

All of these conditions are believed to be directly attributable to inadequate or deficient diet for these children from birth to age 3.

4. *School Lunch Program*—Under a long-standing order of the Los Angeles County Board of Supervisors, the Department of Public Social Services will reimburse P.T.A. Districts or School Districts for milk and lunches which they provide to selected children at various schools. The child selected must be a member of a family currently receiving public assistance and the school physician or nurse must recommend the child receive milk and/or lunches because of malnutrition or other serious health conditions.

The Los Angeles County Department of Public Social Services acts as fiscal intermediary for the County in providing reimbursement for milk and lunches to the participating P.T.A.'s.

Approximately 210 medically certified children were served daily through this program. This amounts to over 4,000 lunches

served during a month at a cost to the County of $1,500.

Recommendations—The Welfare system is complex and, I feel, much more complex than it needs to be. We do need to accomplish two things. We must provide a just and reasonable income to those who cannot secure it for themselves through the mainstream of employment; and we must provide money as accurately and quickly as we possibly can. I believe that the great majority of Americans desire their government to provide adequate food, clothing, shelter, medical care, and appropriate social services to dependent children, the aged, and disabled. Our present system would appear to be incapable of dealing with our current problems. No one—recipients, workers, welfare administrators, legislators, taxpayers—is happy with the present welfare structure and system.

Although the recommendations listed below, if carried out, would do much to bring about improvements in the system, they would still be only patchwork approaches. Some of these changes require Federal legislation, some State, and some could be implemented by administrative action at one level or the other. I reiterate, however, that in my opinion a totally new approach must be developed in order to meet the basic needs of people in our country, and the following seven suggestions are offered only as interim measures:

1. Establishment of financial need as the only criteria for income assistance with full Federal financing.

2. Elimination of the State maximum and establishment of a welfare standard based on current prices and payments of full need.

3. Expansion of the Day Care Center program with primary emphasis on meeting the needs of the children for three meals a day and supervised child care.

4. Increase the number of sales outlets for Food Stamps with consideration of new sources including use of governmental agency facilities such as the Post Office and the Social Security offices.

5. Revision of the Food Stamp Table to provide that the amount of food needed for families is based on the size of the family rather than on family income. It is difficult to understand how the minimum food needs of families would vary by the amount of money they have.

6. Experimentation in our urban center with the distribution of free Food Stamps to selected low-income groups, and the certification and issuance of food stamps by mail. We hope to start a pilot project in this method soon.

7. My seventh recommendation for your consideration is Federal participation in a General Assistance program aid payment and administrative costs. Program gaps in the Federal categorical programs have necessitated state, county, and city financial welfare programs. The costs keep rising as sources of local revenue are shrinking. The problems creating the need for GA programs are regional and national. The greater availability of revenue sources and the broader tax base at the Federal level warrant Federal assistance in their resolution. The character and adequacy of present GA programs in our country are subject to interstate and intrastate diversity in eligibility criteria, methods of administration, and benefits levels. Some states have virtually no GA programs; a few have programs as liberal as their Federal categorical aid programs. But generally, benefits are lower. Such discrepancies are unfair to clients as well as to responsible state and local governments and their taxpayers. Counties such as Los Angeles which have attempted to liberalize their programs must do so at the expense of disproportionately taxing the local property holder. Federal financial involvement is conducive to program coordination, standardization, and liberalization; and would more equitably distribute the costs and burdens of GA programs within and among the States.

In conclusion, I would like to express my appreciation for the opportunity to talk with you today and for your interest and concern over this very serious national problem.

THE COMMUNIST TECHNIQUE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. RARICK. Mr. Speaker, possibly no clearer statement on the Communist movement, their infiltration tactics, and their exploitation of well-meaning causes and people can be found than the report in the Herald of Freedom of May 16, 1969, entitled "The Untouchable Communists."

Under unanimous consent I submit the Herald of Freedom for inclusion in the CONGESSIONAL RECORD, as follows:

[From the Herald of Freedom, May 16, 1969]

THE UNTOUCHABLE COMMUNISTS

Typical college activities were described in a recent newspaper: "Guard Ordered to Negro Campus," "Court Order Is Read to C.C.N.Y. Rebels on the Campus," "Students Accuse Cornell of Bias," "Bronx Community College Students Occupy Building 12 Hours," "40 Sit in 4 Hours at N.Y.U. Office," "Fire Scars Harvard Room," "240 Held in Alabama, R.O.T.C. Office Fires," "3 Fires at Temple," "Students Assail R.O.T.C.," "Oswego Picketed," "Teachers on Hunger Strike," "Wesleyan Students Protest," "Pratt Plans To Arrest and Expel Disorderly Students," "Marshall Warns Negro Militants" (at Dillard University). This was one day's digest of college news and was one of the milder days with no kidnappings or hostages held at gunpoint, no buildings destroyed.

This is the harvest now being reaped from seeds sown by the International Communist Conspiracy. Under the guise of "academic freedom" and "spontaneous dissent," the Communist Party advances its plans for world-takeover. Enthusiastic but inexperienced and misinformed (about Communism, at least) students make the ideal vanguard for their revolution to overturn the existing order in the United States and other parts of the world where they have not yet gained complete control.

Dr. Bella V. Dodd, whose recent death was a great loss to the free world, left behind her words of wisdom and advice which should be heeded by all who would avoid being drawn unconsciously into the Communist net. Dr. Dodd was especially well informed concerning the Communist machinations in the field of education and politics. She herself had been fooled by their high-sounding humanitarian slogans and seeming interest in bettering living conditions and helping the "poor and the oppressed." She was gradually drawn into the Communist Party through working with them for "causes" in which she was interested and finally going all the way by becoming an open Communist. Once on the inside, however, she discovered what a fraud all the Communist interest in human welfare really is and was honest enough to realize that she had to break from Communism.

After going through a long and painful period of cutting her Communist ties and finally being expelled with a resolution by the Communists designed to ruin her reputation and credibility, Bella Dodd spent the rest of her life combatting the evil forces working for the destruction of the United States. She testified before Senate and House committees and gave information to the F.B.I. Much of her testimony was given in executive hearings and has never been made public. Some of this testimony was so damaging to important figures that even the stenographic notes have disappeared. In open hearings she was warned again and again not to mention names, so careful were the legislators to protect the "innocent."

Bella Dodd lived to see many of the programs planned by the Communists in the 1940's for the purpose of establishing a Soviet America becoming a reality. She testified that, after many years of careful planning, the Communist Party was able to plant secret members in the teaching profession, in universities, colleges and high schools. As of 1949 Dr. Dodd knew of 1500 actual Communist Party members in the teaching profession but there was a much larger number of sympathizers and fellow-travellers working with them. Through the underground apparatus, these professors were made aware of which students could be counted on to help promote the formation of Communist cells and the taking over of student organizations already in existence or the formation of new controlled ones.

To understand what is going on in the United States today, it is necessary to understand Communism; and to understand Communism, it is necessary to learn from one who has lived it. Such a person was Dr. Bella Visono Dodd. She was highly intelligent, personable and sympathetic to people so that she wanted to dedicate her life to helping mankind. Her first efforts were in organizing teachers, since she was one herself and was therefore personally interested in their welfare, so that their jobs would be safe and they would have "tenure." She next became an active anti-Fascist, having seen Fascism in action on a trip to Europe. She testified:

"I came back in 1932 with a sense of pending disaster, the feeling that fascism and nazism was something which was to be deplored. I saw students on the University of Berlin campus beating each other up. I saw knives, guns, stones being used. I came back in the United States as a confirmed anti-Fascist."

When her aversion to Fascism became known she was approached by a Communist, asked to cooperate with the Communists in their anti-Fascist activities and taken to meet Earl Browder, head of the Communist Party, U.S.A. Dr. Dodd testified:

"I raised the question of whether I should or should not belong to the Communists with this woman, Harriet Silverman. She said, 'No, it is not advisable for people like yourself, who are in strategic positions, to become members of the Communist Party, to have a card, or to attend meetings. We will bring literature to you. We will have you attend private meetings. We will instruct you personally.' . . .

"From 1935 on, I was invited to Communist Party meetings, secret meetings, and caucus meetings, unit meetings. I was invited wherever the work I was doing, whether it was the A.F. of L. trade-labor council, State federation of labor, or in the American Labor Party, of which I became an active leader, or in the teachers' union, of which I became an officer. Wherever the work which I was doing was going to be discussed by the Communists at their meetings, I was invited and I was made part of the movement."

Although not as yet a Communist (officially) Bella Dodd was used by the Communists to carry out their plans. She stated her value to the Communists when testifying in hearings on "Subversive Influence in the Educational Process:"

"I was one of the people used by the Communist Party to help control the mass organizations. There are three different levels, you know. There is the party functionary,

the person in unions or mass organizations who is just aware of the do-good principles of the Communist Party; and then there is the underground spy apparatus and police apparatus, with which I had nothing to do and knew nothing about. I learned much later that even in my union (Teachers Union) there were contacts with the teachers on the part of people like J. Peters, who later on I learned was an international spy. I knew him as a mousy little man who was active in the New York County unit of the Communist Party. I did not know him as an international spy, nor did I know his name was Peters. I knew him by the name of Steve Miller."

By the end of 1943 the Communist Party was ready, however, to have Bella Dodd move out of the "do-gooder in mass organizations who is secretly controlled by the Communists" class, and into the party functionary class. She was one of 30 or 40 secret Communists to be brought out into the open. She testified:

"I was therefore given a card, assigned to a unit, and began to pay dues and to be a member in an official sense. My name, however, was not announced to the public until the convention of 1944, which was the so-called convention for establishing the Communist Political Association of the United States, which did away with the Communist Party. . . . The same people ran it and the same literature, only they were getting ready for this program of the integration of democracies." (The Communists had been told that the Teheran Conference would provide the program of unity of England, France, the Soviet Union and the United States, the great "democracies" which were going to run the world.)

It was only when she became a Communist Party functionary, a salaried employee of the Party, that Bella Dodd learned the true story and realized she could no longer serve this evil conspiracy:

"I walked into the State office of the Communist Party in 1946, in the fall of 1946, and said that I refused to work for them any longer because what I had seen in the period, particularly 1945 and 1946, made me realize that I was face to face with something which I had never bargained for. I was face to face with brutality, cynicism, and with an orgnanization which said one thing and did another. There within the party I saw things which I did not and could not have seen as a trade-unionist or as a member of a mass organization or as an intellectual or as a person who believed in the welfare of my fellowman. It was only when I got within the sacred precincts of the party that I actually saw the things which are abhorrent not only to decent people but to anyone who has any feelings for his fellowman."

Dr. Dodd found that it was not possible to just walk out on the Communists; she was informed that she could not drop out, she had to be "expelled." This took place finally on June 19, 1949 accompanied by a resolution of expulsion which stated that she was anti-Negro, anti-Puerto Rican, anti-Semitic, anti-working class and degenerate. Bella Dodd described the Communist attitude toward herself or any person who might seek to escape from the Communist clutches:

"It is the same attitude as you have toward anyone who is an apostate, a person who is no longer with you. Everything has to be done to destroy that particular person. What you do is gather information and use it to affect him emotionally, you try to drive him into a breakdown, you try to destroy him economically by making it impossible for him to be employed, and you also destroy his personality as a person."

She asked a Party member the reason for the vicious resolution expelling her and was told:

"Bella, we had to make it impossible for you ever to have any credence or support from anybody. We had to make it impossible for you ever to rise and talk against us."

The Communists failed and Bella Dodd did rise and did talk against them, but it took a long time. She explained:

"It takes you a long time to become a Communist, and it takes you an equally long time to unbecome a Communist. Your thinking processes become sort of a reflex action. It takes a conscious struggle with yourself and an understanding of what Communism is in order to disentangle yourself.

"Also, you have to find a doctrine, since Communism is an all-embracing philosophy which embraces everything you do, which determines the kind of marriage you have, your relations with your children, your relationship to your community, your relationship with your profession. It decides and makes decisions for you. Once you are out of it you are left in a vacuum."

"Communism is not just a belief in economics or in politics or in foreign affairs; it is not just the support of the Soviet Union. Communism is a whole philosophy of life. It permeates everything that you do. It permeates your family life, your relationship with your friends, your business relationships, the professional relationships. It has to do with your own thinking of what the importance of man is. . . .

"Now, many people break with the Communist Party—because the Communist Party has a tremendous turn-over; people come in and go out—but do not find any new philosophy to substitute for it. Therefore, they live as vacuums, and many of them disintegrate. I mean just become morose people, or people who are just lost to a decent living. . . .

"The Communist Party in America is a conspiracy, It is both a legal and an extra-legal and an illegal apparatus. It is a mechanism for bringing about the preconditions for a Marxist-Leninist victory in America."

Now we are asked to believe that a teacher can be a Communist and still be an efficient and satisfactory teacher, separating the two parts of his life. Bella Dodd has explained that this is impossible:

"No Communist who knows he is a Communist can be a free agent. He is a soldier in the international army of world communism, and he has a devotion to that principle over and above anything else there may be. It is not like just being an ordinary liberal or an ordinary radical. You are part of an international organization. You meet at least once every 2 weeks with the people who are the party apparatus. There is no such thing as freedom for a Communist college teacher. . . .

"The Communist teacher has a very definite function to perform. He must not only make himself an agent of the class struggle; he must indoctrinate other teachers in the class struggle, and he must see that their students are indoctrinated in the class struggle . . . the student is considered to be in rebellion against the bourgeois state. It is the function of the teacher to fan that rebellion and to make the student recognize that only by establishing a Soviet system of government will you be able to be free. . . . There is no doubt about it. This was the function of a Communist teacher: To create people who would be ready to accept the Communist regime."

At the present time the head (Michael Klonsky) of the Students for a Democratic Society, the "student" organization causing most of the campus disorder, is the son of an open Communist. At the present time one of the most active of "Catholic" activists (James Forest) is the son of an open Communist. The do-gooders whom these people have fooled, however, always rush to their defense. The Communist Party is well prepared also to defend and protect its own. Dr. Dodd testified:

"The Communist Party knew how to fight very effectively against anyone who touched the Communist movement. If anyone tried to attack the Communist movement, the Communist Party immediately went among the liberals, among its allies, and on various bases got the support and help of these people to smear and to isolate the person who was hurting Communists. . . . It was a very common technique. You then used all the facilities which the party had. It had representatives, for instance, in the press, representatives in the magazine world, in the radio world. If everyone is concentrating upon one particular person, you get the cumulative effect of a party working on many different levels. . . . There is absolutely no doubt in my mind that anyone in America who dares to buck the Communist conspiracy is going to receive very rough treatment from the Communists, who learn how, unfortunately, to utilize many unsuspecting people, who think that they are supporting freedom of thought but who in reality are the best protections for the Communist conspiracy."

The threat of Communism is minimized (a Communist technique) to the point where every conceivable reason is advanced for the disorder and lawlessness in the United States except Communism; and anyone who dares to suggest the involvement of Communism or Communists is subjected to the treatment outlined above. Bella Dodd has warned, however:

"Communism is the challenge of our times, and until that challenge is actually met and resolved, nothing else is important. The teachers who talk freedom, either academic or otherwise, must understand that there will be precious little freedom if this conspiracy is not overcome. . . ."

During her career as an active anti-Communist (which is what the sincere former Communist must become) Bella Dodd revealed to us much information about the inner workings of the Communist Conspiracy which government hearings did not bring out publicly. She has stated that the real strength of the Communist Party is in its underground, the total membership of which is known to very few people, even within the Party itself; and those who do know are on the highest level. The really important Communists are kept in the underground and not permitted to attend meetings nor even to associate with known Communists.

Trusted secret Communists are assigned to special "sleeper" posts. They must be free of Communist taint and be able to withstand careful investigation. Some are deliberately built up in the public image as anti-Communists; some are promoted through other hidden Communists for public office, and still others are assigned to make deep penetration into the military forces and police departments. Certain select secret Communists maintain contact with others employed in the various communications media—radio, television, newspapers, magazines, book publishing, motion pictures and entertainment. The underground-contact individuals pass along important objectives of the Communists to their counterparts and are often used for character assassination.

So powerful was the Communist influence in Hollywood as a result of Marxist-minded executives, producers, directors, and writers, that Hollywood actors and actresses were required to give benefit performances for fund raising purposes for Communist-front organizations. Failure to cooperate meant the finish of a promising career. Important individuals, particularly those who came from wealthy or influential families, were frequently brought into the Communist underground movement on the personal recommendation of a member of the National Committee of the Communist Party under a fictitious name. Their true identities were

never made known to the members, not even to functionaries. No more than four or five people in the entire country would know who they were.

The Communist Party has had hundreds of special committees which undertook assignments from the central or executive committee of the Communist Party. These committees are for the most part unknown to the general membership and the very existence of such committees would be denied. These units engaged in such activities as comprising individuals to get them under Communist control; getting important Communist Party members to commit illegal acts so that in the future they would never be able to defect, and other such activities. Special commitees studied and planned programs of vilification, character assassination, and immobilization of anti-Communist organizations and individuals. These committees maintained through "cut-outs" liaison with "sleepers" or underground members in the communications media.

Within the Communist underground there is a full military structure: trained saboteurs, demolition experts, guerrilla warfare experts and assassins. There is, in fact, a complete shadow or duplicate-type government ready to go into operation if and when the occasion calls for it. These individuals are trained and assigned posts similar to our military-civil government personnel. The Communist Party, through sleepers and underground members, owns and operates many businesses throughout the country. Some of these include office buildings, hotels, import and export firms, nightclubs, restaurants, book publishing firms and numerous other ventures. The Party maintains bank accounts and investments in the names of private individuals who are under discipline of the Party. They also maintain numbered bank accounts in Swiss banks.

Bella Dodd has stated that, of the approximately 2 million living former members of the Communist Party, at least one million can definitely be counted on to help the Communists when the final revolution breaks out.

The present failure of the U.S. government agencies to take action against what is obviously a pending revolution (college disorders and Negro riots) is unquestionably the result of Communist influence, as only the Communists have had revolution as their goal for years. The hidden revolutionary string-pullers are the most dangerous of all the "Untouchables" as they are seeing to it that the revolution keeps going when it is within their power to stop it.

I. F. STONE LOOKS AT THE BUDGET

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. RYAN. Mr. Speaker, in examining the Nixon administration's budget cuts for fiscal year 1970, the question arises as to where the cutbacks in Government spending are actually taking place and which agencies are really being deeply affected. Is the proposed reduction in the Department of Defense budget requests really going to lessen military spending? Or is the administration hiding the real impact of the budget cuts by making illusory cuts which have no real effect? The actual cutbacks for the most part are in domestic programs, and the publicized defense cut of $1 billion must be evaluated in the light of the fact that it is a reduction in a projected $4.1 billion increase.

Several gimmicks indicate the administration's priorities. By means of padding, making cutbacks on planned increases, and making increases on planned cutbacks, is the administration twisting facts about the spending of Federal funds.

A glaring example is the budget surplus. Both President Nixon and former President Johnson pointed to a surplus as necessary to curb inflation. The surplus is actually used to make up for accumulated deficits, or it is used as an emergency fund to fill in the gaps of the "uncontrollable factor" in the budget. These "uncontrollable factors" are for the most part military budget items resulting from the war in Vietnam and the high cost of research and development of projects such as the ABM. However, if the $10.2 billion in the trust fund reserves were deducted from the $5.8 billion projected budget surplus, there would be a deficit of $4.4 billion.

Lumping trust funds with general revenues exaggerates the Government's contribution to health and welfare programs, while at the same time it makes the defense budget seem smaller in proportion to the overall budget.

I. F. Stone examines this problem in the May 5 issue of I. F. Stone's Weekly. In the lead article, "Uncle Sam's Con Man Budget," I. F. Stone states:

The Cut in military spending came out of a lot of fat, whereas the cut in health, education, welfare, and domestic services, came close to bone and gristle.

His article describes how the apparent military cuts do not represent any real change in the expanding military budget. I have continuously stressed the need for a reordering of our national priorities, bringing the military budget under control in order to reallocate our resources to urgently needed domestic programs. The runaway spending of the Pentagon must be stopped.

I hope my colleagues will read this timely article by I. F. Stone and urge that they similarly give a critical eye to the budget proposed by the Nixon administration:

[From the I. F. Stone's Weekly, May 5, 1969]

UNCLE SAM'S CON MAN BUDGET

It's fortunate for the U.S. government that it is not subject to the SEC. Any corporation which filed annual financial reports like the new Federal budget would run afoul of SEC accounting requirements designed to protect the investor. Let us begin with the claim that it now has a surplus instead of a deficit. If a present-day conglomerate had among its subsidiaries an insurance company, and set up its over-all annual accounts in such a way as to make it appear that the legal reserves of its insurance company were available to meet a deficit in its other business operations, that conglomerate would soon find itself hailed into court by the SEC or its own stockholders. Nixon's claim of a $5.8 billion surplus for the coming 1970 fiscal year is based on just such fiction. It is achieved by lumping the surpluses in the government's trust funds with the deficit in its normal operations. Johnson did the same thing in January when he unveiled his 1970 budget and claimed a budget surplus of $3.4 billion. The main source of both claims to a surplus lay in the huge social security funds, the government's public insurance business. These and other trust funds are segregated by law and not usable for any other purpose.

SAME FLIM-FLAM JOHNSON USED

When Johnson presented his budget, Senator Williams of Delaware pointed out that the Johnson calculations of a surplus for both fiscal '69 and '70 were based on the existence in 1969 of a $9.3 billion and in 1970 of a $10.2 billion surplus in these trust funds. "Under the law," Williams told the Senate, "no Administration and no Congress can divert these trust funds to defray the normal operating expenses of the Government." Williams said that if this bit of deceptive accounting were eliminated, it would be seen that Johnson had a deficit of $6.9 billion instead of a surplus of $2.4 billion in fiscal '69 and a deficit of $6.8 billion instead of a surplus of $3.4 billion in 1970. Senator Willims told me after Nixon's budget revisions were made public that all his criticism of Johnson's budget was equally applicable to Nixon's. Nixon's claimed $5.8 billion surplus for 1970 was really a deficit of $4.4 billion if the trust fund reserves were deducted.[1]

Of course this method of Federal accounting has been going on for years and of course it accurately measures the net impact on the economy of Federal collections and payments from the standpoint of inflation. In earlier days this was called the "national income account" as distinguished from the administrative budget. But the administrative budget is the better index to the government's fiscal solvency since deficit in normal operations does not become visible in the consolidated cash account or "unified budget" until the deficit has grown so large that it even wipes out the surplus in the trust funds. The danger signal blinks later in the "unified budget". Earlier budget messages used to give both the consolidated account *and* the administrative budget. But though the basic 1970 budget presentation takes four separate volumes which total 2,012 pages (and weigh, even in paperback, 7 pounds), there is no place in it where one can find the administrative budget. Why admit that the operations of the government are still in the red, if you can make it look as if they are in the black? The $10.2 billion surplus in the trust funds helps to dampen inflation but it is not available to buy bombs for B–52s or to feed the hungry.

The "unified budget" has another effect. It understates the extent to which the war machine eats up public revenues. The first chart in the budget message purports to show that 41 cents of every dollar in expenditure goes to the military. But if the trust funds of the government are separated from the rest of its activities, then the military share is about 55 cents. The sums Americans pay into social security trust funds for unemployment, old age and other insurance are no different in this sense from the sums they pay private insurance companies. There is no more reason to lump public insurance than private insurance funds with the general revenues of the government in measuring the impact of military expenditures.

PENTAGON TAKES 56 CENTS OF EVERY DOLLAR

The way to begin to see the real fiscal impact of the war machine is to begin with the memorandum line on p. 526 of the main budget volume where "receipts by source" are shown. This discloses that of $198 billion in receipts, $51 billion is in trust funds. This leaves available for the general purposes of the government $147 billion. If you next turn to the table on "budget outlay by function," you will find $81.5 billion for national defense. So national defense takes 55 percent of this $147 billion. Then if you

[1] Williams also criticized Johnson for failing to include in the 1970 budget a $2.7 billion Commodity Credit loss which the government must pay sooner or later. Nixon, too, brushed this same item under the table. To carry on the same metaphor, $2.7 billion is quite a crumb.

look more closely you will see near the foot of the expenditure table $2.8 billion for civilian and military pay increases. The Pentagon's share of that, for its employees in *and out* of uniform (the Pentagon employs nearly one-half of all the *civilian* employees in the government) is $2.5 billion. When that additional pay item is added, the total for national defense is $83 billion, or better then 56 cents of every dollar available. That is a third (actually 36%) more than the 41 cents shown in the first budget chart.[2]

At the same time, lumping the trust funds with the general revenues exaggerates the government's contributions to health and welfare. Johnson boasted that outlays for health and welfare in his 1970 budget would be $55 billion "which is 28% of Federal outlays . . . more than double the level prevailing in 1964" when his War on Poverty was launched. But $42.9 billion of this was to come "from self-financed trust funds for retirement and social insurance and Medicare." So almost four-fifths of this benevolent munificence was from the beneficiaries. Only the difference, $12.1 billion, represents outlays from the general revenues. That is about 8%, not 28%.

While the government was to pay $42.9 billion from these insurance and health trust funds, it would collect a total of $45.8 billions in fiscal 1970, or almost $3 billion more than it paid out. This addition to the surplus in the trust funds is, of course, anti-inflationary, for it cuts down purchasing power, but this is purchasing power at the bottom of the economic pyramid, taken from those least able to pay. Regarded as taxation, social security deductions from payroll represent a savagely regressive—and, unlike so many income taxes, inescapable—form of taxation. I can remember, when social security legislation was first being drafted in the early days of the New Deal, writing editorials proposing—as did other liberals and radicals—that it be financed out of income taxes so as to create a more equitable distribution of wealth, taking funds from the top of the pyramid to ease poverty at the bottom. The Social Security system adopted, which we still have, essentially takes from the poor what it gives them, and gives less than it takes.

The Welfare System and the War on Poverty were admissions that social security was abysmally inadequate. But Johnson's War on Poverty was made to look far more extensive than it was, and Nixon's revisions use the same deceptive computations. "Our 1970 Revised Budget," says a Budget Bureau statement of April 14, "involves *a 10% increase over FY '69 in spending for the poor* (italics in the original). This reflects our deep commitment to the underprivileged." The Budget Bureau statement did not explain, however, that this also represented a cut of $300 million in Johnson's poverty recommendations for fiscal 1970—nor that much of this bloated estimate is padded out with normal payments from social security.

[2] I can remember when a feature of the annual federal budget presentation was a chart showing how much was absorbed by past, present and future wars. This added military expenditures, veterans' benefits and interest charges, the last item because past wars are the real reason for the public debt. These three items in the 1970 budget total more than $106 billion and will take more than 70% of the general revenues. Secretary Laird said the other day that much of the Soviet Union's space activity was really military. This is also true of our space program. The funds spent on rocket boosters to reach the moon also improve the technology of mass murder by intercontinental ballistic missile. If space is added to the other three items, the total is $110 billion, or almost 75% of the $147 billion available.

HOW THE FIGURES ARE PADDED

Johnson claimed he would spend $27.2 billion on "Federal Aid to the Poor". Nixon out of that "deep commitment" revised this downward to $26.9 billion. The biggest item in Johnson's as in Nixon's, Federal Aid to The Poor compilation (at p. 47 of the main budget message volume) is $13.5 billion for "income assistance." My curiosity was piqued by a discrepancy of almost $10 billion between this item and a passage at pages 42–3 of the Budget in Brief. This said that Federally aided public welfare would in fiscal 1970 provide assistance to a monthly average of 10 million individuals at a total cost of $7 billion. "The Federal share," it said, "was $3.7 billion." When I asked the Budget Bureau where the rest of the claimed figure of $13.5 billion came from, I got this compilation (in millions):

Administrative expenses	$600
Old age pensions	6,300
R.R. retirement pensions	400
Unemployment insurance	500
Veterans' Administration [1]	2,100
Total	9,900

[1] The Budget Bureau, when I asked what the Veterans' Administration had to do with the war on poverty, explained that 80% of veterans' pensions, 75% of veterans' survivors' pensions and 20% of other veterans' benefits had been counted as "Federal Aid to The Poor" in the Johnson table!

The figures given me were "rounded" and so the final totals do not quite match but this $9.9 billion of "padding" explains how that $3.7 billion in Federal welfare income assistance was made to look like $13.5 billion.

It is fortunate that few people on welfare spend their spare time reading the Federal budget. It would foment riots. The Budget Bureau "press kit" for Nixon's revisions of the 1970 budget says these involve "hard choices" and are part of the Nixon Administration's "concern for the poor." Nixon added $300 million for dependent children but squeezed $200 million of this out of a projected increase in our pitifully low old age pensions. "For the aged," the same Budget Bureau explanation says, "a 7% social security cost-of-living increase is included in the revised 1970 budget." It does not explain that this is a revision *downward* from the 10% increase recommended by Johnson, nor that Nixon also shelved Johnson's proposal to increase the minimum from $55 a month to $80 a month. There are 2,000,000 Americans—believe it or not—now expected to enjoy retirement on $55 a month! Instead of getting a $35 raise to $80 a month, they will only receive the general 7% increase, though I was told this would be "rounded off" so that instead of a mere $3.85, they would get $4 or $5 a month more. This could bring them up to $60 a month. Thanks to the Administration's concern for them, moreover, the revised legislation "includes liberalization of the social security retirement test" allowing them to earn more outside income without having it deducted from their pensions. The liberalization turns out to be $120 a year, about $2 a week [3] and raises the ceiling on allowed earning to $36 a week! What a dolce vita!

Roughly a billion each was cut out of social security and out of the military budget by Nixon. This symmetry of sacrifice is deceptive. Before anyone starts dropping pennies into cups for the Pentagon, I would like to lift the curtain on another murky corner of the budget. To evaluate the Nixon military "economies" you have to go back for another look at the Johnson budget for 1970. This projected a drop of $3.5 billion in the costs of our "Southeast Asia operations." This was to be our first dividend on the road to peace, the money to be saved principally by ending the bombing of the North. Johnson in making up his budget could have allocated this $3.5 billion to welfare or to the rebuilding of the cities. Instead Johnson's budget allocated $4.1 billion more to military spending *unconnected with the Vietnam war.* This accounts for the fact that in his 1970 budget the cost of national defense rose by more than half a billion dollars over 1969 despite the projected $3.5 billion drop in the costs of the Vietnam war.

A MONSTER AT THE HEAD OF THE TABLE

This favored treatment of the military machine has to be seen against the background of a figure revealed in the Nixon revisions. His revised budget estimates for fiscal 1969 which ends next June 30 discloses that $7.3 billion had to be squeezed out of the normal civilian and welfare operations of the government in this fiscal year to meet the expenditure ceilings imposed by Congress as a condition for voting the 10% surtax. This squeeze over and above the original 1969 budget was made necessary by an unexpected rise in certain "uncontrollable" items exempt from mandatory ceilings. *The biggest uncontrollable item was the Vietnam war which cost $3 billion more in fiscal 1969 than had been budgeted for it.* So all kinds of services were starved in 1969 to meet the swollen costs of Vietnam in fiscal '69. Yet when a $3.5 billion drop in Vietnam war costs were projected for fiscal '70, the amount saved was not allocated to the depleted domestic sector but to the growth of the war machine.

Nixon's cut of $1 billion in military outlays can only be evaluated properly if you first start by observing that it was *a cut in a projected $4.1 billion increase* in military spending. The cut came out of a lot of fat, whereas the cut in health, education and welfare, and domestic services, came close to the bone and gristle. The second point to be made about the military cuts is that they represent no real overhaul of the bloated military budget. Robert S. Benson, former aid to the Pentagon Comptroller, recently showed (in the March issue of *The Washington Monthly*) how easily $9 billion could be cut out of military spending without impairing national security. But the three main "economies" cited by the Nixon backgrounders are sleight-of-hand. One is "lower consumption of ammunition in Vietnam". This looks optimistic in view of the enemy offensive and our own search-and-destroy missions; as in other years, this may be one of those preliminary under-estimates which turn up later in a supplemental request for funds. The second "saving" comes out of the shift from Sentinel to Safeguard, but the reduction in fiscal 1970 will be at the expense of larger ultimate costs. Indeed while the Nixon estimates show that Safeguard will ultimately cost $1.5 billion more, McGraw Hill's authoritative DMS, Inc., service for the aerospace industry puts the final cost $4.3 billion higher, or a total of $11 billion without cost overruns (which DMS expects). The third "economy" cited is $326 million saved (as a *Washington Post* editorial noted tartly April 3) by "postponing procurement of a bomber missile (SRAM) that doesn't yet work." Like all else in the Nixon Administration, the budget revisions represents feeble compromises which give the military machine priority over the growing urban, racial and student crises.

[3] The liberalization will allow a maximum of $1800 a year without deductions. By comparison retired professional military men (20 years service) are allowed under the Dual Compensation Act of 1964 to fill Civil Service jobs paying up to $30,000 and still collect their full pensions, a privilege not given other veterans. Under the new pay raise this will mean retired army officers can draw up to $50,000 a year in Civil Service pay and pensions.

CONCERNING THE NOMINATION OF OTTO F. OTEPKA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ASHBROOK. Mr. Speaker, on Tuesday of this week the Senate Judiciary Committee, by a vote of 10 to 3, voted to recommend confirmation of Otto F. Otepka as a member of the Subversive Activities Control Board. In recent weeks press accounts have sought to link the former State Department security officer with certain organizations and individuals, as a result of which a set of six questions was presented to the chairman of the Judiciary Committee for further inquiry. The questions and the subsequent replies are part of the hearings on the nomination of Otto F. Otepka, which documents are on sale at the Government Printing Office at nominal cost.

I request that the questions relating to the nomination of Otto F. Otepka and the responses submitted thereto be inserted in the RECORD at this point:

NOMINATION OF OTTO F. OTEPKA, OF MARYLAND, TO BE A MEMBER OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

U.S. SENATE,
Washington, D.C., May 5, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the discussions at the Committee meeting last week, we believe that before the Committee takes up the nomination of Otto Otepka to the Subversive Activities Control Board, there should be included in the printed record information relating to the recent questions raised about Mr. Otepka's finances and connections. In particular we suggest that the staff obtain from Mr. Otepka, and from independent inquiry if necessary, the facts on the following subjects:

1. Mr. Otepka's source of income, other than his State Department salary, since 1961.

2. The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, traveling expenses, and other expenses since 1961.

3. Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.

4. The accuracy of a report that Mr. Otepka stated in response to questions about his associations: "I am not going to discuss the ideological orientation of anyone I am associated with"; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.

5. Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.

6. The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's pre-nomination procedures regarding Mr. Otepka.

We are confident that all the members of the Committee join us in feeling that fairness to the nominee and to the public requires that these matters, which have been raised publicly, be aired and resolved within the Committee before it passes on the nomination. We are hopeful also that Mr. Otepka will feel free to take this opportunity to make any further comments he wishes regarding the office to which he has been nominated and his suitability for it.

Sincerely,

EDWARD M. KENNEDY.
QUENTIN BURDICK.
JOSEPH D. TYDINGS.
PHILIP A. HART.

MEMORANDUM

MAY 9, 1969.

To: Senator Eastland.
From: J. G. Sourwine.
Subject: Inquiries of Senators Hart, Kennedy, Burdick, and Tydings respecting finances and connections of Otto Otepka.

In compliance with your instructions the staff has obtained from Mr. Otepka, and from independent inquiry as necessary, the facts called for by the questions propounded.

The questions are repeated below seriatim, and the facts obtained by the staff with respect to the subject matter of each question are set forth, immediately thereafter.

1. Mr. Otepka's source of income, other than his State Department salary, since 1961.

Since 1961, Mr. Otepka has had income, other than his State Department salary, only from the following sources: (A) interest on savings accounts and stock dividends; (B) wife's salary as a school teacher (from 1965 only); (C) daughter's salary (during 1968 only); (D) director's fees (family corporation); (E) sum received by wife in 1966 by gift and devise from her aunt.

2. The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.

LEGAL EXPENSE

Total legal expense incurred in connection with Mr. Otepka's case has amounted to $26,135, of which $25,127 represented legal fees and $1,008 represented reimbursement of cash disbursement by counsel. These legal expenses have been met by voluntary contributions from more than three thousand different contributors. Most of the contributions were in relatively small amounts, ranging from $1.00 to $100.00. Over $21,000 of this amount was raised by American Defense Fund, organized in 1964 by James Stewart of Wood Dale, Illinois (now living in Palatine, Illinois) in compliance with the laws of the State of Illinois.

Mr. Stewart volunteered his assistance, after having read in the newspapers of Mr. Otepka's intention to pursue fully all of his administrative remedies, and to take his case into the courts, if necessary. Mr. Stewart appears to have made a full accounting for the purpose of complying with State law, and also has filed an accounting with the U.S. Post Office Department.

American Defense Fund has no connection of any kind with the John Birch Society, the Liberty Lobby, or Willis Carto, according to Mr. Stewart, who stated his interest in the Otepka case was sparked by a newspaper article in September 1963, and that in the fall of 1964 he undertook to raise money for Otepka's defense after he learned that contributions from other sources were not meeting the growing legal expenses of the case. Mr. Stewart said he acted as an individual and without any assistance or prompting from any organization.

All contributions forwarded by Mr. Stewart went directly to Mr. Otepka's counsel, Mr. Roger Robb.

The remainder of the legal expense in connection with Otepka's case (between $4,000 and $5,000) was paid by voluntary contributions from individuals not associated with American Defense Fund. (Many of these contributions were made in checks mailed directly to Mr. Otepka's counsel, and checks received by Mr. Otepka personally were turned over by him to his attorney. Mr. Otepka did not cash any such checks, nor receive or retain the proceeds therefrom.) Of these independent contributions, only one was in a very large amount, to wit: a check for $2,500 received by Otepka's counsel on April 21st, 1964, from Defenders of American Liberties, a non-profit corporation organized under the laws of the State of Illinois for the purpose of defending civil and human rights. All other independent contributions were in very much smaller amounts.

In an effort to determine the nature of the organization known as Defenders of American Liberties, the Subcommittee staff questioned both Dr. Robert Morris, first president of the organization (who resigned in 1962 to become president of the University of Dallas, and who is now president of the University of Plano) and Mr. J. Fred Schlafly of Alton, Illinois, who succeeded Dr. Morris. Both Dr. Morris and Mr. Schlafly denied any personal connection, formal or informal, with the John Birch Society, the Liberty Lobby, or Mr. Willis Carto. One of fourteen persons identified as directors of Defenders is Dr. Clarence Manion, former Dean of Law at the University of Notre Dame, who is reported to have stated he is a member of the John Birch Society. Other directors of Defenders of American Liberties, besides Mr. Schlafly, are Mr. Roger Follansbee (Chairman of the Board) of Evanston, Illinois; Dr. Edna Fluegel, chairman of the Department of Philosophy at Trinity College, Washington, D.C.; Mr. Lyle Munson, publisher, of Linden, N.J.; Mr. Bartlett Richards, of Florida; General William Wilbur of Highland Park, Illinois; Mrs. Carl Zeiss of Phoenix, Arizona; Mr. Don Tobin, realtor, of Dallas, Texas; Mr. Charles Keating, Jr. of Cincinnati, Ohio; Mr. Norris Nelson of Chicago, Illinois, former publisher of the Calumet (Illinois) News and former assistant director of the Republican National Committee; and Mr. Brent Zeppa of Tyler, Texas. None of these, according to Dr. Morris and Mr. Schlafly, is known to either of them as a member of or connected with the John Birch Society or the Liberty Lobby.

TRAVELING EXPENSES

Since 1961, Mr. Otepka has made three round trips, by air, to the West Coast, including visits to San Diego and Los Angeles, California, Portland, Oregon, and Seattle, Washington, which trips were not paid for by Mr. Otepka out of his own private funds. Two of these trips were paid for by a number of individual citizens who had no formal group or organization but who had become interested in Mr. Otepka's case as a result of newspaper publicity, and wanted to hear him discuss it. Mr. Otepka talked to these individuals at informal gatherings only, and confined himself to discussion of his own case, avoiding politics or on other matters. At no time did Mr. Otepka accept an honorarium of fee for any speech or talk. The third trip referred to above was sponsored by a formal group, which desired to give Mr. Otepka an award. Because his appearance on this occasion was to be publicly advertised, Mr. Otepka sought and obtained the State Department's approval of this trip before undertaking it.

Total amounts of income (exclusive of his own salary) available to Mr. Otepka and his family during the period in question, which became available for financing his expenses, as indicated above, were as follows:

A. Interest on savings accounts and dividends on stock owned, $1,711.00.

B. Director's fees (Web Press Engineering, Inc., Addison, Illinois, a family corporation), $100.00. (This corporation does not have any government contracts whatsoever, and Mr. Otepka does not own any stock in the corporation.)

C. Mrs. Otepka's gross earnings, before taxes, as a teacher employed by the Mont-

gomery County, (Md.) Board of Education: 1965, $3,260.00; 1966, $8,432.00; 1967, $9,217.00; 1968, $10,558.00 (Since 1968, when Mr. Otepka first went on leave without pay, his family has had to depend solely upon his wife's salary, and the earnings of his daughter, (referred to below) to meet family living expenses.)

D. Mr. Otepka's daughter was first employed during 1968 and in that year earned $765.00 from the Washington Post Company (WTOP–TV) and $1,189.00 from the D. L. Printing Company, Washington, D.C.

E. By gift and bequest to Mrs. Otepka from her aunt, Mildred Simon, (1966) $3,400.00.

For ready reference, information on total amounts of income available to the Otepka family during each of the years 1961 to 1968, inclusive, is shown on the chart below.

	1961	1962	1963	1964	1965	1966	1967	1968
Interest from savings	101.75	80.00	80	312	23	233.00	309	254
Stock dividends	26.88	35.46	42	59	11	24.84	47	72
Director's fees, Web Press Engineering								100
Wife's gross income (salary)					3,260	8,432.00	9,217	10,558
Daughter's gross income (salary)								1,954
Gift and bequest to wife from aunt						3,400.00		
Total	128.63	115.46	122	371	3,294	12,089.84	9,573	12,938

3. Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.

Mr. Otepka states he does not have and has not had any formal or informal connections with the John Birch Society, or the Liberty Lobby, or Mr. Willis Carto, or with any other persons or organizations known to him to be actively associated with any of the above three. Mr. Otepka has met Mr. Carto, having seen him two or three times, including one occasion on which he lunched with Mr. Carto at the latter's invitation. Nothing was discussed at this luncheon except the legal aspects of Mr. Otkepka's case.

4. The accuracy of a report that Mr. Otepka stated in response to questions about his associations. "I am not going to discuss the ideological orientation of anyone I am associated with"; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.

Mr. Otepka states: "This is substantially the tenor of an answer which I gave on two separate occasions to two newspapermen, Mr. Neil Sheehan of the New York Times and Mr. Tim Wheeler of the Daily World, both of whom were, in my judgment, seeking to bait me into making some statement that could be used against me. I would consider such an answer entirely within the bounds of propriety if made by any person under similar questioning by such reporters in like circumstances. On the other hand, in the case of a question regarding either my associations or my associates, asked of me by a representative or official of the U.S. Government having reason and authority to inquire, I should be as fully responsive as my knowledge would permit; and I would expect any other person similarly questioned by authority and with reason to be comparably responsive."

5. Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.

"From my general knowledge of history and my 27 years of experience as a security officer, I am acutely aware of the potential dangers to the security of any country from acquisition of excessive influence by totalitarian organizations or individuals of either the right or the left. I would resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any other form of totalitarianism."

6. The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's prenomination procedures regarding Mr. Otepka.

The staff has been advised by a spokesman for the Executive Branch that Mr. Otepka's nomination followed the usual course, including an investigation by the Federal Bureau of Investigation and a security clearance under the standards of Executive Order 10450.

BART SUCCESS FORMULA HAS CHIEF CHEMIST

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. MILLER of California. Mr. Speaker, when the residents of the San Francisco Bay area, part of which is within my district, decided in 1962 to invest over three-quarters of a billion dollars to establish the Bay Area Rapid Transit system—BART—the leadership of this huge metropolitan mass transit project was entrusted to Mr. Bill R. Stokes, as general manager.

As such, his job was to oversee the construction of 75 miles of track, a 3.6-mile double track tunnel under the San Francisco Bay, many miles of overhead aerial lines, the acquisition of several thousand parcels of land, the design and procurement of a technologically advanced transit vehicle and control system, and a plan of operation after the construction had been completed.

During this period Mr. Stokes has also had to be concerned with the financing of the entire project when it became apparent that the original funding was insufficient. At the present time, design of the BART system is 93 percent completed and construction is 49 percent finished. About 88 percent of the right-of-way has been acquired and 72 percent of the dollar value of contracts has been awarded. That Bill Stokes has carried out his responsibilities with great success is attested to in an article and editorial which appear in a recent edition of "Railway Age" a national publication of the transportation industry.

It is with great pleasure that I insert at this point in the RECORD the following material from that magazine recounting the record of achievement of Bill Stokes in this undertaking:

BART SUCCESS FORMULA HAS CHIEF CHEMIST

Pipe-smoking, genial Bill R. Stokes, general manager of BART, may have an image problem in reverse: He comes on so mild-mannered and agreeable that his critics have to learn the hard way how tough he is.

In 1962, when Bay Area voters approved the $792-million bond issue that got the BART project started, a few angry citizens brought a tax-payers' suit, alleging BART was an illegal enterprise, and anyway was mismanaged.

In due course, the suit was thrown out of court—chalk up one for Stokes.

The 1964–65 period was taken up with development and testing to make BART the most sophisticated transit system in the world—chalk up two for Stokes.

But the year-long tax-payer's suit had one time-bomb aspect: Precious time was lost during an inflationary period in getting started, and it developed that BART's cost estimates for construction were too low.

The year 1966 may have been the roughest of all: On the one hand, the search for an extra $150 million began. On the other, Stokes had to contend with a powerful local newspaper which chose this time to launch a series of articles "exposing" BART as a hoax and a boondoggle.

Stokes had two storms to ride out, not one, but he kept his cool. He prepared detailed memoranda for his board and for powerful leaders of all sections of the community, spelling out all his actions and plans—and showed that the newspaper series was concocted of half-truths and hearsay.

The mayor of San Francisco and the community opinion leaders bought Stokes' version, not the other one.

But the ordeal was not over. While construction of BART was already in high gear in the 1967–68 period, there was no guarantee it would be finished unless another $150 million could be found.

Stokes impressed on the Bay Area delegation to the legislature that this was their fight as well as his, won Gov. Reagan and the state administration to the cause, and emerged a month ago with victory in the form of a state law to raise the needed $150 million.

An old charge brought against Stokes was that, as a former reporter and public relations man, he lacked administrative experience to run a billion-dollar project such as BART. It's unlikely that charge will ever be brought up again.

BILL STOKES, WILL YOU PLEASE GIVE CLASSES?

What the transit industry maybe needs is more people like Bill Stokes, general manager of the Bay Area Rapid Transit system. As pointed out BART was threatened with serious financial problems that almost spelled disaster. But the story has a happy ending, thanks to Stokes and his associates.

Even the fact that the BART project can now zoom on to completion isn't the whole story. As important a job as that is, the real significance lies in the lift this will give to the transit industry at large.

The early sixties were times of real anticipation in the transit field, as city officials around the country—with a glance over their shoulders at the Bay Area—started looking at the possibility of building transit systems of their own.

BART's well-publicized financial troubles had a psychological damping effect. What started out as studies for proposed transit systems elsewhere soon became studies of studies—in other words excuses for dragging the feet. A few cities where plans did carry on—Seattle, Los Angeles, Atlanta—saw transit proposals go down to defeat in public referenda on bond issues.

No one can say BART was responsible. But the lack of quicker progress in the Bay Area cut the ground from under the feet of transit supporters elsewhere. People can only want what they know, it has been said—and they couldn't very well want something like BART, going by aging test track photos and off-in-the-future artists' conceptions of finished systems. Least of all when they are told that the project isn't going anywhere for lack of funds.

NOW THE PICTURE HAS CHANGED

But with so much of the basic system now taking shape, and with the money assured to complete that system, transit supporters around the country can take heart. One picture is worth a thousand words—and coming BART photos of completed stations, new cars and tracks are worth all of the artists' conceptions in the world, when it comes to promoting the transit idea.

While saluting Stokes for his accomplishment in the Bay Area, it's worth wondering if transit supporters pushing for other systems shouldn't be taking a leaf from his book, when it comes to getting action.

After all, the problems in the Bay Area are not much different from those of any other metropolitan area: Skimpy funds for public works other than highways; lack of public awareness; constantly conflicting policies among planners and politicians. Stokes solved these problems not once but twice; The first time in 1962, when Bay Area voters approved the BART system; the second time just now, when the state of California was induced to provide additional aid to BART.

In both cases, Stokes planned effective strategies to mobilize public opinion, win over lawmakers and influential civic leaders. Maybe Stokes' office on Mission St. in San Francisco should be dubbed BART Test Track II—the place where successful ideas in transit policy got their start.

THE PRESIDENT'S MESSAGE ON VIETNAM

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. MESKILL. Mr. Speaker, I rise today refreshed by the President's first major address on Vietnam. I want to congratulate the President on his candor with the American people. Americans have a right to know what we are fighting for in far-off Southeast Asia. They have a right to know why American boys are dying daily. They have a right to know what our objectives are.

The patience of the American people has been worn thin over the last 8 years because our reasons for being in Vietnam have been wrapped in tired clichés.

Our new President is "telling it like it is." And we can be thankful for that. It is evident that President Nixon has resolved to end the war. It is obvious that he does not seek to raise false hopes only to see them dashed. He did not predict an end to the fighting overnight. He acknowledged that peace would take time in the wake of a war that has dragged on for more than 20 years.

But I am encouraged by the President's statement; it was a constructive step forward in the administration's all-out effort to win a negotiated settlement in Vietnam. The statement was clear, concise, and well organized. It is obvious that some hard thinking and careful analysis went into his report to the American people. He did not dodge the issues, nor did he pull any punches. He faced the issues squarely.

President Nixon spoke of "limited objectives," and then he defined them. This was certainly a refreshing change. He articulated goals and policies that different groups may disagree with or argue over, but I think, on the whole, the American people will respect his forthrightness.

The President clearly stated that our objective is not a battlefield victory. Nor will we accept a unilateral withdrawal or a "disguised defeat."

Our objective is to help develop the kind of environment in which the people of South Vietnam can determine their own political future.

The President, therefore, has cleared up a lot of doubts and erased much of the suspicion over our involvement by stating flatly that we:

First, seek no military bases.

Second, insist on no military ties.

Third, are willing to agree to neutrality if that is what the people of South Vietnam want.

Fourth, are prepared to accept any government if it results from the free choice of the South Vietnamese themselves, and

Fifth, have no objection to reunification if it is accomplished through the free choice of the people of the North and the South.

If the President had said nothing else, he would have made a substantial contribution by simply enunciating these five principles. But President Nixon went further. His speech was noteworthy for its carefully detailed outline of the mechanics for peace, and after all, this is what the hard negotiating will be all about.

The President has called for the "mutual withdrawal of non-South Vietnamese forces from South Vietnam." He has called for a 12-month timetable for withdrawal. He has proposed an international supervisory body. He has called for free elections under international supervision. He has called for an early release of war prisoners. He has urged the observance of the Geneva accords of 1954 and the Laos accords of 1962.

The President has put forth a peace program "generous in its terms." His statement is encouraging for its flexibility and lack of rigidity. He has made clear his willingness to discuss anyone's program for peace. His program was not based on a "take-it-or-leave-it approach." He has made a sincere effort to prevent the United States from getting locked into a policy we cannot live with.

Now much depends on the other side. The United States has spoken its mind with a clear voice. Let us pray that it will not fall on deaf ears. We may not know the effect of the President's speech for weeks or even months. As we have learned over the past 11 months, negotiation is not a speedy process, but it is our best hope. The President has not asked unlimited patience from the American people. He has assumed full responsibility for ending the war and securing the peace. If he fails, he will not ask for amnesty. It is my fervent hope that the American people will give the President the solid support and encouragement that he will need in the difficult days of negotiation that still lie ahead. For I ask you, what are the alternatives? I fear they are much worse.

A SUPERIOR COURT JUDGE LOOKS AT THE ABANDONMENT OF JOB CORPS CENTERS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. JOHNSON of California. Mr. Speaker, as you all know I have been a vigorous supporter of the preservation of the Job Corps program, especially those conservation centers where we are accomplishing so much in the conservation of our natural resources as well as our human resources.

Specifically I feel that abandoning this type of program is going to prove extremely costly to us over the years.

One of the centers to be closed is the Forest Service operated Five-Mile Job Corps Center near Sonora, Calif. Superior Court Judge Ross A. Carkeet, who has been known for many years for his realistic and humane approach to justice, and especially to meet the problems of our youth, has written a very strong presentation in support of retention of the conservation center in Tuolumne County. This was published recently in the "Sierra Lookout," a column of the Sonora Daily Union Democrat. I would like to share with my colleagues Judge Carkeet's views:

I cannot help but voice my feelings about the tragic thing that is happening in our own country—the contemplated closing of the Five-Mile Job Corps.

It is inconceivable that such success in the accomplishment of the avowed purposes of the Job Corps as has been achieved by our local Five-Mile Corps center under the splendid guidance and leadership of Robert (Bob) Royer, should be rewarded by an order from Washington to "shut it down."

With the co-operation of the U.S. Forest service, under the leadership of Harry Grace, supervisor of Stanislaus forest, the center was built in 1965 and since that time has trained approximately 1,000 youths between the ages of 16 and 21 years.

Much has been written and said about the announced closure, most of it pertaining to the capital expenditure in building and enlarging the center ($800,000), and much has been said about the trained staff of between 45 and 50 and the loss of such payroll to the county, as well as the funds expended locally each month to keep the center operating.

Much has also been said about the loss to the public of the services of this young group of trainees who have provided conservation and recreational development prorams for the benefit of the users of the national forest and which would not otherwise have been provided.

All of these things are true and indeed regrettable from an economic and conservation viewpoint.

I would speak of something more important. In its less than four years of operation the center has given education and

training to more than 1,000 youths, 800 of whom now hold regular jobs as a result.

These were young men without skills or training, many of them school dropouts, some almost illiterate, who have been brought here from cities all over the United States, both large and small—not just from the big city slums.

Under the firm but fair discipline of Bob Royer these young people have been given one more chance to gain training, obtain a job, take their place in the community and gain self-respect. They have literally been snatched from the door of delinquency and crime.

It has been estimated that each young person who becomes a convicted criminal will cost society $50,000. To the money-minded, I would point out what a savings of 800 times $50,000 might be.

I am interested in any and all programs that successfully move in the area of prevention of delinquency and the Job Corps program is specifically aimed at delinquency prevention and the Five-Mile Job Corps has achieved outstanding accomplishment of this aim.

The people should know that the Job Corps program has always been made available to and has helped a number of our own Tuolumne County school dropouts who were verging on delinquency.

The substitution of 20 or 30 "skill centers" in the city slums, as proposed, while commendable in itself, will not take the place of the salutary program of the Job Corps, whose trainees are not drawn from the city slums alone, but from communities of all sizes all over the United States—areas just like Tuolumne county.

I would hope the citizens of Tuolumne county are concerned enough to write or wire their congressman, senators and other persons who will have a say in this matter, such as Senator Gaylord Nelson, and Congressman Carl Perkins, whose committees will be hearing this matter.

It is difficult to understand why we must at this time think about destroying a project that has been so effective.

YOUTH AND RESPONSIBILITIES IN CITIZENSHIP

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. SAYLOR. Mr. Speaker, there is no finer way for a child to learn the fundamentals of the U.S. Constitution—the rights, duties, and responsibilities of our citizens under the Constitution—than through personal experience. I am not referring to the "child-like" acts by irresponsible and irrational individuals whom we have witnessed in recent weeks and months endeavoring to destroy our institutions of learning. The personal experience to which I refer is that which is constructive, educational, and of meaningful purpose to the society at large.

In studying our U.S. Constitution and the "right of petition," the sixth grade history class of the South Fork Elementary School, located in my district, undertook such an experiment. A group of 104 children now have graphic proof of one of the freedoms with which we are endowed.

The class history instructor, Thomas Goncher of Johnstown, as well as the school principal, Arthur Burkett of Portage, were instrumental in having Miss Pamela Walters, a member of the sixth grade, organize a petition drive with her fellow classmates. As we well know, such an effort is unsuccessful unless there is a purpose and this enterprising young group of schoolchildren determined to find out how their community stood on a subject that is close to all of us at this time—how do the people feel about the decision of the U.S. Supreme Court in striking down the existence of God in our national life?

The petitions these children utilized in their effort to understand the workings of our Constitution are similar to the hundreds which I have received from my district on this same subject, and they read as follows:

We the undersigned protest the prohibiting of prayer and Bible reading in our schools and propose a reversal of this ruling. We further protest any legislation that would possibly:

(1) Remove chaplains from the armed forces;

(2) Remove "in God we trust" from our currency;

(3) Remove God's name from the pledge of allegiance to the flag; and

(4) Remove God's name from any part of our American way of life.

Armed with these petitions and with a courage and confidence that was most heartening from those so young, members of the sixth grade history class began a house-to-house canvass of their neighborhoods to find supporters for their cause.

I am certain our colleagues will be as amazed as I was, when presented with these petitions, that a group of 104 young people had secured 3,277 signatures, and of even more importance, 1,630 of the signers were adult residents of the community.

Mr. Speaker, I want to commend the instructors who supervised this demonstration of "learning by doing," and I also want to commend and congratulate these young people for their practical and strong experiment in exercising the duties of citizenship in this day when we have heard and witnessed so much dissent and disruption by a small minority of misfits. I have a great deal of faith and trust for the future of our Nation when children like the students of the South Fork elementary history class learn at an early age the rights and responsibilities of citizens.

AIDE TO MARYLAND ATTORNEY GENERAL SEVERS TIES WITH MAGAZINE COMPANY

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, on March 5, 1969, I called the attention of my colleagues to what I considered to be conflicting public and private interests of a special assistant attorney general in the State of Maryland. I inserted in the RECORD at that time a letter I sent to Attorney General Francis B. Burch, calling the matter to his attention.

The conflict I described involved the private position of Donald H. Noren, the special assistant attorney general, as secretary and counsel for International Magazine Service of the Mid-Atlantic, Inc., of Baltimore.

Under date of April 11, I received from Attorney General Burch an interim report on his inquiry into Mr. Noren's private association with the magazine subscription sales company. Included were letters from three officials of the States of Pennsylvania and New Jersey relative to an informal hearing held in New Jersey into sales practices of International Magazine Service of the Mid-Atlantic. Each of the letters made reference to Mr. Noren's presence at that hearing as a representative of the magazine sales company.

Under date of May 9, Attorney General Burch has advised me of his action in this matter. His letter advised in part:

I obviously cannot countenance any situation wherein a member of my staff is a legal representative or official of any company with which other divisions of my office are required to have official dealings. For this reason I have advised Mr. Noren of my decision that he must either sever his connections with the company in question or submit his resignation as a member of my staff.

Mr. Speaker, I want to personally extend my appreciation to Attorney General Burch for his firm decision to protect the integrity of his office and to give citizens of Maryland assurance that disposition of consumer complaints in the State will not be clouded by incompatible public and private interests of individual members of the attorney general's staff. The attorney general further advised regarding Mr. Noren's decision:

Mr. Noren elected to disassociate himself from the company in question and remain with the State. He has resigned as secretary of the company and as counsel to it and has in fact completely terminated his association with the law firm representing this publisher. On Thursday, May 1st, Mr. Noren advised me that he was removing his private law office to completely separate facilities several blocks removed from the company in question. This move will be completed within the next two to three weeks.

I would like to add, here, Mr. Speaker, that I believe Mr. Noren has taken a series of positive steps to remove himself completely from the incompatible relationship he previously maintained with International Magazine Service. He did so, I am certain, at a substantial personal sacrifice and his disassociation deserves my public acknowledgement.

I should like to insert in the RECORD, at the conclusion of my remarks, the correspondence from Attorney General Burch regarding this matter.

At this point, I should like to comment further on the sales practices of International Magazine Service of the Mid-Atlantic. Since I began my own study of magazine subscription sales practices back in February, I have received hundreds of complaints from consumers who

were misled by deceptive or fraudulent sales pitches to sign contracts for hundreds of dollars in magazine subscriptions.

INS accounts for the majority of the complaints I have received from residents of Pennsylvania and New Jersey. Many of the complainants explain they were told by IMS telephone solicitors that they had won or were about to win major prizes being offered by the company to promote magazine subscription sales. These prizes included trips, cars, and television sets.

IMS of the Mid-Atlantic operates in 15 States, Puerto Rico, and the Virgin Islands, according to information I have compiled. It does an annual gross business approaching $5 million in magazine subscription sales. Its sales practices are subject of investigation by the attorneys general of both Pennsylvania and New Jersey. Its Allentown, Pa., franchised dealer recently was subpenaed by the Pennsylvania attorney general.

Obviously, International Magazine Service of the Mid-Atlantic is thriving on deceptive sales practices. And, when its customers discover they have been misled and attempt to break their subscription contracts they are hounded by collection letters and phone calls which threaten the consumer with bad credit reports and by letters from lawyers threatening legal action to collect outstanding sums.

Although independently incorporated, International Magazine Service of the Mid-Atlantic, according to Central Registry of Magazine Subscription Solicitors, is affiliated with International Magazine Service, 1 North Superior Street, Sandusky, Ohio, which is a division of Periodical Publishers' Service Bureau, Inc., which in turn is a subsidiary of the Hearst Corp. of New York.

It would seem to me that somewhere in that vast chain of executives from the parent Hearst organization on down to the president of International Magazine Service of the Mid-Atlantic, Inc., Malcolm Berman, there must be someone who is concerned that customers not be duped into signing huge magazine subscription contracts. If such a person does exist, perhaps he will take it upon himself to stop the flood of consumer complaints by replacing misleading sales come-ons with a frank and honest sales approach based on the merits of the publications they are attempting to sell.

Some time ago, my office contacted the Better Business Bureau of Baltimore to inquire about the number of complaints on file there regarding International Magazine Service of the Mid-Atlantic. That initial call produced the information that there were only six complaints regarded as "justified." I previously made reference to that matter in this Chamber.

In the interim, however, the Baltimore Better Business Bureau has corrected what it believes must have been a misunderstanding and has supplied me with a report showing that it received 167 complaints against IMS of the Mid-Atlantic during 1968. I would like to include that report in the RECORD at this point, as well.

The material follows:

OFFICES OF THE ATTORNEY GENERAL,
Baltimore, Md., May 9, 1969.

Hon. FRED B. ROONEY,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ROONEY: Please be advised that I have now completed my investigation into all the circumstances surrounding the meeting in the Consumer Protection Office in Newark, New Jersey at which Donald H. Noren, Special Assistant Attorney General, appeared on behalf of International Magazine Services which was under investigation.

Two officials in attendance at that meeting, Pennsylvania Deputy Attorney General Kirk and New Jersey Assistant Attorney General Harper have advised me that they observed no impropriety of any kind on Mr. Noren's part nor do they recall any mention by him that he was an Assistant Attorney General of Maryland. Mr. Harper advised me that he was aware of Mr. Noren's connection with my office but from a source other than Mr. Noren which he does not now recall. Mr. Kirk has stated that it was only subsequent to the hearing that he learned from an unknown source, other than Mr. Noren, of Mr. Noren's connection with the office of the Attorney General of Maryland.

Mr. Paul J. Krebs, Executive Director of the Office of Consumer Protection of New Jersey has advised me from his recollection that Mr. Noren on one occasion did mention that he was associated with my office. Mr. Krebs advised as follows: "While I personally found the comment to be totally unwarranted and improper when considered in the total context of this conference, it is my feeling that Mr. Noren did not flaunt his official position for the purpose of advancing either his personal interest or the private interest of his client."

Based on the aforegoing facts I have concluded that Mr. Noren was not guilty of any unprofessional conduct at this meeting or of any conduct detrimental to the office of the Attorney General of Maryland. I have further discussed in considerable detail with the Chief of my own Consumer Protection Division the efforts of this Company in our jurisdiction. I am advised that we have had complaints about their operations but that Mr. Noren has not attempted to deal with our office on behalf of his client. The sole contact between our Consumer Protection office and Mr. Noren were several calls made by the Chief of our Division directly to Mr. Noren in successful efforts to obtain expeditious cancellation of contracts which we thought should be cancelled.

I obviously cannot countenance any situation wherein a member of my staff is a legal representative or official of any company with which other divisions of my office are required to have official dealings. For this reason I have advised Mr. Noren of my decision that he must either sever his connections with the company in question or submit his resignation as a member of my staff.

Mr. Noren elected to disassociate himself from the company in question and remain with the State. He has resigned as secretary of the company and as counsel to it and has in fact completely terminated his association with the law firm representing this publisher. On Thursday, May 1st, Mr. Noren advised me that he was removing his private law office to completely separate facilities several blocks removed from the company in question. This move will be completed within the next two to three weeks.

It is my opinion that the steps taken by Mr. Noren satisfactorily resolve the questions brought to my attention by you and Mr. Spivak.

If you have any further questions about this matter please do not hesitate to contact me.

Sincerely,

FRANCIS B. BURCH,
Attorney General.

OFFICES OF THE ATTORNEY GENERAL,
Baltimore, Md., April 11, 1969.

Hon. FRED B. ROONEY,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: I have your letter of April 3, 1969. I have now received letters from the Assistant Attorney General of New Jersey, the Deputy Attorney General of Pennsylvania and the head of the Consumer Protection Division of the Attorney General's Office of New Jersey and there appears to be some difference among the three persons named above as to circumstances attendant to Mr. Noren's appearance at a meeting in the Consumer Protection Office in Newark, N.J. For your information I enclose herewith a copy of each of these letters.

You will note that the Deputy Attorney General of Pennsylvania categorically states that Mr. Noren did not at that meeting state that he was an Assistant Attorney General of Maryland. This is consistent with the statement that Mr. Noren has made to me.

Mr. Harper, the Assistant Attorney General of New Jersey, indicates that he believes Mr. Noren did on a single occasion refer to himself as an Assistant Attorney General but he did not draw from that any inference that Mr. Noren was trying to use his position as an Assistant Attorney General of Maryland to be helpful in the matter he was pursuing on behalf of his client. Mr. Krebs had the same impression as Mr. Harper, but he considered it bad taste on Mr. Noren's part to have alluded to his official position with the State of Maryland.

On March 13, 1969 Mr. Krebs indicated that he would send complaints and affidavits to me touching on the subject matter of the hearing, if I were to assure him that I would not permit them to be seen by Mr. Noren since he represents the party against whom the complaints were made. I wrote Mr. Krebs on March 19, 1969 giving him the requested assurances but I have not as yet received the material. After I have received the requested material from Mr. Krebs I will then be in a position to make a determination as to what action, if any, should be taken in the matter.

Sincerely,

FRANCIS B. BURCH,
Attorney General.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE ATTORNEY GENERAL,
Harrisburgh, Pa., April 10, 1969.

Mr. FRANCIS B. BURCH,
Attorney General, State of Maryland,
Baltimore, Md.

DEAR MR. BURCH: In reply to your letter of March 19, 1969 concerning the actions of Donald H. Noren at a meeting in the Consumer Protection Office in Newark, New Jersey. As you know I was present at the said meeting and to my recollection Mr. Noren did or said nothing during the meeting to give me the impression that he was in any way connected with your office. As a matter of fact the impression I received was that he was there representing International Magazine Service, Inc. as their attorney and as officer of the corporation.

It was only after the meeting was over that I learned of Mr. Noren's employment with your office as an Assistant Attorney General. I can not recall who informed me

of the above fact but I do recall that it was not Mr. Noren.

I trust that this information will be of some value to you.

Respectfully,

BENJAMIN F. KIRK,
Deputy Attorney General.

STATE OF NEW JERSEY,
OFFICE OF CONSUMER PROTECTION,
Newark, N.J., March 13, 1969.

Hon. FRANCIS B. BURCH,
Attorney General of Maryland,
Baltimore, Md.

DEAR GENERAL BURCH: You have requested a written account of a certain incident occurring on or about January 28, 1969 wherein Donald H. Noren, Assistant Attorney General, appeared before this agency as both counsel for and officer of International Magazine Services.

On the above stated date International Magazine Service voluntarily appeared for the purpose of being placed on notice of certain complaints received by this office.

More specifically, you have inquired as to the references made by Donald H. Noren to his official position as Assistant Attorney General. Please be advised that Mr. Noren on a single occasion mentioned that he in fact held this public position. While I personally found the comment to be totally unwarranted and improper when considered in the total context of this conference, it is my feeling that Mr. Noren did not flaunt his official position for the purpose of advancing either his personal interest or the private interest of his client.

Furthermore, it is my personal feeling that Mr. Noren has placed himself in a position in which there is an inherent conflict of interest between his public duties and his private interests. However, the ultimate resolution of this question would seem to lie peculiarly within your province.

This agency believes that the sales practices employed by International Magazine Service raise serious questions of public policy in terms of the rights of the consuming public of this state to fair, honest and open business dealings. To that end an investigation of such practices has been initiated and is presently nearing conclusion.

I have been advised by counsel to this agency that the signed statements secured in the course of the investigation of this matter should be made available. However, as such statements may be essential to future litigation, I am also advised to request your representation to this agency that such statements will not be shown to Mr. Noren. Upon receipt of your representation I will forward copies of these statements.

Hoping this statement will be of help to you in this matter, I remain

Very truly yours,

PAUL J. KREBS,
Executive Director, New Jersey Office of Consumer Protection.

STATE OF NEW JERSEY,
OFFICE OF CONSUMER PROTECTION,
Newark N.J., March 22, 1969.

Hon. FRANCIS B. BURCH,
Attorney General of Maryland,
Baltimore, Md.

DEAR GENERAL BURCH: I have been requested by Paul J. Krebs, Executive Director, New Jersey Office of Consumer Protection, to relate to you my understanding of what happened in a certain informal conference held in this office involving Assistant Attorney General Donald H. Noren.

On or about January 28, 1969, International Magazine Service was requested to appear before this agency for the purpose of making known to the company certain complaints which had been received concerning the solicitation of magazine subscriptions in this state. A representative of the company appeared along with Mr. Noren. Mr. Noren represented that he was both counsel to and an officer of International Magazine Service.

During the informal conference Mr. Noren stated on a single occasion that he was an Assistant Attorney General in the State of Maryland. Your concern, of course, would seem to be whether or not Mr. Noren's conduct in this particular meeting in any way was inappropriate for a person holding a public trust.

It is my opinion that the reference made to Mr. Noren's official position was casual and indirect, and in no way represented an attempt to flaunt that position for the purpose of advancing either his own or his client's private interest. At no time did Mr. Noren's conduct indicate to me a breach of any standard of professional behavior. In short, I believe Mr. Noren's conduct to have comported with that expected of his official position.

I have been informed that you have requested copies of certain signed statements made in the course of this agency's investigation subsequent to the informal hearing mentioned above. While I have advised the Executive Director to make available the requested information, we would appreciate in advance your representation to us that the statements which will be turned over to you will not at any time be shown to Mr. Noren. The reason for this request is that a decision is pending in this agency as to whether or not formal litigation in this matter should be commenced. If such a decision is made in the affirmative you, of course, realize that these statements will be essential in moving to the court and possibly as evidence to support the substantive charges alleged.

Very truly yours,

DOUGLAS J. HARPER,
Deputy Attorney General.

BETTER BUSINESS BUREAU,
Baltimore, Md., April 18, 1969.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: Upon receipt of your letter of April 3, 1969, a thorough review of our entire file on International Magazine Service was conducted. It was discovered that at the time Mr. Huber called requesting information the complete file was not all in one location, which resulted in an incomplete summary being provided.

During 1968 the Baltimore Bureau received 167 complaints or letters concerning International Magazine Service, 51 of which involved delay in delivery.

Of the total of 167 complaints or communications received, 83 were adjusted by the company. In addition, 12 cases involved the signing of contracts by minors, where the Bureau suggested that a verification of the date of birth be submitted to the company which would enable the complainant to obtain a cancellation of the contract. In 14 cases the company disputed the statements made by the complainant and declined to make an adjustment. In 24 cases the company refused to make an adjustment because they did not feel the circumstances warranted such action. In 34 cases letters were written to the complainant with copies to International Magazine Service, indicating that for a variety of reasons the Bureau did not consider that the information furnished merited further action by the Bureau.

Contracts had been signed by the customer in the majority of cases which were processed by this Bureau and forwarded to the company.

The Baltimore Better Business Bureau is very much interested in eliminating customer dissatisfaction in the sale of magazines. The National Better Business Bureau and local Bureaus are continuously working toward this end. I have been informed that the President of the National Better Business Bureau plans to get in touch with you in the near future to discuss the matter.

Very truly yours,

EDWIN M. LOCKARD,
General Manager.

POLLUTION OF LAKE SUPERIOR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. PUCINSKI. Mr. Speaker, the Washington Post has carried an excellent editorial calling attention to the pollution of Lake Superior.

This editorial quite properly points out that the serious pollution of Lake Superior is a danger signal that the whole country should note.

It is quite properly pointed out that Superior is the largest, deepest, and cleanest of the Great Lakes.

And, as it further points out, with Lake Erie ruined and most of the adjacent lakes gravely impaired, conservationists have found some comfort in the supposed purity of Lake Superior, but now even this enclave of purity is being dangerously contaminated.

The Post editorial cites a recent study by the Federal Water Pollution Control Administration which found that 91 municipalities, 61 industries, and 124 Federal installations are discharging waste into Lake Superior or its tributaries.

The most serious of all the dumping into Lake Superior is 60,000 tons of ore waste per day by the Reserve Mining Co. of Duluth.

The most shocking disclosure by the Post is the fact that the Reserve Co. had a permit from the Army Corps of Engineers to dump its taconite tailings into the lake since 1947.

I am calling all this to the attention of the House today to show what a grave error it committed when several weeks ago during debate on the Water Quality Control Act of 1969 the House Committee on Public Works and the House itself rejected my amendment to repeal the act of 1905 which established authorized dumping areas in the Great Lakes.

It is my fervent prayer that the Senate will accept such an amendment, particularly in light of the latest discovery of pollution in Lake Superior.

I said at the time that I offered my amendment that Uncle Sam, through the Corps of Engineers, is the greatest polluter of the Great Lakes and that we cannot expect municipalities and private industry to refrain from dumping pollutants into the Great Lakes if we condone this practice by an act of Congress enacted in 1905.

It is a source of great distress to me that obviously barge owners and all those others who gain from the traffic in pollutants into the Great Lakes should have a greater influence over the Congress than the public interest. But those obviously are the facts.

There can be no other reason why there should be any opposition to an amendment to repeal the 1905 dumping areas. The Washington Post deserves the highest commendation for calling our attention to this mounting menace in Lake Superior and the effects that the growing pollution of that Lake will have on the rest of the Great Lakes, including Lake Michigan.

I hope the Post editorial will move some

of the Members of the other body to pick up this fight to see whether or not the other Chamber will be more responsive to the public interest than we were in this Chamber when we rejected the anti-dumping amendment.

Time is running out and before long I fear all the Great Lakes will be beyond salvation, as is Lake Erie today.

During debate on the Water Quality Control Act of 1969, it was pointed out that it would take hundreds of millions of dollars to restore Lake Erie back to some standard of purity, and there was a doubt expressed that even with the expenditure of millions of dollars that Lake Erie can actually be saved. Now we see the same menace moving into the last sanctuary of purity in the Great Lakes, Lake Superior, and I wonder how long Congress will continue to remain aloof to the willful destruction of the greatest natural resource in the world, the Great Lakes of mid-America.

Mr. Speaker, the Post editorial follows:

POLLUTION OF LAKE SUPERIOR

Reports that Lake Superior is being seriously polluted are a danger signal that the whole country should note. Superior is the largest, deepest and cleanest of the Great Lakes. With Lake Erie ruined and most of the adjacent lakes gravely impaired, conservationists have found some comfort in the supposed purity of Lake Superior. Now, however, even this immense fresh-water sea between the United States and Canada is being dangerously contaminated.

Investigators for the Federal Water Pollution Control Administration have found that 91 municipalities, 61 industries and 124 Federal installations are discharging wastes into Lake Superior or its tributaries. Additional pollution is coming from watercraft, pesticides, polluted dredgings and sediment. Apparently most serious of all is the dumping into the lake of 60,000 tons of ore waste per day by the Reserve Mining Co. of Duluth.

It is shocking to learn that the Reserve Company has had a permit from the Army Corps of Engineers to dump its taconite tailings into the lake since 1947. Renewal of the permit is now being sought despite the findings of a Pollution Control Administration team that the tailings have become a source of concern. A recent study has also shown the presence of taconite tailings in the municipal water systems of Duluth, Beaver Bay and Two Harbors, Minn.

Reports that the findings of pollution by the Reserve Company were suppressed in the Interior Department at the behest of Rep. John A. Blatnik of Minnesota are especially distressing. As chairman of the House Subcommittee on Rivers and Harbors, Mr. Blatnik has been a leader in many campaigns against water pollution, but his enthusiasm for taconite mining in the Duluth area appears to have dulled his sensitivity to the damage that is being done to Lake Superior.

Despite the suppression of the report within his Department, former Interior Secretary Udall did order an "enforcement conference" on the question of pollution in Lake Superior before leaving office. That conference began on Tuesday of this week in Duluth. It has before it 20 recommendations for ending the pollution of Lake Superior. Unfortunately, the recommendation of the suppressed report that the dumping of mining waste into the lake be stopped has been toned down to a request for "continued surveillance" of the Reserve Mining Co. operation at Silver Bay. But the conference has a clear obligation to recognize pollution for what it is and to move resolutely toward its elimination.

THE DUTY OF THE HOUSE IN PRESERVING THE INTEGRITY OF OUR COURTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. RARICK. Mr. Speaker, the resignation today of Associate Justice Abe Fortas is certainly a step in the right direction. He appears to be the first Justice to resign from the Supreme Court to avoid impeachment. His unwept departure marks a significant victory for those Americans who have struggled long and valiantly to purify our judiciary—to return to a Government of law, under our great Constitution. That this man, only a few months ago, was handpicked to become Chief Justice of the United States is indicative of the depths to which we have fallen.

Perhaps today, only 2 days prior to the 15th anniversary of the "Black Monday" decision, it is appropriate to remind ourselves of the principles upon which our Government rests. The three great branches are equal, independent, and coordinate. Through a system of checks and balances each great branch is enabled to prevent in the other two the abuses of power which lead to tyranny. It is our duty to use these powers entrusted to us when it becomes apparent that such abuses are occurring.

This body is not responsible for the selection or the nomination of prospective judges of the courts of the United States. That is the responsibility of the President. The responsibility for confirming nominees also rests elsewhere. It is inappropriate for us to intrude into this process, except as individual citizens of our States and of these United States.

But it is to this House that the authority and the responsibility for impeachments is committed. And it is to this House that the people rightly look for the correction of the judicial abuses under which they more and more suffer. Our function is like that of a grand jury—when it comes to our attention that a person occupying judicial office under the United States is probably guilty of conduct for which impeachment will lie, when a prima facie case of such guilt is made out, then this House has a duty under the Constitution to impeach that person. The trial of the impeachment is confided to others, but the duty to impeach is ours and ours alone.

We cannot be blind to the things which the public knows. When wrongs call out to be righted, and the responsibility lies with us, we must act. It is appropriate to announce, Mr. Speaker, that there are those of us in this body who are prepared to do just that. Those who set themselves above the law are unfit to judge. They must step aside. If they fail to step down, let them understand here and now that they will be removed. This is our responsibility under the Constitution, and this is what the American people expect us to do.

I respectfully include my bills, House Joint Resolution 68 and House Joint Resolution 71, for the consideration of our colleagues in bringing about judicial reform.

H.J. RES. 68

Joint resolution proposing an amendment to the Constitution of the United States relating to the approval of Justices of the Supreme Court

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Whenever 1 per centum of the voters qualified to vote for Representatives to the Congress in each of fifty States, or whenever the legislatures of two-thirds of the States, petition for the removal of a Justice of the Supreme Court of the United States, the question of whether such Justice should be removed from office shall be placed on the ballot in each of the States at the time of the next election of Representatives to the Congress occurring more than one month after the voters in the requisite number of States or the legislatures of the requisite number of States, as the case may be, have approved petitions. A Justice may be removed from office by a majority of the voters voting in such election.

"SEC. 2. A Justice removed from office under section 1 of this article may not be reappointed to the Supreme Court, but may hold any other office to which he is otherwise eligible.

"SEC. 3. Petitions by voters and by the legislatures of the States shall be valid until the death of a Justice, but a petition submitted by a legislature may be withdrawn at any time until the requisite number of legislatures have approved such petitions."

H.J. RES. 71

Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of judges to the Supreme Court and judges to all other Federal courts, as established under section 1 of article III, be reconfirmed every six years by the Senate and to require five years' prior judicial experience as a qualification for appointment to said offices

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"SECTION 1. No person may serve as a judge of a court established under section 1 of article III unless the Senate reconfirms his appointment to such office during the last year of each six-year period after the year of his initial appointment, except that for the purposes of this article a judge of a court established under section 1 of article III holding such office on the date of the ratification of this article shall be deemed to have been initially appointed to such office on the date of ratification.

"SEC. 2. No person may be appointed as a judge of a court established under section 1 of article III who, at the time of his appointment, has not served for at least five years as a judge of a court of record of a

State or as a judge of a court established under section 1 of article III, except that no person whose appointment to a court established under section 1 of article III is not reconfirmed by the Senate as prescribed in section 1 of this article, may be appointed to any other court established under section 1 of article III.

"SEC. 3. The Congress shall have the power to enforce this article with appropriate legislation."

THE CIVIL RIGHTS AND LABOR MOVEMENTS JOIN FORCES FOR PROGRESS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, having spoken out last week in support of the Southern Christian Leadership Conference and the workers in Charleston, S.C., I am gratified to note that the New York Times has come out in support of this movement and lauded the cooperation between labor leaders and black workers. The editorial appears below:

THE CHARLESTON COALITION

George Meany and Walter P. Reuther have parted company in organized labor, but they are standing together in support of striking Negro hospital workers in Charleston, S.C. A similar unity has been established by all the country's major civil rights groups, which rarely agree on tactics these days. They have put aside their differences to help a wretchedly underpaid work force win union recognition and a measure of human dignity.

The coalition that has been forged between the labor movement and the civil rights organizations in the Charleston struggle is as firm as the one that existed on Capitol Hill through the long fight to put across the Civil Rights Act of 1964. That coalition was reformed during the Memphis sanitation strike before the assassination of the Rev. Dr. Martin Luther King Jr. Its emergence now suggests that the coalition is no one-time thing and that, in easing the plight of the exploited black worker, both unions and civil rights groups have a role to play. Each can draw strength from the other in a period when both have seemed to flounder in many of their recent efforts.

Unions have been lagging in membership. Civil rights groups such as Dr. King's Southern Christian Leadership Conference, now headed by the Rev. Ralph David Abernathy, need fresh victories. They have a mutual interest in the 500 striking Charleston hospital workers who are mostly women, mostly blacks, employed as non-professional nurses' aides, orderlies, cooks, at wages as little as $1.30 an hour or thirty cents below the Federal minimum wage which establishes a floor for most jobs. Unions calculate that there are 2.5 million non-union black, Puerto Rican and Mexican hospital workers across the country suffering similar wage injustices.

The best hope for ending the Charleston strike without a racial explosion or a tragedy of the type that struck down Dr. King lies in intervention by the Federal Government—precisely the kind of intervention that brought labor peace after tragedy struck in Memphis a year ago. At a meeting in the White House yesterday, Dr. King's successor, Mr. Abernathy, urged President Nixon "to use his great and powerful office" to speed a settlement. "He said nothing," was Mr. Abernathy's report after the session. That is not a good enough answer; it cannot be the final one.

SENATE—*Friday, May 16, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Blessed are they who hunger and thirst after righteousness; for they shall be filled.—Matthew 5: 6

O Father of mercies, have compassion upon all who need Thy forgiveness. Pardon the sins which are an offense against Thy love and Thy law. And forgive all the little evils which lay waste life and disfigure the divine image in man. Help all who would follow Thee in spirit and in truth to jettison the debris of the spirit which soils the soul, the character or the institution. May the tide of Thy righteous spirit flow over the Nation to cleanse and redeem, to heal and unite the people, that we may walk steadfastly according to Thy statutes, with clean hands and pure hearts. God bless this Nation and make it a blessing.

In the name of the Lord and Saviour. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 14, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce;

H.R. 5833. An act to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes; and

H.R. 9951. An act to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal year 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President.

H.R. 33. An act to provide for increased participation by the United States in the International Development Association, and for other purposes; and

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Commerce.

H.R. 5833. An act to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes; and

H.R. 9951. An act to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal year 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes; to the Committee on Finance.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go