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B. Association of Corporate Owners of One Bank, 905 16th Street NW., Washington, D.C.

A. M. William Youngblood, Jr., 1001 Connecticut Avenue, Washington, D.C.

B. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue NW., Washington, D.C.

B. Getty Oil Co.

A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.

A. Nicholas H. Zumas, 1225 19th Street NW., Washington, D.C.

B. National Music Publishers Association, 460 Park Avenue, New York, N.Y.

EXTENSIONS OF REMARKS

TO OUR FALLEN SON

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1969

Mr. BIAGGI. Mr. Speaker, recently I had the opportunity to read an article which appeared in the March 1969 issue of the Reader's Digest. It was a moving experience to read this wonderful tribute as written by Mr. Al Dewlen to his son, who died in Vietnam. I am pleased to include this article in the RECORD for all to read:

TO OUR FALLEN SON (By Al Dewlen)

This, my son, is how it was, and is.

It was Friday, 5:15 p.m., cloudy and still hot as I turned into our drive and continued on into the garage. I was standing over the littered workbench, debating which chore deserved first claim on the remaining daylight, when someone called my name. In the doorway I saw a preacher.

As I went to meet him, your mother came hurrying toward me from the house. Nothing about her looked right; there was the impression of calamitous change, entire and final. The minister reached for my arm. Then Jean took my hand, and I felt her trembling. My impulse was to shout at her, to demand that she restore the smile she had been wearing only an hour before. I asked, "What has happened?" She answered, "Mike has been killed."

How can I tell you how much like death life was at that instant? I pictured you as clearly as ever I have seen you, in all the ways I've ever seen you: as a fat baby drooling on my shoulder, as a Little Leaguer straining to throw down to second base, as a rugged softie sobbing from the sight of a starved dog, as the fiery captain of those good football teams. I saw you grown, a man blooming with pride in the Marine Corps uniform, so strong and tough and openly sentimental. And I thought: You, Mike, shot down in battle? Preposterous, a lie. That you could die at all was unthinkable; that you could have lain dead for days without our having known it, or sensed it, was not possible. But there was Jean, wavering before me as the wreckage a woman is when she has lost her only child, and I could lay hold of nothing to fend off belief.

The agony was utter, crippling. I was unable to speak to your mother or to take her in my arms. For a moment I saw you without life, cold and still, and out of my guts sprang an awful rancor against God. I wanted to summon Him down to be battered with this rage and pain, to force Him to account.

"It's Mike," Jean said. "They do mean Mike, and he is dead."

We went into the house. Lynn was waiting. Earlier, she had been talking about your first wedding anniversary, just three days away. A week ago, she had sent you a piece of your wedding cake, saved in the freezer as a surprise, and she had been much concerned

that the mails might mash it. Now she stood wide-eyed and lost. Beside her were two Marines. They met me with quiet expressions of regret and the gentle warning that there was no mistake, that we should not cling to hope.

Time passed before I could react enough to gather in our women, yours and mine. I held them like a pair of broken dolls.

Soon people came flooding into the house. Dishes of food and flowers appeared. It had begun, the terrible two weeks of wet pillows, of escapes to the closet for private grief, of alternating collapse and recomposure, while we waited the return of your body from Danang.

It is difficult to tell you about those weeks, even to separate one day from the other. Your mother dwindled by 15 pounds. She hardly slept, but would lie staring at the darkness, remembering the mother things, taking tearful inventory of the treasures she had been storing in her heart since the morning you were born. Through the days, Lynn made herself the angel of our consolation; nights, she lay crying in your bed. Sometimes exhaustion stunned me into periods of stupored rest, and they were hateful. For at each awakening the news struck me afresh, as if with every sunrise you died again, right before my eyes.

Everything prompted us to recollection. Your clothes hanging in the closet, your fishing and hunting gear piled about. On the kitchen doorframe were the pencil marks recording your growth. We heard you in our talk, through the ridiculous nicknames and lighthearted phrases you invented and installed so deeply in the family language that now, try as we might, we could not avoid them. Hundreds of people called to speak well of you. Still, because Lynn and your mother agreed I should, I got myself together amid all this to write your eulogy.

Remember the talk we had, the day before you shipped out? "I expect to be back," you told me. "But if I should buy the farm, I want to be buried as a Marine." Make it short and simple, you said, "and in my dress blues."

This was how we did it. You had Marines like gleaming statues as an honor guard, Marines as pallbearers. There was a rifle volley, and taps, at the cemetery. You would have been proud of your women: your mother, controlled, her head high; Lynn, wearing the dress you liked best and looking indescribably beautiful, with mute tears streaking her cheeks as she accepted the memorial flag off your coffin.

Much later, the details came to us. Your 70 Marines and six 105s stood vulnerable and isolated in a sea of elephant grass, on a hill near the Laotian border. The attack came after midnight, and it was massive. Besides the mortar fire and hail of grenades, a battalion of enemy infantry penetrated the position, creating havoc and confusion. You were in the command tent, armed only with a .45. You dashed downslope under fire, rallying the men as you went, wringing organization out of chaos. With five others, you jumped directly into the enemy and fought it out in darkness, hand-to-hand among the guns, through a desperate half hour. It was a burst from a Russian AK-47 automatic rifle that cut you down. They tell us your death was instant. Four of your party died with you. The fifth fell, severely wounded.

But you had won. Thereafter, the crews you had rallied brought the 105s into action, getting off point-blank more than 200 beehive rounds. A probable massacre was changed into an astounding triumph. You would like knowing that the battery has received special commendation; that its men declare you saved their lives; that they requested and held a memorial service for you; that they nominated you for your decoration. How splendid of you, my son, to have given yourself as you did; to have willed us this boundless piece of gallantry as your estate.

We pore over this final report card with vaulting pride. But it has not surprised us. Bravery was like you, from the time you took on the neighborhood bully, on through the bruises of a hundred football games, into those later hours when you stood firm in allegiance to standards abandoned to ridicule by others of your generation.

Thinking of you and your clear sense of honor and self-respect, I am compelled to the question that has twisted inside me like a dagger since the moment I knew you were gone. Did not we, your parents, point you toward this death? Didn't we, out of our own unqualified love of country and rigid definition of duty, actually rear you to die at war?

Perhaps we did. From the first we taught you reverence for America's flag, her laws, traditions and institutions. We trained you to the habit of everyday joy in your citizenship. We encouraged your development into an aggressive competitor for excellence in a free society. We saw to it that you would regard the defense of your homeland and the support of her commitments as a privilege. We deliberately cultured in you the presently unfashionable belief that a man is responsible for himself, the fabricator of his own consequences. You listened well. You accepted yourself as what you had to work with, granted yourself no excuse, adjusted your life to its seasons. You decided that the student's role was one of learning, not once misconstruing it as a franchise for the destruction of order or the dismantling of authority.

It was natural, then, that you should have considered Vietnam not debatable. That your country had pledged itself was sufficient. There was never a doubt that you would volunteer. Many of your contemporaries must have thought you a hopeless non-swing, a well-groomed heir to their arch-rival establishment, while we applauded you.

But on that terrible Friday, with the cost of our handcrafted patriotism there before us in the cemetery, we had to ask ourselves whether we had meant what we preached, whether we would continue meaning it through the years ahead. If granted a second chance, would we repeat the course? Or would we find ways to permit and justify, to retract and consent, knowing that the resultant irresponsibility might save your life?

To answer, we look about us at others of your age. We considered the man in our end of town who ducked into teaching, marriage and parenthood as part of an announced strategy for frustrating the draft. We regarded those fleeing to Canada or burning their draft cards under the rationale of a "love" cultism. We took into account the pot and LSD sets, the peaceniks and raceniks

and mobnicks. We regarded the infragrant yipple packs caterwauling that America is 200 years mistaken. We considered carefully the whole miscellany of non-people people, whose sole product is division, whose single achievement is the treasonable encouragement of the enemy that killed you—and we became too sick to go on.

No, my son. We could not have given you an exempted conscience, could never have consigned you to the company of these. We prefer this tearful sorting out of your things, this sorrowful laying away of your hopes, those brokenhearted pilgrimages to your grave. We would do it again.

Yet, even in your transcendence, you are owed a score of apologies. We hate it that your sacrifice goes little noticed, and unpraised, by a press which chooses instead to euphemize treason as "the peace movement," mass criminality as "demonstration," and exhibitionistic anarchy as "protest" and "dissent." We apologize for abiding the kick-seeking "new left" with its spewing seditious; for tolerating government that woos the insurrectionist; for the souring churches; for the disemboweling of the national heritage. Yes, I beg your forgiveness for everything that enfeebled America during your brief days of manhood and your instant of dying.

Along with these apologies, I confess, there is anger. You have purchased me the right to it. It sends me bellowing out of my place in the obedient, silent citizenry where the blames are conveniently dumped, and into a new radicalism of my own. I think I have become dangerous. They shall not mutilate the flag in my sight; they'll not sing their Ho Chi Minh chants in my hearing. They shall not mock your widow; I'll allow no one to belittle or slander or even forget you. I give you these promises, that you must already have known I would make, and I swear to them.

There remains, then, just this: How, my son, do I say farewell?

The willow, the one you joked of as our "family tree" that gay day we made such ceremony of planting it, withered and dropped its leaves the week after you died, as if June were autumn. But the chrysanthemums which were sent us in memorial are doing well, out under the north eave where we put them, and it appears that they are near to blooming again. We wear our gold stars for you, and we have hung your sword on the wall. We are keeping fresh the good memories, and more often now, as we speak of you, it is with joy.

The three of us who loved you and buried you thank you eternally. America has had no better than you. And you were ours.

Good-by, Mike. Good-by.

FLAG LADY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1969

Mr. WOLFF. Mr. Speaker, in the period of great dissent here at home, when the flag is often the unfortunate symbol of student discontent, it is reassuring to know that many Americans maintain great respect for our flag as a symbol of our country and its principles.

One person who had that great respect for our flag was Mrs. Olga F. Brereton of Carle Place, N.Y., who recently passed away. For years Mrs. Brereton would raise and lower the flag at the Carle Place American Legion Park and became so identified with this volunteer effort that she was known as the "Flag Lady." Mrs. Brereton is gone, but her devotion to her country remains as a lasting re-

minder for people throughout this Nation that our flag is a proud symbol of the principles of freedom and democracy upon which this country are founded.

Under leave to extend my remarks, I wish to include in the RECORD Mrs. Brereton's obituary from the Westbury Times:

[From the Westbury Times, May 8, 1969]
"FLAG LADY" OLGA BRERETON DIES AT 56

A requiem Mass was said at St. Brigid's Church, Westbury, on April 23, for Mrs. Olga F. Brereton, 56, of 236 Stonehenge Lane, Carle Place. She was known as the "flag-lady of the community" for raising and lowering the flag at the American Legion Park, in Carle Place for the past five years.

Mrs. Brereton was a charter member of the Carle Place American Legion Post No. 1718 Ladies Auxiliary, and was a member of the St. Brigid's Chapel Rosary Society and Choir.

She is survived by her husband, Michael C. Brereton, Sr., a son, Michael C. Jr., of Lake Ronkonkoma, and five sisters—Mrs. Antonia Wallace, Mrs. Martha Fetiak, Mrs. Mildred Perkowski, and Sister Mary Louise, a Dominican nun, all of Huntington, and Mrs. Ernest Montgomery, of Rochester.

DR. JOSEPH K. LYNCH

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, I should like to share with my colleagues a brief but deeply meaningful tribute to the memory of one of the outstanding citizens of the 10th Congressional District of Massachusetts. Dr. Lynch was beloved by all who knew him. I am only one of many who share his family's deep sense of personal loss. A man of great stature and humanitarian impulse, Dr. Lynch will be fondly remembered by all who were privileged to know him. The tribute follows:

[From the Foxboro (Mass.) Reporter, May 14, 1969]

DR. JOSEPH K. LYNCH

The unexpected passing of Dr. Joseph K. Lynch has saddened many a Foxboro heart. Despite his affluence, Dr. Lynch never forgot his early struggles to gain an education and preeminence in his chosen profession of dentistry.

Dr. Lynch's dedication to his family, to the town and to his church were hallmarks in the life of this remarkable man, mourned by his family, his patients, and by a wide circle of friends.

There were many in Foxboro who were grateful recipients of Dr. Lynch's generosity in times of need. These kind acts, private and unpublicized, exemplified the character of this good man.

The Reporter extends its sincere sympathies to the family of Dr. Joseph K. Lynch, a truly exceptional individual.

MANY ATTEND RITES HERE FOR DR. JOSEPH K. LYNCH

A solemn requiem high mass was celebrated at 12 noon last Saturday from St. Mary's Church for Dr. Joseph K. Lynch, a prominent dentist and life long resident of Foxboro who passed away suddenly on May 7, 1969.

The Rev. Joseph V. Mullen, was celebrant. He delivered a eulogy citing Dr. Lynch as a christian living man who set an example for other parishioners by attending mass daily, as he did the day he was stricken. Deacon was the Rev. Henry F. Doherty of St. Ann's

of Peabody, and sub-deacon the Rev. John F. Finnegan of the Delayed Vocation Seminary in Weston, both former curates here.

Seated on the altar were the Rev. William P. Castles, pastor of St. Mary's; the Rev. William F. Bene, curate at St. Mary's; the Rev. George J. Connolly, chaplain at the Foxborough State Hospital; the Rev. Gerard T. McMahon, of St. Rafael's of West Medford, former curate; the Rev. Donald O'Connor, pastor of Our Lady of Sorrows, of Sharon and his curate the Rev. John F. O'Donnell.

Bearers were: William P. Lynch, a cousin; John T. Davison Jr., a nephew; Lawrence Powers, president of the Home Owners Savings Bank of Boston; Finnbar Murphy, of Newton, a cousin; J. Herbert Marsden, former director of the Foxborough Savings Bank, Dr. Francis C. Buckley, and Dr. Rafael Mora, Supt. of the Foxborough State Hospital.

Organist for the mass was Mrs. Robert Morgan of Canton. Vocalists were Mrs. Mary Knowles of Canton and Michael Ahern of Sharon.

The mass was largely attended by relatives and friends including many from dental profession and by State and Town officials.

Graveside services were held in the family lot in St. Mary's cemetery.

A communicant of St. Mary's church he was regarded as a church benefactor over the years. He was a Boston College graduate with the class of 1928, Tuft's Dental in 1933 and Harvard Dental Graduate School in 1939.

He was on the medical staff of both Norwood and Sturdy hospitals.

He was a trustee at The Foxborough State Hospital, a director of the Foxborough Savings Bank, a member of the Harvard Odontological Society and the North Attleboro Elks.

He was the son of the late Timothy and Grace (King) Lynch.

He is survived by his wife, Mrs. Elizabeth M. (Dolan) Lynch; a daughter, Mrs. Daniel J. (Grace) Lynch of Washington, D.C.; a brother, Timothy F. Lynch, a sister Mrs. John T. (Alice) Davison, both of Foxboro, and four grandchildren.

The Joseph P. Keating Funeral Home was in charge of the arrangements.

DISTRICT OF COLUMBIA CRIME—
THE SELF-HELP SOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1969

Mr. RARICK. Mr. Speaker, we hear frequently about the necessity of reforms in the local judiciary to overcome the backlog of untried criminal cases. We hear many arguments about preventive detention, in bonding of individuals accused of crime. We have even witnessed police officers promptly suspended when their duty necessitated taking the life of persons engaged in felonies.

Last week a citizen of the District demonstrated the public lack of confidence in existing security here in the Nation's Capital. Possibly believing that home rule begins at home, she completely bypassed the police and courts and shot and killed the rapist who attacked her in her own home.

Argument could be raised that the rapist was denied the benefit of counsel, was probably not even advised of his rights, and was certainly the victim of a summary execution. Furthermore, he may have been impoverished, a school dropout, underprivileged, discriminated against, and hard-core unemployed.

However, it is quite apparent that if

this "self-help" solution to our crime problem becomes general, it could have the effect of reducing the backlog of criminal cases and practically eliminating the problem of freeing criminals on bond to rape or rob.

Mr. Speaker, I include in the RECORD the news clipping:

[From the Washington Daily News, May 17, 1969]

HOUSEWIFE KEPT PISTOL UNDER PILLOW: KILLS D.C. RAPIST

A 44-year-old Northwest woman, whose husband gave her a gun after she was raped a year ago, yesterday shot and killed a man who attempted to rape her in her home, police said.

The man was identified by District police as Eugene Washington, 24, a plasterer, whose last known address was in the Richmond, Va., area.

They said the woman, who is white, was alone and napping in the basement apartment of her R-st. home when the man entered thru an unlocked window.

She told police she woke up with the man on her bed kissing her. She said the man asked her to have intercourse with him and attacked her when she refused.

She told police she reached under her pillow for a pistol and shot the man once in the chest. Police said her husband gave her the gun after she was raped on March 17, 1968. Police said a man entered the same apartment and assaulted her while holding a gun on her husband.

The man was taken to Washington Hospital Center where he died at 7:05 p.m., two hours after he was shot. His body was taken to D.C. Morgue under a "John Doe" label pending identification.

Charges against the woman have been waived pending a coronor's inquest at 10 a.m. Wednesday to determine if the homicide was justified.

The rape attempt and shooting followed other rapes Thursday afternoon and Friday morning in Northwest. A 66-year old woman was attacked at knife-point in the storage room of her Cleveland Park apartment and a 26-year old woman was raped by a gunman in her home just off Willard av. Both attackers were Negroes.

RURAL DEVELOPMENT THREATENED BY BUDGET CUTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. HAMILTON. Mr. Speaker, I am distressed with the President's decision to reduce sharply funds for the construction of rural water and sewer lines.

Few of the Nation's priorities are more important than the improvement of the quality of life in rural America. I need not go into great detail about the history of our rural areas and the exodus from those areas to already-crowded cities. Until we improve conditions in the rural areas, we are going to have a continuing parade of dissatisfied rural dwellers to the burgeoning, problem-plagued urban centers.

The President's proposed reduction is not only a disservice to this segment of America, but it is bad economics, it seems to me. The Farmers Home Administration's grant and loan program for rural and sewer lines is one of the most effective means by which rural areas are creating improved standards of

health and housing, a better climate for industry, and improved living conditions.

The National Advisory Commission on Rural Poverty stresses the necessity of a policy to give rural residents equality of access to public services, and no public service is more vital than water.

If water and sewage systems are integrated into rural area development, the communities prosper and tax revenues increase sharply. In that sense, the Government gets its money back many times over.

The Ninth Congressional District of Indiana, which I represent, is a grouping of 16 rural counties which depends in large measure upon the proper development of water resources for its economic growth.

In recent years, I have watched several of these FHA-sponsored rural water lines develop. Invariably, land values increase, there are inquiries from industry, and health and housing standards improve.

The FHA has been—or now is—involved in 69 water or sewage projects in the ninth district. Through the FHA program of grants and loans, more than 10,000 rural families and 51 schools either have—or soon will have—water and sewage facilities.

As of January, this year, more than \$29 million has been expended, or applied for, to carry out these water and sewage projects.

No single step permits a rural community to help itself more effectively than the installation of water and sewage lines. We should not hamper this kind of development in the name of economy.

AMERICAN SEAPOWER, 1969

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. DOWNING. Mr. Speaker, on May 14 the Hampton Roads Maritime Association honored our distinguished former colleague, the Honorable Porter Hardy, Jr., with its award for distinguished service. This new accolade to Porter entitled him to be called "Mr. Hampton Roads of 1969." On hand for the ceremonies in Norfolk was one of our Members who was associated with former Congressman Hardy for many years on the House Committee on the Armed Services, the most able Representative of the Third District of Florida, the Honorable CHARLES E. BENNETT.

As chairman of the Special Subcommittee on Sea Power, Congressman BENNETT used the occasion to deliver a timely address entitled "American Seapower, 1969." Its message was of great significance, and I am pleased to have it included in the RECORD:

AMERICAN SEAPOWER, 1969

(By Congressman CHARLES E. BENNETT, Hampton Roads Maritime Association, Golden Triangle Hotel, Norfolk, Va., May 13, 1969)

It is a pleasure for me to be here tonight with my good friend and your dynamic Congressman Tom Downing, a decorated war

hero, outstanding lawyer, and one of the most distinguished Members of the Congress. I appreciate the invitation from Larry Pentecost to speak to the Hampton Roads Maritime Association tonight.

Since the end of World War II, Soviet Russia has completely reevaluated its Naval position so that they now—in accordance with their avowed desire for world conquest—plan for Soviet domination of the ocean surface of the earth. This is a marked change from their prior concentration on land forces. Such is the distilled center thrust of the testimony which came before the House Seapower Committee in its recent hearings on the state of the U.S. Navy.

The conclusions of this subcommittee, which I have been honored to head, were set out in the report of the Committee as follows:

"1. The United States Navy is about to be put into a serious situation because of the age of its ships. 2. The Navy is as effective as it is now primarily as a tribute to the unbelievable efforts and devotion to duty particularly of the officers and crews of the older ships. 3. It is imperative that the Navy have a well-balanced program for the construction of new ships to start immediately. 4. To the greatest possible extent the construction program should not be a crash program, but should be extended out over a period of years, thus preventing future block obsolescence. 5. The Navy should have a fleet of 850 modern ships by the 1980's. 6. In considering the fleet to be built, there must be considered: a. The need to have as many ships as free from fuel oil logistics as possible. b. The need to have an American presence in many areas of the world formerly covered by the United Kingdom. c. The need to meet the increasing submarine threat of the Soviet. d. The need to meet the increasing Soviet Navy anywhere in the world. e. The desirability of using the Fleet for more strategic purposes."

You will note our first conclusion was that the United States Navy is about to be put into a serious situation because of the age of its ships. Fifty-eight per cent of our naval combatant ships are twenty years old or older, whereas the Soviet Navy has less than one per cent that old. The average age of the ships in the United States Navy is seventeen and one-half years. Since 1964 the Navy has had funded only three ships capable of living in a total environment that is capable of fighting air, surface and sub-surface opposition.

It has not been the Navy's fault that the present situation is as bad as it is. From 1962 through 1969 the President's budget has been less than the monies requested by the Navy in the total amount of 30.9 billion dollars. Significantly, of this 31 billion dollars about 7 billion was for shipbuilding and ship conversion; and 3 billion for operation and maintenance. Perhaps it is no one's fault that this has occurred as it has been primarily the result of not attributing first priority to these U.S. Naval needs in the presence of other demanding needs for the taxpayer's dollar in the period that has elapsed. Now, however, the result of continually postponing action in the field of modernizing the U.S. Navy has brought us to a point where the needs of the Navy in this cannot be patriotically overlooked any longer.

It is appropriate to observe some of the most significant developments in the Soviet Russia Navy. The Soviets have seven major shipbuilding yards capable of constructing 20 nuclear attack submarines each year as well as all of the surface ships which might be needed. All are of essentially post World War II vintage. One of the yards is the largest shipbuilding yard in the world. The submarine building yards have covered fabrication and machine shops greatly in excess of the amount available to U.S. submarine building yards.

The Soviets, in 1966, had 7,000 enrolled in school as naval architects and marine engi-

neers, whereas the United States had only 300. The Soviets graduated 184,000 engineers and scientists in 1966 whereas the United States had only 106,000.

The Soviets are rapidly progressing in missiles, with the 20-mile missile patrol boat *Styr* and the surface-to-surface cruise missile which are unlike any missile we have; with radars, the helicopter carrier *Moskva* has a highly developed three dimensional radar; and with lasers, the Soviets have the highest powered laser in the world.

On several occasions Soviet destroyers have demonstrated seaworthy qualities superior to U.S. destroyers, but probably at a sacrifice in habitability and other areas.

The Soviets build ships with greater horsepower and higher sustained speed capability than concurrent U.S. ships.

The Soviet missile submarines have developed from diesel powered submarines with surface fired missiles. Now they have nuclear powered submarines capable of launching ballistic missiles while submerged.

They also have submarines capable of firing cruise missiles (surface-to-surface missiles capable of ranges up to three-four hundred miles) which represent a great potential threat to allied naval forces today.

In the post war years, the Soviets designed and built about 20 classes of surface ships totaling over 550 ships. Most of these were developed and built after 1962. Since 1945 they also developed about 20 different classes of submarines for a current total of approximately 400 submarines.

Having this new fleet, the Soviets have begun to use it more and more extensively. They have a large group in the Mediterranean and more ships than we have in the Indian Ocean. They have also begun to use their replenishment vessels in open ocean operations so as to extend the range of their submarines.

Contrasting with the opulent treatment which the Soviet Navy has received from its government in recent years, is the picture of what has been happening to the U.S. Navy during this same period of time, as has already been indicated. The construction of new ships in America has not kept up with the Navy's requirements and the requests made by the Navy to our government in this field.

Neither have there been as many overhauls of our Naval ships as are necessary for their economic and best use. This has been not only because of the lack of funds appropriated but also because of the increased tempo of operations in the Southeast Asia area.

There are insufficient spare parts, partly caused by the age of the ships and the fact that many original suppliers have since stopped making the parts or have gone out of business completely. Because of their age the ships show signs of corrosion, worn out materials and inadequate equipment.

When the older ships have been modernized, it has frequently been at the expense of habitability. Modern equipment requires more men who have to be berthed in less desirable areas. Many of the older ships can no longer be modernized either because there is not enough space, or because adding the new equipment would adversely change the seaworthy qualities of the ship, such as its buoyancy.

The living quarters on the older ships are not satisfactory, neither in the sleeping areas nor in the bathing areas. The combination of hard work required to maintain the ships and the unsatisfactory living conditions leads to fewer reenlistments on the older ships as compared to the newer ships, and has a negative thrust against personnel retention generally.

U.S. Navy ships have been maintained primarily by the devotion to duty of the crews, many of whom work as long as 80 hours a week to try to keep going. Even with these long hours of work while the ship is de-

ployed, many crews still have to put in heavy work hours when in port—as, for instance, boilermen.

There has been a dilution of the experience level of the personnel in the fleet during the Vietnam War. Approximately half of the personnel on the ships in the fleet have been on their ships less than one year.

Of course, the most exacting requirements are now being placed on our Pacific Fleet. It is well to look for a moment at some of the specific problems in the Pacific Fleet. In it approximately 54 percent of our combatant ships are 20 years old or older. About 85 percent of its auxiliaries are in the same category. Of course this Fleet is assisted by temporary assignments from the Atlantic Fleet.

Testimony before our Committee showed that in the Pacific Fleet the hull-plating of our ships has become so thin in places that failures are common. The results are flooded spaces and repairs which often require expensive drydocking. There are frequent breakdowns in the older ships as a result of the pace that must be maintained in view of the tempo of operation in South Vietnam. These occur across the total spectrum of the machinery, including main propulsion units. There is trouble from leaking joints, pipes, tanks and the general deterioration which comes with age. On occasion, it has been necessary to tow an old ship home because of the failure of her ancient main propulsion machine.

Of the 9 attack carriers in the Pacific Fleet four are between 20 and 25 years of age. Although they have been magnificent ships, they have just about reached the limit of their capability. There is no growth factor left. They cannot normally operate several of the new aircraft. For the past four years they have experienced more than double the accident rate in flying from the larger-deck Forrestal class. The problem is simply that aircraft size and speed have become excessive for the limited size of the World War II carrier decks. The older attack aircraft carriers cannot handle the newer planes because of the limitations on the catapults, the arresting gear, the elevators or the strength of the landing deck.

The Navy has been experiencing personnel deficiencies in the Pacific Fleet. One of the greatest problems is the shortage of the E-5s and E-9s, those in supervisory skills. The reason for these shortages is that the people do not reenlist in the desired numbers. One of the principal reasons for the low rate of reenlistment is the extremely high tempo of operations in Vietnam. It is a problem of excessively long hours, day in and day out, coupled with the personnel problem of long family separations, necessitated by the War in Vietnam. The young men serving in the Navy in Vietnam are beginning to detect that the load of the war is not equally distributed among all young people and this has created a morale factor.

The United States no longer enjoys clear-cut military and technological superiority over Russia. The Soviet Union is devoting major attention to the sea and to modern uses of the sea. They are developing a massive program, which is well balanced in virtually all phases of seapower. Such a program presents a formidable challenge to the traditional freedom of the world's oceans maintained for years by a substantial American superiority in seapower. This superiority is now eroding by the new Soviet buildup. The Soviets appear to understand seapower at the highest levels of government, and convey this understanding through the employment of their total seapower as a prime government instrument, utilizing commercial, experimental and military aspects in a total seapower development.

The policy decisions concerning seapower, both from a military and a commercial standpoint, in the Soviet Union, are made at the top of government. On the other hand,

our Navy and our merchant marine interests are layers below on the organizational chart when compared to Soviet Russia.

That is why I have written to President Nixon and suggested to him that he name a Special Assistant for Seapower. This Seapower Assistant would bring together all of the information available, the men concerned with government policies and decisions in this field and the public parties involved, including labor unions, ship builders, shippers and other commercial interests.

The Seapower Assistant should have a special Cabinet status so that he can be the alter ego of the President to coordinate the President's seapower program in the many departments in which there is government personnel, not only the Navy Department and Department of Defense but also Departments of Commerce, Interior and Transportation.

I have good reason to believe that President Nixon will look favorably on my suggestion. It was last September in Seattle that he promised support of a major shipbuilding program to increase the portion of U.S. trade carried by American flagships from the present rate of 5.6 percent to a rate of "over 30 percent" by the mid-1970s.

In the same speech he promised to seek a higher level of coordination between naval and merchant shipbuilding, to take another look at nuclear merchant vessel propulsion, to expand the oceanography program and to adopt a vigorous research and development program leading to new solutions and new vitality for American ships and American crews.

I also have hopes that the President may look favorably on the suggestion recently made by Chairman Mendel Rivers that bilateral agreements be entered into to protect U.S. commerce by sea, just as we do for our air transport industry.

The Seapower Committee of the House Armed Service Committee is assuming the function of the suggested Seapower Assistant at the moment. We are considering the United States' role on the high seas at every government and nongovernment level.

The second phase of our investigation is now underway. We have moved from a detailed examination of the needs of the U.S. Navy now and in the future to the consideration of our status in the world in the commercial shipping field. The third phase of our work will deal with ship construction and repair at public and private yards.

If possible defense aspects are developed, it will consider our fishing interests and the development of food from the sea, and then oceanography and perhaps international law on the sea. But absent of defense implications we do not expect such a wide scope of hearings. Chairman Mendel Rivers of the full committee has given us a wide responsibility and we are anxious to insure that America remain secure through an adequate use of sea power.

The Seapower Committee has already heard from Rear Admiral F. J. Harfinger, Assistant Chief of Naval Operations for Intelligence, on the Soviet commercial shipping strength.

In this phase of our investigation we will hear from the Secretary of Commerce and the Maritime Administration, which is now in the Department of Commerce. We have asked for detailed material on the number of ships, age and capacity of vessels from the leading commercial shipping nations of the world. We will consider what kind of cargoes these ships carry and where the cargo is carried. We will cover the Military Sea Transportation Service and the ships under that command, what cargoes are carried, the amounts, kinds, and destinations. We may look into the Fast Deployment Logistic Ship concept and possible alternatives. The question of subsidized and unsubsidized lines will be part of this phase of hearings.

It is the feeling of the House Armed Services Committee that we could make a major

contribution to the defense of our nation by exploring all the elements of seapower. We are working with the House Merchant Marine and Fisheries Committee and have invited the members of that committee, including Congressman Downing, to participate in our hearings. Many of them are actively participating in the hearings.

The only conclusions by the committee so far have been on the need for a more up-to-date Navy but we feel they have been valuable hearings.

We feel that the United States Navy can make a greater contribution toward security from nuclear attack, and from surprise attack, by more utilization of the seas of the world for the dispersal of nuclear weapons. Weapons at sea, utilizing missile age geography, would place additional and expensive burdens upon the Soviet Union because they would greatly magnify the Soviet's problems. The survivability of sea-based systems greatly inhibits the will to strike and the feasibility of striking first in a surprise nuclear attack upon the United States. Thus better use of the sea can be one of the greatest opportunities we may have to deter attack and to secure and maintain world peace.

A decision to shift emphasis to sea-environment weapons, after a judicious reallocation of national resources to implement it, might be less expensive in the long run and more effective than present approaches to the strategic problem. It has the element in it of being more likely to secure peace because the ability to move about at sea with weaponry capable of attacking major land targets makes it impossible for any potential aggressor to be sure he can win.

By emphasizing the coordinated use of all elements of seapower in support of foreign policy in peace and war, the United States would be able to enhance its chances of success.

Without a strong and modern Navy, the United States may be placed in a position of making commitments that are less desirable because there is no other choice open consistent with our national security.

Luckily for us there are no dangers in our present situation which cannot be met by adequate funding, because our knowledge of the state of the art in the United States is at least up to that of Russia in almost every instance in the field of seapower. They lag behind us in some areas, for instance, in the range of missiles from submarines. Our lack lies fundamentally in insufficient financing for the U.S. Navy.

We should give the Navy the 100 nuclear attack submarines they have requested in place of the present 69 nuclear and 39 diesel submarines. We should give the Navy the anti-submarine carriers which it has requested in order to meet the great Soviet submarine threat. There should be nuclear escorts for any nuclear powered carriers; and there should also be nuclear powered ships available for independent missions.

In the field of new types of ships we can foresee requests for the new undersea, long-range missile ships, called the ULMS, and the seabased antiballistic missile (SABMIS) and the ballistic missile surface ship (BMS). SABMIS could be an important part of the overall mix for a defense against ballistic missiles, constituting a defense in depth against it. It can provide 360 degree protection for the country against any type of missile. Most important, it could give the enemy so much doubt as to where these ABM's were located that it would be a very effective war deterrent or thrust for peace.

America is at a crossroads and must make important choices. It is clear from the hearings of the Seapower Subcommittee that a choice urgently needed today is a choice for a modern, up-to-date Navy. In fact, it may be the primary defense challenge of our times, to require such a Navy.

PETITION OF TAXPAYER'S EDUCATIONAL ASSOCIATION, INC.

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. FOREMAN. Mr. Speaker, I have been pleased and impressed by a petition which has been presented to me by the Taxpayer's Educational Association, Inc., a nonprofit organization with headquarters at Austin, Tex., of which Mr. Gene O. Parker is president, and Mr. Joseph E. Bacon is executive director.

This petition has been circulated in each of the 50 States and contains many thousands of names. It is, without question, the largest I have ever seen or received. It deals in part with the preservation of the percentage depletion principle and is impressive testimony that Americans from all walks of life are aware of this necessary and long-established depreciation allowance on depleting capital assets. This unusually large petition signifies that a tremendous group of people from all sections of this great country are aware of, and pleased with, the service, quality, and availability of the thousands of products possible from the dynamic free-enterprise American petroleum and mining industries.

I commend to the Congress the objectives of this petition, which follows:

A PETITION TO THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE AND MEMBERS OF THE U.S. CONGRESS

We, the undersigned taxpayers, hereby exercise our rights as citizens to petition the Chairman of the Ways and Means Committee and its members, as well as all members of the United States Congress, pertaining to a proposal to change the tax provisions applying to natural resources and extractive industries.

Whereas, the tax revision bills proposed by some members would cut the depletion allowance on oil from the present rate of 27½ per cent to 15 per cent; and

Whereas, this proposal would be far-reaching and disruptive; it would discourage development of our essential energy supplies, inflict hardships on large segments of our economy, including hundreds of petroleum industry service and supply organizations, employment, and tax revenues in more than 30 petroleum producing states; and

Whereas, this tax proposal, designed to impose an additional tax burden on the oil and gas producing industry, would discourage investment activities, shrink our resource base of vital energy supplies, and defeat our tax policy goal of stimulating economic activity in the nation's largest resource industry; and

Whereas, the mining and petroleum industries can ill afford an increase in their tax load; and

Whereas, in our opinion, if the proposed tax change on the depletion allowance is enacted, it will increase the price of gasoline to the consumer approximately five cents per gallon; and

Whereas, any tax changes affecting the oil industry will have dire consequences upon the entire economic life of all citizens throughout the United States, including our schools, churches, charities, home owners, wage earners and all businesses, large and small.

Therefore, we urge the Ways and Means Committee and members of the Congress to reject any proposal to repeal or change the

present depletion allowance. In consideration of the petroleum industry's great impact on the economic life of this country, we further urge the rejection of any and all proposals which would adversely change historic petroleum tax policies.

All petitions should be mailed to: Taxpayers Education Association, Inc., P.O. Box 9352, Northwest Station, Austin, Texas 78757.

RECOMMENDATION FOR INCREASE IN FARM OWNERSHIP AND OPERATING LOANS PRINCIPAL INDEBTEDNESS LIMITATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. PRICE of Texas. Mr. Speaker, there is need to raise the limits on the amount of indebtedness that may be authorized for farm ownership and operating loans by the Farmers Home Administration. The principal indebtedness limitation of \$60,000 for farm ownership loans and \$35,000 for operating loans was established in 1961 under the Consolidated Farmers Home Administration Act. These limitations were considered adequate at that time to finance the full range of family farming operations for farmers and ranchers who could not obtain the credit they needed from private and cooperative credit sources.

Since 1961 changing economic conditions, progress in agricultural technology, the extent of mechanization and the increase in the scope of farming and ranching operations have caused these limitations to become progressively inadequate to serve the needs of the full-range family farmers and ranchers who are unable to obtain the credit suited to their needs.

The average operating capital used per farm has increased substantially since the \$35,000 operating loan indebtedness limitation was established in 1961. This is illustrated by a comparison of the total of the average operating capital investment plus the annual operating expenses for selected systems of farming for a base period 1957-59 as compared to 1967. This total increased from \$98,023 to \$114,053 for northern Rocky Mountain cattle ranches; from \$35,243 to \$53,184 for Northern Plains cattle ranches; from \$44,229 to \$84,269 for hog-beef fattening farms and from \$30,107 to \$50,290 for grade A dairy farms in eastern Wisconsin. In systems of farming where income is received only once or a few times each year, credit is needed for annual operating expenses as well as for the operating capital investment.

According to studies made by the Economic Research Service of the U.S. Department of Agriculture the national index of average value per acre was 176 on November 1, 1968, based on the 1957-59 index of 100 percent. Land values have increased by 70 percent in the decade ending March 1, 1968, and increased 37 percent nationwide from November 1, 1962, to November 1, 1967. These studies show that commercial farms had an average value of \$100,000 on March 1,

1968. The Under Secretary of Agriculture stated in an address on May 2, 1969, that the average investment on 200 to 400 acres of land alone might run from \$40,000 to \$160,000. Buildings would cost from \$20,000 to \$40,000 and land improvements could cost an additional \$20,000.

The scope of farming operations has increased substantially since the Consolidated Farmers Home Administration Act was adopted in 1961. The average acreage per farm increased from 288 acres in 1959 to 377 acres by 1969. This has increased the need for more credit to acquire and develop land and necessary equipment as well as for meeting the increased operating expenses on the expanded acreage.

During the past 7 years, the investment in farm machinery on farms and ranches has increased by 79 percent, the cash input annually for fertilizer has increased 64 percent and for purchased feed has increased 33 percent. The use of pesticides has increased at an annual rate of approximately 20 percent per year for the past decade.

The greatly increased operating capital required per farm, the higher cost of acquisition and development of land, increased building costs, the increased size and farming operation and the larger operating expenses per farm have combined to greatly increase the need for increasing substantially the limitation principal indebtedness for farm ownership and operating loans.

A higher loan limitation is needed to make it possible to adequately meet the credit needs of eligible farmers in the following categories:

First. Those who need loans to make adjustments and improvements in their operation and adequate land resources to become fully efficient and competitive producers in order to remain in farming or ranching.

Second. Those who have debts on short terms and other conditions they presently cannot meet but require restructuring of their debts and reorganizing of their farming operation to continue in business.

Third. Those beginning farm and ranch families who desire to take over the operation of farms or ranches of retiring farmers and ranchers but do not have the cash resources or equities or other financial backing needed to become properly established on a successful basis.

Because of the varying nature of farming operations and the varied investment costs between farming enterprises and the declining available land, the present indebtedness limitations restrict lending activities significantly more in some areas of the country than in others. This results in inequitable treatment of operators of family farms and ranches in different areas of the country.

For these reasons, an increasing number of family-type farmers and ranchers will be forced out of business each year unless the loan limitations are substantially increased to meet their needs.

It is recommended that the principal indebtedness limitation for farm owner-

ship loans be increased from \$60,000 to \$100,000 and the \$35,000 principal indebtedness limitation for operating loans be increased to \$50,000.

AL CAPP: LOUD AND CLEAR
AGAINST CAMPUS DISORDERS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. MINSHALL. Mr. Speaker, Al Capp's superb speech, delivered on April 27, to the graduating class at Franklin Pierce College, was reprinted in last Sunday's Washington Post.

I would not attempt to embellish his remarks with any of my own, other than to say that I think they should be required reading for every American, particularly parents of college students, college students themselves, and, most emphatically, every college administrator and faculty member. And, I must add, by those in the Congress and those in responsible positions in the executive branch who cannot or will not see the obvious solution to an increasingly impossible and dangerous situation.

The speech follows:

A BLASTING CAPP IS TOUCHED OFF UNDER
FAIR HARVARD

(By Al Capp)

(NOTE.—Al Capp has always been outrageous. In the first place, he is an outrageously funny man, as the author of the zany cartoon strip "Li'l Abner." Then in the 1950s, his ideas outraged the political rights. Today, he outrages the left, but he claims that the political spectrum has shifted, not he. In the following speech, delivered to the graduating class at Franklin Pierce College in Rindge, N.H., April 27, Capp outrages some people at Harvard. Franklin Pierce, incidentally, awarded him the honorary degree of doctor of humanities.)

I live in Cambridge, Mass., a stone's throw from Harvard—but if you duck you aren't hurt much—and I know you'll believe me when I tell you I'd rather be speaking here today. It's safer, and it's at your sort of college that I can use the commencement speaker's traditional phrase. I can say you're the hope of the future without bursting out laughing, as I would if I said it at a Harvard commencement—assuming, of course, that there will be a commencement there this year. They haven't heard from the Afros or the SDS yet.

Three or four of the Afros may decide that commencements are racist institutions, and then five or six SDSers may decide that commencements are a CIA plot, and then of course the entire faculty, administration and student body of Harvard, with the courage that has made them a legend, will replace its commencement by some sort of ceremony more acceptable—something they know the boys will approve of—say, a book burning; they loved that at Columbia, or a dean killing; they never quite accomplished that at University Hall. Dean Ford let them down by having recuperative powers they didn't count on.

But the fact that you can have a commencement here without getting down on your knees to a student wrecking crew, or without calling up the riot squad, is mainly luck. You enjoy advantages Harvard doesn't.

For one thing, you have the advantage of not being so revered for the wisdom and courage of past generations of administrators that you haven't noticed the moral flabbiness and intellectual flatulence of the majority of your present generation of administrators and faculty. You show me any institution with such a glorious past that anyone presently employed by it is regarded as retroactively infallible, and I'll show you a collection of sanctimonious fatheads.

But the greatest advantage Franklin Pierce has over Harvard is that you are not rich enough to hire three such famous professors as Rosovsky, Galbraith and Handlin and not extravagant enough to waste the wisdom of the only one of them with guts and sense—Handlin. All three are world-renowned historians. All three this week have helped make history.

Prof. Henry Rosovsky was born in Danzig. When the young Nazis invaded the University of Danzig in the '30s and beat up its professors and disrupted its classes, Rosovsky's family gave up their citizenship and fled to the United States. In the '60s, Rosovsky was teaching at Berkeley. When the young Nazis invaded there, Rosovsky gave up his professorship and fled to Harvard. When the young nazis invaded there the other day, Rosovsky gave up the chairmanship of his department and started packing.

Prof. Galbraith, as national chairman of the ADA, was the intellectual leader of the Democratic Party in the last election and one of the Nation's few political thinkers over 19 who mistook Sen. McCarthy's menopausal capriciousness for high-principled statesmanship.

Prof. Handlin has won the Pulitzer Prize and other honors for his histories of those groups who, so far, have risen from their ghettos by sweating blood instead of shedding it, by shaping up instead of burning down.

Although Harvard is the home of these three wise men and hundreds more, it was the only bunch in town that was dumfounded at what happened there. Everybody else in the community expected it. We had all watched Harvard for the last few years educate its young in the rewards of criminality. We had watched Harvard become an ivy-covered Fagin.

We saw it begin a couple of years ago when Secretary of Defense McNamara was invited to speak at Harvard. Now, it is true that McNamara was a member of a despised minority group, the President's Cabinet, but under the law, he had the same rights as Mark Rudd. Harvard's Students for a Democratic Society howled obscenities at McNamara until he could not be heard.

He attempted to leave the campus. The SDS stopped his car, milled around it, tried to tip it over. McNamara left the car. The SDS began to club him on the head with the poles on which their peace posters were nailed. If it hadn't been for the arrival of the Cambridge police, who formed a protective cordon around McNamara and escorted him through a series of interconnecting cellars of university buildings to safety, he might have been killed.

The next morning, Dean Monroe was asked if he would punish the SDS. And he said—and if you want to know where the malignancy started that has made a basket case of Harvard, it started with this—Dean Monroe said that he saw no reason to punish students for what was purely a political activity. Now, if depriving a man of his freedom to speak, if depriving him of his freedom to move, if damn nearly depriving him of his life—if that's political activity, then rape is a social event and sticking up a gas station is a financial transaction.

Now, there's nothing unusual about a pack of young criminals ganging up on a stranger

on their turf as the SDS ganged up on McNamara; it's called mugging. And there's nothing unusual about a respected citizen, even a dean, babbling imbecilities in an emotional crisis; it's called a breakdown.

Both are curable by the proper treatment, but there was something unusual, and chilling, too, about seeing the responsible authority, Harvard, treat a plain case of mugging as democracy in action and a plain case of hysterics as a dean in his right mind.

MEAT CLEAVER TACTICS

Well, after Harvard taught its young that the way to settle a difference of opinion is to mug anyone who differed with them, it was no surprise that they'd soon learn that shoving a banana into an instructor's mouth is the way to win a debate and bringing a meat cleaver to a conference is the way to win a concession. Because that's what happened at Harvard in the last month.

When its militants stormed into the opening class in a new course on the causes of urban unrest and stopped it because they found it ideologically offensive, the instructor attempted to discuss it with them. So one of the militants shoved a banana into his mouth. This stopped the instructor, of course, he stopped the class and then Harvard dropped the entire course.

This week, the Crimson published a photograph of a black militant leaving a historic conference with the administration—historic because it was here that the administration granted black students, and only black students, hiring, firing and tenure powers equal to that of any dean. The militant was holding a meat cleaver. The next day President Pusey said that Harvard would never yield to threats. Shows how silly a man can look when he doesn't read his local paper.

President Pusey said that, by the way, at a televised mass meeting advertised as one in which all sides of the question would be fairly represented. The Harvard student body was represented by a member of the SDS (numerically, they are less than 1 per cent). The average resident of the Cambridge community was represented by a black militant graduate student who lives in Roxbury and commutes in a new Cadillac. And anyone who'd call that unfair representation would have been mean enough to say the same thing about the Chief Rabbi of Berlin being represented by Adolf Eichmann.

And so when Harvard was raped last week, it had as much cause to be surprised as any tart who continued to flounce around the fellas after they'd unbuttoned her bodice and pulled down her panties.

APING MAYOR DALEY

What surprised the world was Harvard's response. Nowhere in the world was Mayor Daley's response to precisely the same sort of attack by precisely the same sort of mob more loftily denounced than at Harvard. Yet in its moment of truth, Harvard responded in precisely the same way Daley did.

Pusey called for the cops just as Daley did, and the cops treated the criminals at Harvard just as firmly as they treated the criminals in Chicago. The Harvard administration applauded President Pusey's action to a man. There is no record that they ever applauded Daley.

That either proves that the Harvard administration believes in the divine right of kings to act in a fashion that, in a peasant, is considered pushy. Or it may prove that President Pusey is just as Neanderthal as Mayor Daley. Or it may prove that President Pusey learned how to handle Neanderthals from Mayor Daley. At any rate, if they're looking for a new president of Harvard, I suggest they teach Mayor Daley to read and write and offer him the job.

Let's forgive the president of Harvard for not having the grace to thank the Mayor of Chicago for teaching him how to protect his turf; they aren't strong on graciousness at Harvard this year. But as a member of the

Cambridge community, what alarms me is that Harvard doesn't have the brains to protect itself, and the community, from further, more savage and inevitably wider-ranging attacks. And I feel that I have the right to speak for some in the Cambridge community, possibly equal to that of any resident of Roxbury who parks his car there for a few hours a few days a week.

I've lived in Cambridge over 30 years. My children and grandchildren were born and raised in Cambridge. I help pay the taxes that support Harvard. I help provide Harvard with the police that it will increasingly need to protect it from the once-decent kids it has corrupted into thugs and thieves, and the worst kind of thugs and thieves—the sanctimonious kind.

I ask, and my neighbors in the Cambridge community are asking: If a horde of howling, half-educated, half-grown and totally dependent half-humans can attack visitors in their cars, and deans in their offices, and get away with it, how long before they'll widen their horizons a block or two and attack us in our homes?

If they can use clubs and meat cleavers on the Harvard community today and get away with it, who stops them from using clubs and meat cleavers on the Cambridge community tomorrow? Certainly not the Harvard community. If it was necessary last week for Harvard to organize a round-the-clock guard to prevent the untollet-trained pups they've made into mad dogs from blowing up the Widener Library and the Fogg Museum, must we of the Cambridge community prepare to defend ourselves from the pack Harvard has loosed among us? Or should we all pull a Rosovsky and take off to safe, sane Saigon where it's legal to shoot back at your enemy?

A REPLACEABLE FEW

When the president of Harvard proved that, in a crisis, he was the intellectual equal of the Mayor of Chicago and called the cops, it was his finest hour. Although it was true that he had presided over the experimental laboratory that created the Frankenstein monster that stomped mindlessly into University Hall, fouling everything in its path, he did, at long last, recognize what he had wrought and took the steps to rid his university and our community of the filthy thing.

After throwing the SDS out physically, the next sane move was obviously to keep them out officially, and expel them. And leave them to the criminal courts to educate, or to the Army, or to the gutters of Toronto, or to the rehabilitation centers and public charity of Stockholm. Their few score places at Harvard, and those of their sympathizers, could have been instantly filled by any of the tens of thousands of fine youngsters, black and white, they had been chosen instead of.

And Harvard could have gone on with pride and strength as an institution of learning, as an example of the vigor of the democratic process to other universities, instead of degenerating into the pigpen and playpen it is today. But after the president of Harvard made the one move that might have saved Harvard, the Harvard faculty, in the words of San Francisco State President Hayakawa, betrayed him.

RUN OR RESTRUCTURE

And that brings us back to Rosovsky and Galbraith. And to Handlin.

Rosovsky, whose family had given up and fled when the German Nazis invaded the University of Danzig, who gave up and fled when the California Nazis invaded Berkeley, gave up the chairmanship of his course and started packing when the Cambridge Nazis invaded University Hall. And all over this country—at Cornell, in New York—other professors are using the Rosovsky solution: giving up and running away. The only trouble with it is that, sooner or later, you run out of places to run away to.

Now, the Galbraith solution is one that is bound to be popular with his fellow puberty-worshippers: those who have just achieved puberty, and those who worship those who have just achieved it as sources of infinite wisdom and quite a few votes. But I'm not criticizing Galbraith's religious convictions. What I say is, in this country, any professor who is panting to get back into public life is free to worship the SDS chapter of his choice.

Galbraith's solution is to promptly restructure our universities—and Harvard more promptly than any other, because, in Galbraith's opinion, those who administer Harvard have "little comprehension of the vast and complex scientific and scholarly life they presume to govern." Well, now, who does Galbraith presume to replace them with?

If those who created Harvard, and made it into the vast and complex scientific and scholarly structure it became, must be restructured out of it because they have too little comprehension, who has enough? The only ones who claim they have, and who will shove a banana into the mouth of anyone who denies it, are the student militants.

And so the Galbraith solution is a forthright one: Let the lunatics run the asylum.

Well, I'm going to tell Galbraith the news: they've already tried your sort of restructuring, Ken. They tried it at Berkeley; they tried it at Cornell; they tried it at Harvard all last week, and the result was that on Friday, a mob of militant students, of a Harvard frenziedly restructured to suit their wildest whims, marched into the Harvard planning offices.

They shouted obscene charges at Planner Goyette. When he attempted to answer, they shouted him down with obscenities. They demolished the architectural model of Harvard's building plans, they kicked over files, they hurled telephones to the floor. And while Goyette cowered and his secretaries screamed, they marched out, uninterfered with by the six policemen who were summoned there presumably to see that they remained uninterfered with, unrebuked and, of course, unsatisfied.

And they won't be satisfied until Harvard is restructured the way they restructured Hiroshima. They'll be back, on another day, to another office. Possibly Galbraith's.

Well, those were the voices that prevailed at Harvard, the resigners like Rosovsky, the restructurers like Galbraith*. There was another voice, however, the voice of Oscar Handlin.

Prof. Handlin said he was appalled at the argument that the students' takeover of University Hall, their attack on the deans, their destruction of private property and their thefts from personal files were unwise but not criminal. It was criminal, said Handlin, by every decent standard.

If Harvard had not chickened out, said Handlin, if it had had the courage to recognize the criminality on its campus over the last few years, beginning with the beating up and silencing of McNamara and continuing through innumerable other incidents of the brutal deprivation by its mad-dog students of the rights of those who dared to dissent with them, it "would not be in the position it is in today—following the road that Berkeley has followed, following the road that has destroyed other universities."

A CIVIL RIGHTS REVERSE

Oscar Handlin urged Harvard not to go down that road. That was last week. This week, Harvard has gone so far down the road that it can never turn back. In this last frantic, fatal, foolish week, Harvard has re-

*Prof. Galbraith, it seems, has decided on the Rosovsky method for himself. He has announced that he is taking off for Trinity College at Cambridge University for one year while the restructuring goes on.

versed the civil rights advances of the last 20 years.

Today at Harvard, any student with the currently fashionable color of skin is given rights denied to students of the currently unfashionable color. Harvard, which educated the President who brought America into the war that defeated fascism, today honors and encourages and rewards its fascists. Harvard, which once turned out scholars and gentlemen, now turns out thugs and thieves—or let me put it this way: now, if you are a thug and thief, Harvard won't turn you out.

Once people were attracted to the Cambridge community because Harvard was there. Today, because Harvard is there, people are fleeing the Cambridge community, even Harvard's own.

Harvard's tragedy was that it was too arrogant to consider that it too might be vulnerable to the cancer that is killing other universities. And when Oscar Handlin diagnosed it as malignant, Harvard was too cowardly to endure the radical surgery that could save its life.

And that's why I can say that colleges like yours, as yet too unproven to have become arrogant, and too determined to prove yourself to be anything but courageous, are the hope of the future. Because I believe that America has a future.

It has become unfashionable to say this; it may be embarrassing to hear it; but I believe that America is the most lovely and liveable of all nations. I believe that Americans are the kindest and most generous of all people.

I believe there are no underprivileged Americans; that even the humblest of us are born with a privilege that places us ahead of anyone else, anywhere else: the privilege of living and working in America, of repairing and renewing America; and one more privilege that no one seems to get much fun out of lately—the privilege of loving America.

IRAQI JEWS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. FARBSTEIN. Mr. Speaker, the situation of the pitifully small number of Jews remaining in Iraq is intolerable. Government intimidation and persecution of the approximately 2,500 Iraqi Jews is a blight on the conscience of the world. Economic deprivation and public executions are the weapons of the Iraqi Government. Iraqi Jews are denied the right to earn a decent living. Employers are pressured to discharge Jewish employees, movement is restricted, and Jews are not even permitted to have a telephone in their homes—even if they could afford one.

Worst of all, Jews are not permitted to emigrate in spite of an announcement by the Iraqi President that there are no restrictions on emigration.

Mr. Speaker, it is difficult for me to analyze the objectives of the Iraqi Government in its policies toward the Jews in Iraq. Obviously, the Jews are not wanted in Iraq and yet they are not permitted to leave. The answer must be that the Iraqi Jews are being held as hostages of a government whose announced policies are to destroy Israel.

They are the innocent victims of a war which they did not start and cannot influence.

If this is not the reason then the objective could be the eventual extermination of the Jewish population of Iraq. For if a man cannot earn a living and he cannot leave, then the consequences are clear: starvation and eventual death.

Whatever the reason, the repressive actions of the Iraqi Government are reminiscent of the worst days of Nazi tyranny.

Mr. Speaker, the United States must attempt to influence the Iraqi Government, either unilaterally or in concert with other nations or international bodies, in whatever way is possible.

When the civil and human rights of one man are denied, the rights of all of us suffer in some way. We must never be content with the status quo when it means the recognition of illegal and barbarous actions. Something must be done to alleviate the suffering of the Iraqi Jews. A way must be found to induce the Iraqi Government to adopt a policy which will permit the Iraqi Jews to leave this unhappy country.

I, therefore, submit this resolution calling upon the President to take whatever diplomatic action that he can to secure and facilitate the emigration of the Iraqi Jew. I know that this will not be easy, but something must be done quickly.

BERGEN AMPOLS RESOLUTION ON POLISH CONSTITUTION DAY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. HELSTOSKI. Mr. Speaker, the Americans of Polish extraction in Bergen County, N.J., in order to advance the heritage, culture, and understanding of its mother country, Poland, have formed a group which calls itself the Bergen Ampols. Through this organization the Polish-speaking citizens of Bergen County present a united front in the fight to regain freedom for Poland and to instill the spirit of Poland into the hearts of our youngsters and to carry on the traditions of their forefathers.

On the 3d of May citizens of Polish origin, as well as the Congress of the United States traditionally commemorate one of the outstanding events of Polish history—the Polish Constitution of 1791.

On this day, Poland pioneered freedom and liberalism in Europe and on this day we recall in America that this early assertion of democracy was made in Poland and that self-government was achieved without a bloody revolution.

The Bergen Ampols, in commemorating this historic occasion have adopted a resolution which was sent to me and which I wish to have brought to the attention of this honorable body.

Mr. Speaker, under leave to extend my remarks, I include this resolution in the RECORD.

The resolution follows:

RESOLUTION

Whereas we, the Bergen Ampols organization shall of May 3rd mark the 178th anniversary of the Polish constitution as an independent state; and

Whereas said constitution followed ours by less than a decade and was patterned on the U.S. Constitution, and that it aimed to prevent partition and oppression from neighboring states, which peril existed since Poland's inception as an entity in 963 A.D.; and

Whereas in the present day the people of Poland are again smothered by an aggressor despite their continuing fight for freedom as manifest by various stirrings of unrest, and the refusal of the Polish spirit to die; and

Whereas the people of Poland are manifestly anti-communist; now therefore

Be it resolved that we, the Bergen Ampols, shall align ourselves with the 600,000 plus Americans of Polish extraction here in New Jersey, and the millions of us, regardless of ethnic origin, who hold freedom as a God-granted right, to oppose such stricture of a free-born people; and further

Be it resolved that these convictions be conveyed directly to the President of the United States, the Governor of New Jersey, through our representatives in the Congress of the United States, the Senate and Assembly of New Jersey, to be indelibly placed on the public record of our great Nation; and

Be it suggested that May 3, 1969, be proclaimed State and Nationwide as Polish Constitution Day; and further

Be it ordered that full copies of this resolution be sent to the President and the Governor, and be forwarded specifically to our representatives on the State and National level.

A 10-YEAR TENURE FOR SUPREME COURT JUSTICES

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ESHLEMAN. Mr. Speaker, I introduced a joint resolution for constitutional amendment yesterday which would change the term of office for Supreme Court Justices from "good behavior" to a specific tenure of 10 years. Following each 10-year term, a Justice could be renominated and reconfirmed for another decade, but the change would assure that appointment to the Court is not a guarantee of lifetime insulation from the ebb and flow of American society. This is legislation which I had previously introduced in the 90th Congress but which received no definitive consideration. I am hopeful that the 91st Congress will favorably consider the merits of this proposal.

I believe a change in the tenure provisions for Justices has been dictated by the Supreme Court itself. In recent years the Court has forged a role for itself which would seem to make necessary some means for assuring that its personnel are attuned to the voice of the American people. While I do not pretend to be a constitutional lawyer, it is rather obvious that what the Court has done in the past few years is act when the legislature refused to act. In a sense, the Court has become an alter ego in the legislative function. Yet, I can observe no constitutional mandate which requires

such an assumption of power by the Nation's highest judicial body. But given the Court's movement into extra-constitutional arenas, I believe that the requirement of specific terms subject to regular reapproval should apply to the Justices just as it applies to other public servants entrusted with the lawmaking role in the Government.

While some of the alterations in the pattern of American life dictated by recent Supreme Court decisions are disturbing in themselves, the fact that those decisions were rendered without consideration of their possible effects on our society is perhaps more distressing. The present immunity of the Justices from assuming responsibility for their actions means that their decisions, no matter how convulsive, cannot be subjected to public question. Unlike the officials in the legislative branch, the Supreme Court Judges answer to no one for their actions. The isolation of the Court which was meant to provide an atmosphere for judicial objectivity has most recently been a source of protection from social responsibility.

I believe that a 10-year term for Supreme Court Justices would preserve the proper climate for purely judicial decisionmaking, but would also provide a regular interval for national evaluation of the Supreme Court's performance.

NEWSLETTER

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. UTT. Mr. Speaker, under unanimous consent, I submit for inclusion in the Extensions of Remarks of the RECORD my current Washington Report, which will be sent out to my constituents this week. The newsletter follows:

There has been some feeling expressed in Washington as well as in other parts of the nation that President Nixon should not have gone on television reporting to the nation with reference to the Vietnam situation unless he had something new and startling to tell the people.

I do not share that feeling. It must be remembered that the Viet Cong had let it be known in the leading capitals of the world that North Vietnam wanted peace and set forth some nine points for consideration. If the President had not gone on the air in response to these feelers, it would have been interpreted around the world that the position of the United States did not indicate a sincere determination to end the conflict. The communists would have been the first to have made that charge, and so I believe that the President's response, outlining eight points upon which we would negotiate a peaceful settlement, was proper, even though nothing new and startling, by way of encouragement for immediate cessation of hostilities, was given to the public.

More than this, there was a clamor building up in Congress, in both the Senate and House, for some verification of the pledges made during the campaign to the effect that the President had a plan to effect peace. The President's message to the nation and to the world (for in fact it was more for foreign rather than for domestic consumption) bought an additional thirty, sixty, or ninety

days of time for intensive negotiations, in response to the clamor for action, and already a summit meeting has been arranged at Midway Island between President Nixon and President Thieu. Let us all hope for specific and tangible signs of a peaceful settlement without surrender and without a coalition government prior to free elections in Vietnam.

The matter of the resignation of Justice Fortas still is a hot topic. I do not believe that the House and Senate would have impeached him, as surely there was personal judgment involved and, as yet, it has not been established that any criminal law had been violated. His connections with Wolfson and accepting a fee from the Wolfson Family Foundation while he was on the bench certainly reflected on the entire Court, which is not enjoying the highest reputation at the present time.

Incidentally, the recommended revision of the Internal Revenue Code involving tax-free foundations will prohibit any such payment or grant.

There are always interesting sidelights to happenings such as Justice Fortas' resignation, but the one that takes the first prize is the reaction of one Drew Pearson, a completely irresponsible columnist in Washington. His Washington Merry-Go-Round column of May 17th, referring to Fortas, led off as follows:

"When a man is down, everyone rushes in to kick him. It is the popular and cowardly thing to do . . . When a man's down, he's down. But I for one do not intend to be part of the Fortas-kicking brigade."

These remarks are from a man who has spent most of his life kicking people down, and kicking them after they are down. He has fired a continuing barrage leveled against Otto F. Otepka, who was removed from the State Department because he testified before a Senate Committee with reference to subversive influences in the State Department. Such testimony, as viewed by the State Department, was treason, so he was fired. President Nixon, recognizing the injustice of this matter, appointed Otepka to the Subversive Activities Control Board, at a salary of \$36,000 a year. This appointment has to be confirmed by the Senate, and I cannot count on my fingers the number of derogatory columns written by Drew Pearson about Otepka, making every effort to keep him from being confirmed. (The nomination is still pending in the Senate, although passed overwhelmingly out of the Judiciary Committee, in spite of the efforts of Senator Ted Kennedy and his liberal cabal. Senator Kennedy says he will carry the fight to the Floor of the Senate. That will be interesting.) One thing you cannot accuse Drew Pearson of, is being consistent.

Another point of inconsistency and double standards: U.R.O.C. (United Republicans of California) issued an invitation to Prime Minister Ian Smith of Rhodesia to address their annual convention in California last month. They requested the State Department to grant Mr. Smith a visa to come to America, but the State Department refused because of something they call sanctions levied against Rhodesia as being a threat to world peace. Ha! Ha! Ha! It is the most peaceful nation in the world and one of the most anti-communist nations in the world, and one of the best friends of the United States, in spite of this slight.

Now, just prior to this, the State Department had issued a visa to Nikolai Blokhin, president of the Institute for Soviet-American Relations and Deputy to the Supreme Soviet of the U.S.S.R., and another visa to Yuri Zhukov, Pravda political commentator and also Deputy to the Supreme Soviet, and visas for eleven other top communists to come into America and have a political conference with several prominent Americans. Among those Americans attending were

David Rockefeller, President of the Chase Manhattan Bank; Arthur Larson, Director of the World Rule of Law Research Center at Duke University; Norman Cousins, Editor, *Saturday Review*; Dr. Franklin D. Murphy, Chairman of the Board, Los Angeles Times-Mirror (he fits); and Norton Simon of Hunt Foods, Fullerton, California.

So here we have the State Department refusing a strong anti-communist permission to come in and talk to a patriotic organization, but the State Department let down the bars for the communist journalists and commentators to come in. If this is not a case of double standard, one will never be discovered.

THE PUBLIC'S DEBT TO LAW-ENFORCEMENT OFFICERS

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. RANDALL. Mr. Speaker, with few or minor exceptions police officers are "good neighbors, good friends, and dedicated guardians, sworn to protect life and property, if need be, with their very lives."

These were the words spoken last week by Police Chief Gene Burden of Warrensburg, Mo., in referring to the theme of Police Week, which was observed this year May 11 through 17.

There can be no doubt that among the hundreds of thousands of law-enforcement officers across the country, there are some policemen who overreact; there are some who should not be entrusted with the responsibilities of maintaining law and order. But the great wonder is that there are not more of these so-called misfits, spawned by the growing trend of putting policemen on trial along with the criminals they bring to court. It is miraculous, in the light of the revolting practice of some courts to protect the rights of criminals to the detriment of the law-abiding community and to the extent of crippling the credibility of arresting officers, that the vast majority of policemen remain honest and dedicated to their sworn duties.

In the May 14, 1969, issue of the Warrensburg Daily Star Journal, published in the congressional district it is my privilege to represent, there appeared an editorial on the public's debt to law enforcement, which I commend to the attention of my colleagues. I wish to call special attention to the prayer at the end of this editorial, which was adopted by the Law and Order Committee of the American Legion, Department of Missouri, tendering to the police officers of America the thanks due them for their devotion to duty. The editorial follows:

PUBLIC OWES DEBT OF GRATITUDE TO LAW-ENFORCEMENT OFFICERS

Quick to criticize and slow to commend, perhaps sums up the attitude of too many persons today toward those manning the police forces of our community, our state and our nation.

More prevalent than ever before is an often expressed repugnance toward those responsible for maintaining law and order. To circumvent the odious interpretation that the phrase "law and order" by itself implies unfair discrimination toward the downtrodden,

it has become necessary to add the phrase "with justice."

Of course, revulsion of policemen stems from the growing disrespect for authority in the nation. The sentiment of those radicals and members of the New Left which leads them to refer to the police as "pigs" is obnoxious to the average citizen.

That there are policemen who over react or who do not carry out their duties conscientiously is undeniable, but they number a very few among the thousands who act responsibly. It is as ridiculous to condemn all police force members because of this, as it is to make the claim that firmly supporting the police means advocating a police state.

With minor exceptions police officers are "good neighbors, good friends and dedicated guardians, sworn to protect life and property. If need be, with their very lives" as Warrensburg Police Chief Gene Burden stated in referring to the theme of this year's Police Week, set aside by an act of Congress.

On behalf of the community we say a sincere "Thank You" to Chief Burden and the men of his staff for the service they are providing for Warrensburg, to Sheriff Harland Tempel and his deputies for their vigilance in Johnson County and to the members of the Missouri State Highway Patrol who work so diligently to maintain safety on our highways and provide law enforcement in the state of Missouri.

We hope individual citizens will take the time to express personally their appreciation to police officers of the area. All citizens are indebted for the protection they give us.

In honoring all law enforcement officers, though using the term "police," the Law and Order Committee of the American Legion Department of Missouri adopted a prayer at a recent meeting. We quote: "A Citizen's Prayer" in recognition of Police Week, May 11-17:

"We thank Thee, Father, for our policemen. Please Give Them the Strength, Courage and Perseverance to Endure the Unjust Condemnation, Danger and Physical Abuse to Which They Are at Times Subjected. Sustain and Protect Them, Father, From Those Who Would Destroy Them or Their Effectiveness by Physical Violence or False Accusation. So That They Can Continue to Guard Us, Our Loved Ones, Our Homes and Our Property. Without One Police There Is No Hope—Only Death, Destruction and Chaos. Amen."

NORWEGIAN CONSTITUTION DAY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ZWACH. Mr. Speaker, there is a warm bond of friendship and kinship existing between the peoples of Minnesota and the peoples of Norway. Many sons of Norway, and daughters, too, migrated to Minnesota where they found a warm, friendly climate, a climate they had come to know in their motherland.

It is no wonder that Norwegians feel at home in Minnesota and in America. Their own Constitution is patterned after that of the United States, and in Minnesota the Norwegians find the forests, lakes, streams, and bracing climate which was their heritage from birth.

May 17 is Norwegian Constitution Day, the 155th anniversary of the adoption of that document in 1814.

CXV—842—Part 10

In our Sixth Congressional District of Minnesota, Norwegians are our second most populous nationality, almost 20 percent of our total foreign stock.

In many of our communities, Norwegian Constitution Day is observed in a special way.

I wish to pay tribute to our Norwegians on this day and to mark the event by recording my admiration and good wishes in the pages of the CONGRESSIONAL RECORD.

AT THE SIT-IN FOR PEACE IN ISRAEL

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. PATTEN. Mr. Speaker, with all the concern for peace in the world today, I would like to call to the attention of my colleagues the efforts and dedication of Rabbi Kemelman of the East Brunswick Jewish Center. His remarks follow:

AT THE SIT-IN FOR PEACE IN ISRAEL

(Opening remarks by Rabbi Kemelman)

It is my happy privilege and joy to welcome you all at this Sit-In for peace in Israel and greet you with the most ancient and most modern salutation of peace: Shalom.

We are gathered here today to reflect upon the deeper meaning and value of Shalom. And it is altogether proper that we should meet here, in the comforting shades of this shrine—G-d's temple.

For when we invoke Shalom (and Jews do so three times in their daily prayers, morning, afternoon and night) we utter not only a word, but state a wish, a prayer, a yearning. We make ourselves the recipients of G-d's greatest gift to man: Peace. So precious is peace in the eyes of G-d that when man comes to his most perfect condition, he identifies himself with G-d and calls Him Shalom.

As G-d is harmony and unity, so is peace; "_____ " a condition without which man becomes fragmented, alienated and beastly frustrated. But like many other things in life, words have become abused and adulterated, loss of meaning and loaded with hypocrisy. Perhaps this is why we have a generation gap on our hands: we have too many words without meaning and often use them to obscure truth and purpose. And so modern man may be losing his soul in a Babel of meaningless words.

Words, words, words, but what do they mean?

In Israel Shalom still means today what it meant to the ancient prophets of Israel. It means peace, it means wholeness, Shalom; it means holiness, it means life itself. And they give their lives for twenty years now, to attain it.

But above all, peace to the Israeli, means normal living, in one piece and without threat of destruction. And to him it is such a natural craving, that Shalom is a welcome, a greeting, hello, and goodbye. But, alas, to others peace has a different meaning. To the Arabs who say Sallam, it is never used as a communicative word of normalizing relations with their Israeli neighbors.

And there are those outside the area who would impose their concept of peace which would mean nothing more than the fragile cease fire arrangements that have been tried for 21 years and have failed dismally and disastrously.

We have a right to believe that vision will not perish in the land of ancient visionaries; and that the ennobling and humanizing concept of unitive peace and human harmony—envisioned by the shepherd-dreamers and G-d-seekers of old—will be no vanquished dream in the land where prophecy is reality and the miraculous practical.

We have a right to believe that prophecy will not be banished from the land of the prophets; and the people that had seen the darkness of terror and conflict and death for thousands of years will at last see the great light of peace and life and joy. Because if prophecy has no place in its own home and fulfillment is a mockery, what hope is there for the rest of the world!

We have a right to believe that the only city in the world called "peace," Yerushalayim, shall have the righteousness and justice of true and lasting peace for which she is destined. Because if we scoff at her promise and deride the visions of her ancient books what else is left for us!

It is the irony of our times that those who have mercilessly and brutally choked off the free life of Czechoslovakia and have rearmed the Arabs to a capacity of renewed conflict, should now lend their hands to a peace-package which may very well have the wrappings of a Munich. What a strange export-job-of-peace to send to the mountain of the Lord's house, the cradle of vision for universal peace!

Peace is not an imposed arrangement by those who don't even know its meaning within themselves, and by those who know it well for themselves but fail to extend it to others. Peace is a covenant of relationships, a dialogue of communication; it is, in the words of prophecy, "the work of righteousness," for the meek who will inherit the earth. It is in the mutual trust of beating swords into plowshares and tanks into tractors, and by turning the expenses of weapons of destruction into the tools of rehabilitation and redemption. It is in the unitive togetherness that will transform the animal kingdom of man's jungle and close the gap toward youth innocence, when "a little child shall lead them" toward salvation.

Peace is a condition of the heart, a covenant of universal hope and redemption.

G-d who can do miracles and accomplish the impossible, does not undertake to perform the miracle of affecting peace by absenteeism. He is known as the *עושה שלום* Maker of peace. Even G-d has to work for peace to accomplish it. And those who pretend to do what G-d Himself will not do, those who say that peace can be arranged in ivory glass towers by proxy, and later imposed, remind us of what Tacitus said a long time ago, "Where they make a desert, they call it peace."

And Israel's cry today for peace echoes Jeremiah's despair when he laments: "Peace, peace, peace, and there is no peace." Yet, in spite of everything, deep in my heart I do believe. I believe in prophecy and its fulfillment: "How beautiful upon the mountain are the feet of him that bringeth good tidings, and issues forth peace."

HON. L. MENDEL RIVERS

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ANDREWS of Alabama. Mr. Speaker, at noon today, the Reserve Officers Association held a luncheon for our colleague, Hon. MENDEL RIVERS. This association is one of the most patriotic

organizations in the United States. The luncheon was in recognition of the great contribution made by MENDEL RIVERS to the security of this Nation. A telegram was read from our colleague EDWARD HÉBERT. I hope every Member will read the telegram, written as only EDDIE can do. The telegram is included as a part of my remarks.

WASHINGTON, D.C.,
May 21, 1969.

Col. JOHN T. CARLTON,
Executive Director, Reserve Officers Association
of the United States, Wash-
ington, D.C.:

I deeply regret my inability to be present to pay tribute to my old friend and colleague, truly a great American. MENDEL RIVERS in my book is first and last and always a patriot, a statesman, and a friend. I hope that RIVERS, like Tennyson's brook, rolls on forever.

F. EDWARD HÉBERT.

MEAT AND POULTRY PACKAGING STUDY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. KYROS. Mr. Speaker, I would like to insert in the RECORD at this time, an interesting report recently brought to my attention by Mr. Joseph Benson of E. J. Benson & Associates, food technology consultants, Berkeley Heights, N.J.

Mr. Benson has performed an evaluation of the use of an absorption pad in the packaging of fresh meat and poultry products for the Cellu Products Co. of Patterson, N.C., and the results of his study follow:

USE OF THE CELLU ABSORPTION PAD

E. J. Benson and Associates was retained by Cellu Products Company of Patterson, North Carolina to evaluate the use of an absorption pad in the packaging of fresh meat and poultry products. An absorption pad can be described as a pad consisting of many layers of paper with the capacity of absorbing a large amount of moisture. The pad is manufactured in various thicknesses and dimensions depending upon the product being packaged. This pad is normally placed in the bottom of a pulp or foam tray utilized in the packaging of fresh meat and poultry.

The complete report as presented by E. J. Benson and Associates is available upon request. The following represents a brief summary.

The Legislation being proposed in various cities and states dictates the use of a clear plastic tray with up to 98% visibility. The only allowance is for the label. This, of course, prohibits the use of a meat and poultry absorption pad. It has been found that there are many benefits derived when an absorption pad is utilized, especially, when used in conjunction with fresh poultry. These benefits are primarily for the consumer. However, the retailer and processor will also benefit. The obvious benefits are as follows:

1. The product has a better appearance.
2. The package is free from unsightly moisture (blood and water). This moisture when present frequently ends up on the clothes of the consumer or soaks into the paper shopping bag causing disintegration of the bag.
3. A package free from leakage when there is an unsatisfactory seal.

4. A package that will not have to be re-wrapped by the retailer. The re-wrapping is necessary when loose moisture causes package failure.

The more important benefits are not quite so obvious. These studies have proven that when a pad is utilized with fresh cut-up poultry, it restricts the re-absorption of the juices back into the product. This re-absorption has been associated with spoilage. Under a wide range of storage conditions, shelf life can be extended up to two days. In other words, the poultry will remain edible for an additional two days when stored under proper temperature conditions. The tests run were primarily odor evaluations which have subsequently been substantiated by tests conducted by a government agency. The government agency found that off-odors developed sooner in trays without pads in 19 out of 20 packages. The development of odor also indicates a build-up of bacteria.

There are areas currently being evaluated in an effort to provide the consumer with a better product. The clear plastic legislation is very restrictive and will discourage this type of research.

EQUAL RIGHTS FOR WOMEN

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mrs. CHISHOLM. Mr. Speaker, when a young woman graduates from college and starts looking for a job, she is likely to have a frustrating and even demeaning experience ahead of her. If she walks into an office for an interview, the first question she will be asked is, "Do you type?"

There is a calculated system of prejudice that lies unspoken behind that question. Why is it acceptable for women to be secretaries, librarians, and teachers, but totally unacceptable for them to be managers, administrators, doctors, lawyers, and Members of Congress.

The unspoken assumption is that women are different. They do not have executive ability, orderly minds, stability, leadership skills, and they are too emotional.

It has been observed before, that society for a long time, discriminated against another minority, the blacks, on the same basis—that they were different and inferior. The happy little home-maker and the contented "old ducky" on the plantation were both stereotypes produced by prejudice.

As a black person, I am no stranger to race prejudice. But the truth is that in the political world I have been far oftener discriminated against because I am a woman than because I am black.

Prejudice against blacks is becoming unacceptable although it will take years to eliminate it. But it is doomed because, slowly, white America is beginning to admit that it exists. Prejudice against women is still acceptable. There is very little understanding yet of the immorality involved in double pay scales and the classification of most of the better jobs as "for men only."

More than half of the population of the United States is female. But women

occupy only 2 percent of the managerial positions. They have not even reached the level of tokenism yet. No women sit on the AFL-CIO council or Supreme Court. There have been only two women who have held Cabinet rank, and at present there are none. Only two women now hold ambassadorial rank in the diplomatic corps. In Congress, we are down to one Senator and 10 Representatives.

Considering that there are about 3½ million more women in the United States than men, this situation is outrageous.

It is true that part of the problem has been that women have not been aggressive in demanding their rights. This was also true of the black population for many years. They submitted to oppression and even cooperated with it. Women have done the same thing. But now there is an awareness of this situation particularly among the younger segment of the population.

As in the field of equal rights for blacks, Spanish-Americans, the Indians, and other groups, laws will not change such deep-seated problems overnight. But they can be used to provide protection for those who are most abused, and to begin the process of evolutionary change by compelling the insensitive majority to reexamine its unconscious attitudes.

It is for this reason that I wish to introduce today a proposal that has been before every Congress for the last 40 years and that sooner or later must become part of the basic law of the land—the equal rights amendment.

Let me note and try to refute two of the commonest arguments that are offered against this amendment. One is that women are already protected under the law and do not need legislation. Existing laws are not adequate to secure equal rights for women. Sufficient proof of this is the concentration of women in lower paying, menial, unrewarding jobs and their incredible scarcity in the upper level jobs. If women are already equal, why is it such an event whenever one happens to be elected to Congress?

It is obvious that discrimination exists. Women do not have the opportunities that men do. And women that do not conform to the system, who try to break with the accepted patterns, are stigmatized as "odd" and "unfeminine." The fact is that a woman who aspires to be chairman of the board, or a Member of the House, does so for exactly the same reasons as any man. Basically, these are that she thinks she can do the job and she wants to try.

A second argument often heard against the equal rights amendment is that it would eliminate legislation that many States and the Federal Government have enacted giving special protection to women and that it would throw the marriage and divorce laws into chaos.

As for the marriage laws, they are due for a sweeping reform, and an excellent beginning would be to wipe the existing ones off the books. Regarding special protection for working women, I cannot understand why it should be needed. Women need no protection that men do not need. What we need are laws to protect working people, to guarantee them

fair pay, safe working conditions, protection against sickness and layoffs, and provision for dignified, comfortable retirement. Men and women need these things equally. That one sex needs protection more than the other is a male supremacist myth as ridiculous and unworthy of respect as the white supremacist myths that society is trying to cure itself of at this time.

A HARD LOOK AT THE U.S. TECHNOLOGICAL POSTURE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. HALL. Mr. Speaker, although I am not an advocate of the Members of Congress involving themselves in the contractual problems of business and industry, and by the same token the Air Force or any other branch of service included, I would like to have the article "A Hard Look at the U.S. Technological Posture," which appears in the Air Force and Space Digest magazine, inserted in the RECORD for all who are interested, in view of the current trends of discussion of times without full and bilaterally objective information.

The article follows:

A HARD LOOK AT THE U.S. TECHNOLOGICAL POSTURE

(By Edgar E. Ulsamer, associate editor, Air Force/Space Digest)

Among paramount Air Force technology requirements are comprehensive upgrading of test facilities, which are "stretched to the breaking point at present," an infusion of about \$300 million in advanced development work across the R&D spectrum, more modification of existing weapon systems, a hypersonic follow-on to the X-series of test aircraft, and "greater technological togetherness" of all sectors of government.

These views were expressed recently to Air Force/Space Digest by the Commander of the Air Force Systems Command, Gen. James Ferguson, and some of his principal staff officers.

Rating the national technology posture as "not as good as it should be or could be," General Ferguson said a recent Air Force study of specific areas of laboratory-type technology in need of intensified exploration showed that "\$300 million is the sum total—certainly not a staggering amount and only a fraction of what it costs to fight the war in Vietnam for a week—of all the items that we consider productive and worthy of effort over and above what we are according them now."

The Achilles' heel of the US technology effort, in the view of AFSC, however, is the inadequate condition of US test facilities—a matter of concern not merely to the Air Force but to all components of the Department of Defense, as well as NASA, other government agencies, and industry.

In this area "we are literally stretched to the breaking point. We are using facilities that go back to Peenemünde [the German World War II missile center]. We had to put protective barriers around some of the compressors so that if they disintegrate, they won't injure everybody in the vicinity," General Ferguson explained.

The current test-facility crisis centers on large and costly aerospace facilities involving test ranges, scientific laboratories, space

chambers, wind tunnels, shock tubes, instrumented aircraft, computerized analysis, advanced reentry vehicle test tools, and synthetic battleground test capabilities. Planning and constructing such facilities involve a five- to ten-year lead time. These facilities are the incubators and the ultimate pacing factor of future technological advance, according to General Ferguson, and should be viewed by the government as "capital investment" to assure this country's "continued ability to operate profitably and compete effectively."

What is needed, in General Ferguson's view, is the same kind of vision and boldness as the late Dr. Theodore von Kármán displayed in 1945 when he campaigned for a Mach 3 wind tunnel and associated test facilities, which turned out to be the very foundations of today's technology but which were derided at the time by the sceptics as extravagant and unnecessary.

"We need the willingness to support technology by exploring the unknown, to build something that isn't necessarily in direct support of an approved program. We need to do this not only for the sake of progress but because there are other people in this world who are doing just that. The probability is great that they eventually will force a breakthrough of immense usefulness . . . and we will have to cope with the full lead time to catch up," General Ferguson said.

The need for improved and modernized test facilities, to a large measure, hinges on cost considerations. The inability to test the C-5's engine, the TF39, in that portion of its performance envelope ranging from sea level to 5,000 feet because existing wind tunnels were inadequate for the massive airflow requirement, made it necessary to use a modified B-52. This was not only costly but also disadvantageous because a much greater volume of data can be accumulated in a single hour of test cell operation than is generated by days of flight testing. (Similar test restrictions apply to the General Electric GE4 engine, slated to power the SST.)

The lack of adequate wind-tunnel facilities to test up to Mach 24, for instance, escalates costs of hardware like the Advanced Ballistic Reentry System (ABRES). In place of relatively inexpensive ground simulation, actual test firings are required during the preliminary phase of the program.

The absence of wind tunnels capable of testing V/STOL aircraft in all modes of operation, in the view of General Ferguson, explains in part why fifty-five different prototypes were built in the past few years, "all without sufficient success to justify production." A similar condition prevails with regard to WS-120, the proposed advanced ICBM, which is complicated by the absence of adequate rocket test cells.

Savings achieved by shortchanging the test facilities program may well prove penny-wise and pound-foolish. The Air Force believes, for instance, that the absence of advanced dynamic simulation facilities to test landing gears extracts a price substantially higher than the cost of building such an installation.

THE PROBLEM OF NATIONAL TEST FACILITIES

A number of special circumstances complicate, as well as intensify, the problem of national test facilities, according to General Ferguson. There are indications that Soviet efforts in developing sophisticated test facilities are progressing rapidly. The implication is, as he told the Preparedness Investigating Subcommittee of the House Armed Services Committee, that "the Soviets intend to develop new systems advanced enough to require these facilities . . . by itself a provocative realization." He added, "We must also recognize that Soviet development-to-development lead time will be effectively shortened, [for] facilities in their economy as in ours are long lead-time items, indis-

pensable to the timely development of new systems."

He urged, therefore, an "imaginative, comprehensive, long-range plan for the design, development, and acquisition of those facilities that will be needed to provide the critical simulation environments, dimensions, and time durations for future systems. I feel such a plan is needed, just as surely as such facilities will be needed, and it must be national in scope."

"It occurs to me that when the nation has to spend \$50 million or more per facility [about \$100 million for a wind tunnel to test engines of up to 60,000 pounds of thrust], then we should have a plan that spells out in order of priorities where and how the nation should allocate these funds," General Ferguson said. He added that an integrated facilities program should be formulated on an interagency basis to reflect the government-wide utility and national resource character of advanced test facilities. AFSC presently administers test facilities and laboratories representing a capital investment of \$1.5 billion. Total DoD facilities are valued at \$2.2 billion, while the government-wide total represents an \$11.2 billion investment.

General Ferguson advocated expansion of the concept of "technological togetherness" to include the aerospace industry in the sharing and development of test facilities. Without questioning industry's need for, and right to have, test facilities of its own, or proposing that "we should confine ourselves to just one facility of a kind in the nation," he suggested that "maybe we have gone too far in building separate facilities [in industry], for in the final analysis it is the government which directly or indirectly pays for them."

He, therefore, proposed that more government facilities be made available to adequate rates to industry, a practice already in effect with regard to some AFSC installations which are industrially funded.

"I can't see any other way of providing these massive facilities which have a primary defense orientation but also furnish invaluable service for the civilian sector," he said. "If you had to test, say, a 100,000-pound-of-thrust jet engine for a future commercial jet transport under ambient conditions," General Ferguson said, "the task would be colossal for industry to undertake on its own."

"Yet, if the company with such a need were to participate in extending our facility at [the Arnold Engineering Development Center in] Tullahoma, Tenn., I would think that we have a situation that is very much in the national interest. We have a precedent of sorts—although not with the private sector—because NASA paid \$4 million toward extending the AEDC wind tunnel to test the upper stages of Saturn, with the result that both its own and the Air Force's capabilities are enhanced."

Other AFSC test facilities which also were used for non-DoD purposes are, in General Ferguson's words:

The 15,000-foot instrumented runway and excellent weight and balance facility at Edwards AFB, Calif., have been made available in support of the DC-8, DC-9, 727, and 737 jetliner certifications.

At the Inhalation Exposure Facility of our Aero-Med Laboratory, technicians are studying the implications of long-term exposure to common chemicals threatening pollution to the atmosphere. The findings of these studies will be applied to the federal standards being set for "clean air."

That same lab's Bio-Acoustic Research Facility is measuring possible effects of the sonic boom on communities, and collaborating with other federal agencies in auto crash research.

And at the Cape, Air Force tracking equipment has been used to track commercial communication satellites from launch to orbit.

General Ferguson stressed that parochialism has no place in orchestrating a national test facilities program, and that management of a given government facility should be exercised by the primary using agency. "This approach works well between us and NASA. For instance, NASA ran tests for the Air Force on the F-X effort; is now testing the F-111 in Sunnyvale, [Calif.]; and will be working with us on the F-15. NASA, of course, was also involved in the C-5 program, and will be in the F-12 effort," he said. As far as DoD's plans for test facilities are concerned, an *ad hoc* committee representing the three services is currently preparing a list of specific requirements for the 1970s.

THE NEED FOR POOLING TECHNOLOGY

Pooling of technology on a nationwide basis as a means of streamlining and also reducing costs in the R&D area was stressed by General Ferguson. The Air Force and NASA, the General pointed out, have held intensive discussions on "where we go from here, in space, for instance. . . . We expect to distill our common goals, determine what technologies are needed to achieve them, and decide on who has the best capability to undertake individual jobs." Among these goals, he said, "is the key to the future in space, the ability to shuttle back and forth between the ground and orbiting space vehicles, which requires exploration of new reentry methods and new hypersonic vehicles."

General Ferguson explained that in addition to the HL-10 and X-24 subsonic lifting-body vehicles currently under test, there is the need to develop hypersonic vehicles in the form of a new family of X-series aircraft. "Perhaps we don't need as many as we had before, but there is a categorical need for a follow-on effort to the X-15 beyond the small, inexpensive proposal that we have submitted jointly with NASA. But we should launch such an effort to explore the hypersonic performance envelope, even if it isn't tied to a specific program but rather as an insurance policy against technological surprise."

Intensified cooperation, he said, should also extend to such agencies as the Department of Transportation and its Federal Aviation Administration. General Ferguson said he planned to discuss with FAA Administrator John H. Shaffer the civilian potential of a number of Air Force projects, such as the long-term promise and "great national importance of the communications-navigation identification [CNI] project." Both military and commercial aircraft are overburdened at present, General Ferguson explained, with the "black boxes" which perform the CNI functions. The Air Force CNI system concept envisions a combination of satellites and ground computers with only one black box, weighing about fifty pounds and miniaturized into one cubic foot of space aboard each aircraft.

Aircraft incorporating this kind of equipment "could be under continuous air traffic control, and could, in all weather, without recourse to conventional ground and air navigation, determine their absolute position within 600 feet," an obvious boon to both military and commercial airspace utilization. Other promising technology areas with a civilian spinoff potential include heads-up displays, advances in electro-optical systems, and lightweight instrument landing systems (ILS).

General Ferguson said he felt that there are opportunities for "joint ventures" such as examining and treating the Air Force's Light Intratheater Transport (LIT) project "right from the outset in the light of both its military and civilian utility" (see *AF/SD, July '68, "LIT—Flexible Airlift for the Front Lines"*). Because of the LIT's proposed size, range, speed, and payload—which coincide closely with the commercial requirement—General Ferguson said, "I think both the military and the civilian applications can be

worked out without compromise to either side. This, of course, doesn't mean that the military aircraft should be built to civilian specifications or vice versa. But perhaps it might be possible to build a military fuselage and civilian fuselage, or different wings."

The very least that suggests itself in terms of commonality, he added, is "a joint program involving the prototype from which either side can evolve its own final design." This, he said, applies also to the avionics system. "Obviously, LIT illustrates the opportunity for joint approaches and the concomitant substantial economies that could be realized," he said. "Without attempting to express a new national philosophy," he continued, "it seems to me that we could share in the funding" of such an effort. The Department of Transportation, General Ferguson suggested, might well be the agency to arrange the civilian aspect of the program, while DoD could be charged with "working out the military side of the bargain." He pointed out that the airline industry has already proved its willingness to advance money toward development of an aircraft deemed necessary. This has occurred in the US SST program, which is in part funded by the airlines.

FLEXIBLE DESIGN AND DEVELOPMENT CONCEPTS

Historically, there has been a tendency toward stereotype, or, as Dr. John Foster, Director of Defense Research and Engineering, put it, "procrustean rather than innovative" approaches to the design, development, and procurement of sophisticated weapon systems. In General Ferguson's view, the inherent problem has been one of pendulum swings from the extremes of full hardware development on the one hand to all paper studies on the other. "Neither is necessarily a correct approach. The idea is to stop the pendulum somewhere halfway," he said, with the result that AFSC advocates in certain instances a concept formulation combined with hardware development or "competition with hardware" policies.

"The approach, of course, must vary depending on what it is you want to undertake, but there are a number of programs about to be launched that are amenable to the prototype approach," he said. Systems Command feels that these projects require carrying the development beyond the paper study to the point of proving out critical components, a combination of components, a new technology, a new material, or an entire system, General Ferguson pointed out.

"It is no more than good business to make sure that the \$5 billion or \$10 billion you spend on a major weapon system results in a product that gives you the longest life and the greatest productivity. This means taking a modicum of risk and making a moderate investment early in the program to assure that what you will produce at many times the cost and effort of the R&D phase will do what you want it to do, in a manner you want it to, and at a price you are willing to pay," General Ferguson emphasized.

He pointed out that SCAD (the subsonic cruise attack decoy) lends itself to "full prototype flyoff involving two or more contractors." The Light Intratheater Transport, he said, is also being examined with an eye toward the prototype approach, especially with regard to such sophisticated techniques as "stowed-rotor technology where we might want to test out several individual designs."

General Ferguson and his staff experts rated the temptation of dogmatic approaches and the "blind adherence" to one form of contracting and acquisition as the principal pitfall of the national R&D effort. The tendency to seek "panaceas" has encouraged total negation of "whatever previous approach you might have taken. As you eliminate what you consider a faulty element of your tactics, you are apt to discard all the

good points along with it," one AFSC staff officer stressed.

The emergence of the initial-development concept as a prudent approach in certain cases, therefore, should not sound the death knell for total package procurement or any other technique. Nevertheless, General Ferguson feels that during the past eight years too much preference has been given the "paper-study" approach. "If you analyze the total costs of an intricate system, premised on a data base that is not validated, and compare them with one where you have proved out the more demanding hardware aspects, more often than not you will discover that the latter is the cheaper and more efficient route to go," General Ferguson said.

"In the long run, it generally costs less to go slow in the initial program phase by uncovering technical difficulties, by solving them, and by eliminating the need to make changes downstream in the program when the price for change is much higher," he said. The political advantage of the study approach, of course, is that the initial costs are low and easily defensible in terms of fiscal policy.

General Ferguson cautioned that "we can't go back to the approaches used in the past when we were able to build, either in prototype or production form, thirty-three different fighter airplanes within a decade. The complexity and cost of modern systems make this impossible. But we must get back to a level of hardware activity where we can keep the irreplaceable design teams alive. We must intensify efforts to modify the current family of systems, especially aircraft, and periodically produce something that is clearly a step beyond what we have in service today," General Ferguson said.

General Ferguson emphasized that the French aircraft industry has shown exceptional resourcefulness and ingenuity in using modification of existing aircraft as a means to beget "whole families of aircraft, something on the order of what the US automobile industry has also been able to do."

Dassault, he said, "very cleverly paralyzed" the original Mirage prototype into a nuclear bomber, a VTOL fighter, and a number of aircraft, by altering engine arrangements, using different wings, including variable sweep, while retaining a cohesive "family resemblance" in all of them.

"Whenever they had a system that was proved out, they didn't start from scratch but used it in the next model, often simply scaling to the new requirements. The French now have a range of aircraft that enables them to sell one type of plane to the Israelis, another one to the Peruvians, and a supersonic swing-wing version to the Japanese, all traceable to one prototype that has been incrementally improved and carried forward for over a decade," he said.

The United States, by contrast, General Ferguson said, has done "very little with modification as a means to add to our inventory or our store of knowledge. . . . With hindsight, it would seem that we should have done what the Russians did, such as experimenting with swinging just the outboard half of a variable-sweep wing. We also might be further along if we had prototyped existing aircraft for more intensified work on variable camber, of the type which we plan to incorporate in the F-15," he said.

THE C-5—MISUNDERSTOOD AND MALIGNED

While not a categorical advocate of the total-package procurement concept, General Ferguson defends the performance of this approach in regard to the C-5 Galaxy without reservation and "without need for being protective or defensive about it. . . . Anything we have done in conjunction with this program," he stressed, "we are perfectly willing to go over step by step with any responsible

group. The C-5 program is both very much misunderstood and maligned."

From the very outset, the AFSC Commander stressed, the contract defined clearly through a specific formula that the government would make accommodations deemed necessary in conjunction with inflation, increased prices on the subcontractor level, competitive factors involving the suppliers as induced by the Vietnam requirements, and high engineering risks. "Therefore, we provided for a contract step between production run A and run B [first and second half of a total initial buy of 120 aircraft] to look at our experience, our real costs in engineering man-hours, and what really happened in the country as far as inflation is concerned and compare them to our original forecasts," he said.

While this phase has not yet been reached, the actual cost increase, over and above the increase induced by inflation and covered by the inflation clause, "is about ten percent above our forecast, and not 200 percent as claimed" in Congress and by the press, he pointed out.

In conjunction with the six-month slip-page of the C-5 program (see AF/SD, April '69 "Such a Nimble Giant"), he said there has been a general overemphasis of "the sanctity of the IOC [Initial Operational Capability]" not just concerning the C-5, but other weapon systems as well. "It is much more important to create something that is reliable and based on solid engineering design before you commit yourself, and have something proved and useful when it does get into the inventory, than to meet a deadline set several years ago," he said.

General Ferguson made clear that the Air Force plans to continue to stress the utility and capability of the system to be acquired in all its procurement efforts, in conjunction with hard looks at IOC. "That way," the Commander of Air Force Systems Command said, "you are ahead in all respects."

CAMPUS FIDGETS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. NIX. Mr. Speaker, I appeared on the KYW-TV program "Pennsylvania Opinions." On that occasion, among other things, I reemphasized the fact that I am in thorough accord with the use of one's constitutional right to protest lawfully, to express his or her views, although they may differ from some others in our society, but I condemn the use of force that exceeds the limit of legality.

The vast majority of the people in my district, which is located in the city of Philadelphia, are in complete accord with my views.

I have received a communication in the form of a poem, entitled "Campus Fidgets," by Samuel Bakove, which I wish to incorporate as a part of my remarks. I hope that my colleagues will benefit from the sentiments therein:

CAMPUS FIDGETS

(By Samuel Bakove)

Nicholas "Miraculous" Butler, Columbia don,
Now long gone,
Stirred in his grave.
He vowed to save the sanctuary
On the Heights
From the adversary
Of academic rights.

The wind breathed low, the sky was hid,
As if by a lid.
The prey felt—
As T. Roosevelt had held—miraculous; transmuted:

Stony-eyed, gritty—
Nature's laws confuted—
He traversed the city.

He heard the turbulent Hudson roar,
And thought of the Stygian shore—
The Styx, river of hate,
And Charon's freight of dead souls
Ferried to infernal places.
Alas! what are the goals
In this strife of the races?

Half-blinded by neon-bright Broadway,
He wended his way
To the campus,
Where the rumpus had reached its height.
Perched on an urn,
He discerned rays of black light,
And heard: "Burn, baby, burn!"

The Urns of Morningside held their open cup
Symbolically pointed up,
Though walls of learning
Were now burning and the drooping
Ivy, rain-soaked, wept.
Our don, throughout the raucous trooping,
His temporal vigil kept.

"O tempora! O mores!" he intoned.
A cold wind moaned
The fate of Alma Mater
Impelled to barter her quintessence
For distress,
Compelled to learn the lessons
Or racial stress.

Betwixt Scylla, the treacherous rock, and
The whirlpool Charybdis, like quicksand,
The University seemed doomed.
Then loomed, in the corridor of time,
As thought through fate,
A harbinger of a newer climate:
"Love's stronger than hate."

Old Miraculous thundered,
As all wondered:
"Columbia is wholly alive!
We'll strive to keep pace
With the rate
Of progress. Brothers, embrace
And relate."

"Subdue the black-power crew!" he harangued.
"Smash the white back-lash!" Someone banged
The door of tomorrow.
To his sorrow, all hell erupted.
Stormy petrels, black-and-white, thronged
And screeched uninterrupted:
"We've been wronged! We've been wronged!"

He lumped—his heart arrested,
As they wrested
Words like "freedom", "justice", "truth".
Idealists, forsooth! belching volcanoes that
harden
The soil and cause decay.
But the sea-tide won't beg your pardon,
Nor the hurricane inquire the way.
In truth . . . extremists are not the epitome
of our youth.

STRAIGHTENING THE RECORD

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. SCHWENGEL. Mr. Speaker, the editor of the Tipton Conservative, Mr. Herb Clark, has pointed out that our effort to correct the record with respect

to the pork industry has not been entirely successful, at least with respect to production figures.

Mr. Clark's editorial follows:

PORK CENTER

The argument as to who raises the most hogs is a long way from settled. During an hour-long tribute to the hog by Congressman Fred Schwengel, Congressman Paul Findley of the 20th Illinois district inserted into the Congressional Record of April 22 a series of stories from the Pike County Press of Pittsfield, Ill., asserting that Pike county, Illinois, is the "Pork Capital of the World," having produced 100,000,000 pounds of pork in 1968.

Mechanicsville, basing its claim on pig production of Cedar county, has long proclaimed itself as the "Pork Center of the World."

Pike county admits that Henry county, long considered the biggest pork producer in the world, raises more hogs than any other county. Then quoting some misguided characters—Walter Delhart, Lawrence Smith and Winifred Dean—it is claimed that the only Iowa competition is from Clinton county.

We don't think that Fred should let this kind of heresy go unchallenged. Last year it was Delaware county that was first in Iowa in hog production. Cedar county was second, Plymouth county third, followed by Washington, Johnson and Clinton counties.

Cedar county has always been one of the great hog producing areas, as had Washington and Johnson counties, all of which are in the First Iowa Congressional district. Clinton county, while it produces hogs, isn't really in the same class as Cedar.

Mechanicsville's claim as "Pork Center of the world," based on intensive hog production on the farms of Dayton and Fremont townships—and the rest of Cedar county—is certainly as valid as the claim of Pike county Illinois.

All we want is to have the record—the Congressional Record—set straight on this matter, even if we may be accused of being a bit "piggish" about it.

NEW STANDARDS OF JUSTICE ON THE CAMPUS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. GIAIMO. Mr. Speaker, a dangerous concept is evolving on some of our college campuses today. It is apparent by the actions of some students and faculty members that they think they are above the law. It is apparent that they think the university is a haven from the responsibilities of society. It is apparent that they think academic freedom can be used as a license to hate, disrupt, and destroy.

It is ironic that college students, who decry the violence, hate, and dual standards in society in general, are apparently willing to support and condone it on their own campuses. It is disturbing that the college campus, the place where one would expect to find a deep commitment to equality and justice, is becoming a spawning ground for an obvious dual standard of justice.

In a speech before the Connecticut Jaycees' State convention on May 10, I discussed this issue in greater detail, I

would like to include the text of that speech in the Record at this point:

SPEECH OF HON. ROBERT N. GIAMMO, U.S. REPRESENTATIVE, THIRD DISTRICT, CONNECTICUT, AT THE CONNECTICUT JAYCEES' STATE CONVENTION, BRIDGEPORT, CONN., MAY 10, 1969

No words ever written were more symbolic of the ideals of this Nation than the simple phrase "Equal Justice Under Law."

Unfortunately, we in America have never achieved this ideal. Slowly, ever so slowly, we have attempted to surmount the obstacles of hate, fear and corruption, but we have not yet reached the summit of true equality under law.

We do indeed have dual standards of justice in America; standards which treat black one way and white another, rich one way and poor another, influential one way and unknown another. This, ladies and gentlemen, must be corrected. The law must be equal in its application, equal in its enforcement and equal in its compassion. Without equal justice we are hypocrites; with it we are the greatest Nation the world has ever seen.

We have always felt that the young people of America would be the ones to make this noble concept a reality. We have always felt that the leaders of tomorrow would do what the leaders of today could not. Therefore, it deeply disturbs me to note that a new dual standard of justice is evolving on the college campus, a standard which is just as dangerous and just as hypocritical as any we have had up to now. I am disturbed because the college campus is the place in which we should expect to find the deepest commitment to truly equal justice for all.

It has become apparent that certain students and faculty members think they are above the law. It has become apparent that certain elements on campuses throughout the country are treating academic freedom as a license to hate, disrupt and destroy. It has become apparent that certain people believe that the campus is a haven from the responsibilities of society.

Let me make it clear that I am not speaking as a reactionary. I am not saying that colleges must be ruled with an iron hand. I am not saying that students should not have a greater say in the administration of a college. I am not saying that too many college administrators are not overly resistant to change at a time when change is all-important. What I am saying is that in order to be responsive to the needs of society, a college must be responsive to society itself. The people who call for relevance and responsiveness must realize that responsiveness is a two-way street. A college cannot hide from the responsibility of society in an academic shell, coming out only when its purposes are sulted.

The mass media, unfortunately, has treated much of the campus unrest in this country as a struggle of students against the so-called establishment. They are either falling to notice or failing to mention the obvious dual standards of justice.

Let me cite some examples. A black man in the ghetto has only to talk back to a police officer and chances are he will be arrested. Yet a black student can arm himself and hurl obscenities at fellow students, administrators and the police, knowing full well that he will be protected by cries of "amnesty" and "academic freedom." Isn't this a dual standard?

What if you went downtown, took over an office and destroyed much of its interior? You would be arrested quickly, I am sure. Yet the same thing is being done in college offices throughout the country almost at will. Isn't this a dual standard?

Suppose you went to a luncheon meeting and disrupted it by pushing the speaker off

the platform and threatening the audience. Wouldn't you expect to be arrested? Yet on some campuses the same disruptive tactics are being used to stop teachers from teaching and students from learning. According to their supporter, however, these people are only exercising "academic freedom." Isn't this a dual standard?

This, ladies and gentlemen, is sheer hypocrisy, practiced by the very people who decry hypocrisy in society itself. The ill-named students for a democratic society resort to tactics which are the antithesis of democracy. The black power groups use methods which are even abhorrent to most of their black brothers.

While these activities strike at the concept of civil law as we know it, I believe that they are only symptoms of a crisis in attitude on our college campuses, in the midst of this turmoil, many of us have actually forgotten the real purpose of a university.

In a recent New York Times article, William V. Shannon wrote that the purpose of a university is "to transmit knowledge and wisdom and to enhance them by research and study. It is not a forum for political action. It is not a training ground for revolutionaries. It is not a residential facility for the psychiatrically maladjusted. It is not a theater for the acting out of racial fears and phantasies . . . reason and civility are essential to its very nature because its aim is truth, not power."

I submit that many of our campus difficulties have come about because of our failure to remember what a university should and should not be. It is time to restate this purpose and adhere to it. It is also time for the students themselves to comprehend what the violence and disruption is doing to the goals which they are rightly seeking. It is time for them to realize that their legitimate grievances will never be resolved this way. It is time for them to see that many sympathetic individuals are rapidly becoming disgusted with the actions of a few, and are losing faith in all college students.

For instance, many college students claim that they are treated like children I am sure that this claim is often justified. Yet students do not show their maturity when they scream "give us what we want or we will destroy this university." As Shannon put it, these radical students "clamor for instant solutions which do not exist and throw violent tantrums because they have never learned to fear real consequences or to postpone immediate gratifications for greater benefits later. Like earlier misfits they will have to work out their own lives as best they can. It is not the university's responsibility to babysit for them."

A mature adult knows he will not always win, that he will not always get his way. A mature adult knows that he must compromise with those of differing viewpoints. I believe that in order for a student to be treated like an adult, he must act like one. Most students can and should be treated this way, but once again the actions of a few are spoiling things for the overwhelming majority.

There are many other examples of the selfishness and mindless dissent of the new left. For instance, college students have often been the most vocal defenders of the concept of individual and minority rights. Yet many of these rights are being denied others by students themselves. If a student wants to enroll in a voluntary ROTC program on campus, why can't he? If a student wants to talk to a military recruiter on campus, why can't he? If a student wants to question an official of Dow Chemical Company on career opportunities, why can't he? If a student wants to hear the Secretary of Defense speak on his campus, why can't he?

The concept of individual and minority rights goes beyond Vietnam, beyond the

"military-industrial complex" beyond the so-called "racist society" theme. It is the basis of all freedom stands for. But again it is a two-way street. The vocal and irresponsible minorities on campus are quick to scream that they are being denied their rights, but they are just as quick to deny these rights to others.

Another aspect of the trend toward irrational thinking on many campuses is the cry of black students for separate courses and separate dormitories. While it is important for the black man to have pride, while it is important that he and others learn about his history and culture, it is totally absurd for him to demand a curriculum which has no relevance to today's society. What sense does it make for a black American who is deficient in English to demand a course in Swahili? How will this help him win the equality he seeks in America?

Bayard Rustin, who is certainly no stand-patter in Civil Rights matters, pointed to this very thing recently when he called on college officials to "stop capitulating to the stupid demands of Negro students . . . and see that they get the remedial training they need."

"What the hell are soul courses worth in the real world?" Rustin asked. "In the real world no one gives a damn if you have taken soul courses. They want to know if you can do mathematics and write a correct sentence."

As to the matter of separate dormitories, I say that it is high time we decided what is right and what is wrong in matters of race. If white racism is wrong, black racism is equally wrong. If segregation is wrong when practiced by whites, it is equally wrong when practiced by blacks. Black men have fought for 300 years for integration. It is ironic that their quest is now being imperiled by confused black militants.

Thus we are confronted with a problem of major proportions in our colleges. I maintain that these radicals, both independently and in concert, may well destroy the system of higher education in this country. I do not care who, if anyone, is behind them; I only care what they are doing to their fellow students, to the campuses and to this country.

I believe that most responsible "activist" students and professors realize what is being done to their causes by these violent minorities. Unfortunately, few of them seem willing to seek solutions to the problem. In too many cases the faculty, out of fear and indecision, has undercut responsible decisions by administrators. Time and again, at such places as Harvard, Cornell and San Francisco State, positive steps to eliminate the violence and its causes have been negated by supposedly intelligent professors.

Shannon perhaps best expressed the reasons for this when he wrote, "These simple truths ought to be clear to faculty members. But in several recent confrontations, many members of the faculty have been with those who would subvert the university. This should be no surprise. Professors are unaccustomed to exercising power and are uncomfortable with the hard choices which power entails. As a result, on even the greatest university campuses, the faculties have in time of decision been irresponsible. At Harvard and elsewhere, they have second-guessed their presidents and deans when they should have rallied firmly to their support."

I have so far mentioned irresponsible students and indecisive faculties as contributors to the mess in which universities find themselves today. I cannot, however, exclude administrators from a share of the blame.

There are too many college officials who are insensitive to all demands, whether or not they are legitimate. These officials, who try to run a university as if it were a boarding school, are asking for trouble. They do not

leave room for discussion; they do not leave room for compromise; they do not allow the student any say in the decisions which will affect his life. It seems to me that these administrators, who are again only a minority, must climb down from their ivory towers so they can hear what their own students are saying. For it is obvious that at least part of the problem is the result of a lack of meaningful communication.

While the reasons for campus unrest can usually be found on the campus itself, we must remember that we ourselves have been at fault. Too many of us have shown a lack of faith in our students. Too many of us have equated those who would change with those who would destroy. Too many of us have refused to admit that our students are mature, are concerned and are willing to work to improve society. The aspirations of our students are noble, but without our faith, trust and assistance, they can never be achieved.

It is time, therefore, for all of us to end this age of confrontation and to begin instead an age of reason. It is time for the so-called apathetic majority of students to wrest power from the radical left who would destroy them and all they stand for. It is time for the learned professors to back the administrations in working for an end to violence and disruption. It is time for all administrators to foster a sense of involvement among their students rather than to stifle it. Above all, it is time for all of us to reaffirm the belief that segregation, hate, intimidation and violence have no place in college or in America.

I have heard that today's student's want to get involved. I have heard that today's students care. I have heard that today's students want to complete the unfinished business of this society.

I say it is time for them to start doing just that, here and now. I say they must replace violence with reason, insanity with sanity and hate with love on their own campuses before they can do it throughout the world. For the campus is their proving ground. If they cannot save their university, they cannot save society. If they cannot accept this challenge now, they will be unable to accept the greater challenges which lie ahead.

It is up to them, ladies and gentlemen, but it is also up to us, for they are watching us to see what we can do. I believe that we can make this a better society. I believe we can have equal justice. I believe we can become the kind of Nation that these idealistic students want.

Let us resolve, therefore, to do what we can, as professional people and concerned citizens, best do. Let us reaffirm our commitment to equal justice for all. Let us strive for equal justice in the courtroom, in the Congress and in the classroom.

But at the same time we must speak out on those things which we believe are tearing apart our academic communities. We must tell these young people that though they may disagree with certain laws, they are obliged to obey all laws. We must tell them that such conduct is necessary for the survival of society itself and that without it we will have anarchy.

We must remind college faculties and administrations that the extremist is not easily appeased. We must remind them that concessions made in an atmosphere of fear and threats will only lead to more impossible demands.

Finally, we must state in the strongest possible terms that by closing our eyes to violations of the law we are only encouraging more violations. We must enforce the law equally, my friends, in the ghetto, in the suburbs and on the campus. We must do this not to suppress academic freedom but to save it.

We must begin these tasks right now, ladies and gentlemen, so that when we give this world to the leaders of tomorrow we can truly say, "we tried our best today."

LAW DAY, U.S.A.

HON. JOHN DOWDY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. DOWDY. Mr. Speaker, I would like to insert a speech by a Lufkin, Tex., attorney, the Honorable George Chandler, which was delivered on Law Day to the Lufkin Rotary Club. I think Mr. Chandler's speech is worthy of recognition, and I incorporate it in the Extensions of Remarks as follows:

[From the Lufkin (Tex.) News, Apr. 22, 1969]

LAW DAY, U.S.A.

It is indeed a pleasure to be asked to speak to you again about "Law Day, U.S.A." I especially welcome this opportunity because it gives me another chance to share some thoughts that I have about my favorite subjects—the rule of law and America.

May Day has been celebrated for over 2,000 years. In ancient Rome it originated as a joyous festival to commemorate the coming of spring.

In our twentieth century, May Day has assumed a strange and sinister spectacle. Communism has set May Day, or May 1st, aside as the day for their annual review of their weapons of destruction. Thus, Thursday, May 1, 1969, May Day, will be observed in the Communist countries by the ominous tramp of marching feet passing in military review, the clank of massive tanks rolling through Red Square and the whistling screams of jet bombers overhead.

It is particularly significant that we have chosen May 1st to celebrate Law Day, U.S.A. The President of the United States of America together with Congress has set aside May 1st as a day for all Americans to remind themselves of the blessings that flow our way because of our government of law.

The contrast between the rule of law and the rule of men is vividly portrayed in the respective observances of May Day by the United States and the Communist world today. The Communist flaunt their military might and think in terms of world destruction. Americans quietly pray their tribute to the rule of law and for peace among mankind.

This day has been set aside for Americans to re-examine the tremendous privileges that we enjoy as a free country. You know we are blessed with more luxury and more things of life than any country that has ever come before us. I would like to share with you some facts that I discovered while doing some recent reading relative to the privileges of Americans.

First, imagine that all the people on this planet lived in a town called World. Although the actual world population now stands at 3.3 billion, we will reduce this large number to 1,000 people for our imaginary town. Doing so sets up some interesting comparisons:

In the town of World as a whole, 305 persons are from the Western Hemisphere and 695 are from elsewhere.

The Western Hemisphere controls approximately 70% of the total wealth produced by World's farms and industries.

Of the 1,000 people in World, 60 persons are Americans; 64 are Russians; and 225 are Communist Chinese.

The 60 Americans have nearly half the total income of the town. The other 940 persons share the other half.

The 60 Americans have an average life expectancy of 70 years. On an average, all others can expect to live less than 40 years.

The Americans have 10 times as much to eat per person as all the rest of the people.

The 60 Americans use 10 times as much electric power as all the rest of the people in World; 20 times as much coal; 21 times as much petroleum; 30 times as much steel; and 30 times as much in general equipment of all types.

Many of the non-Americans in World are literally hungry, sick, uneducated and poor. More than 400 cannot read or write. About 800 average 2,150 calories a day—barely adequately to keep them alive. Moreover, while food production in World increases 2.2% each year, food consumption each year goes up 3.5%.

Of the 1,000 people in World, about 320 live on land that is controlled by Communism.

Thus, we Americans enjoy the highest standard of living ever achieved by mankind. Let us ask this question. Why is this so? Is it because we were blessed by the good Lord with the World's greatest natural resources?

In making some research in the "World Almanac," I find that the United States by no means has a monopoly on the world's natural resources. We think of natural resources as contributions to the wealth of a country, but let's look at these facts:

The greatest oil resources are found in Transylvania, Arabia and Persia.

The best coal mines on the earth are in the Saar Territory.

Most of the gold is found in South America and South Africa.

The United States does not have but one small diamond mine, yet the people of the United States own 78% of all the cut diamonds.

England still has the best of all iron ore.

Many countries have as rich land as ours. The most fertile land found in the world is a 2000 mile strip found along the Yangtze River in China.

Argentina has more cows per person than we do in America.

The rain forests of South America have more potential timber than we do in America.

Thus, we can see that it is not because of our natural resources that explain how America has achieved the greatest standard of living known to mankind. Thus, let us consider the question how did America accomplish it? As I have mentioned earlier, May 1st is used by the Communist countries as a day to parade their military might and unveil their newly designed weapons of mass destruction. In a sense, we too have chosen to use the First day of May to unveil America's greatest weapon. The question as to how America has achieved the greatest standard of living known to mankind and its abundant freedom is answered when we unveil America's greatest weapon.

America's greatest weapon is a weapon that was first unveiled in 1776. This weapon was demonstrated for all the world to see on the slopes of Bunker Hill. America's great weapon that holds the answer to America's success has been revealed time and time again to the world.

It was revealed and demonstrated to the world by 185 brave men at a tiny Mission called the Alamo. It was demonstrated again at the bloody drama that was the Little Big Horn. It was demonstrated by those brave Rough Riders in the mountains of San Juan. It was again demonstrated on the rolling green hills of Gettysburg.

America's greatest weapon was shown in the bloody real estate that was Argonne Forest. America's great weapon has been demonstrated at such strange sounding places as the sandy beaches of an island called

Guadalcanal. America's weapon was demonstrated by a group of heroic United States Marines who raised America's flag on the mountainous slopes of Mount Surabachi on a remote island in the South Pacific called Iwo Jima.

America's great weapon was demonstrated on the beachheads of Normandy and rocky terrain that was Korea. America's great weapon is demonstrated this very hour for all the world to see in the rice paddies of Vietnam.

America's great weapon that holds the answer to our success is not a classified document nor a disguised plot to take over the world. It is not stored in a safe in the bowels of the Pentagon or behind walls of barbed wire. This great weapon is being demonstrated all over the world by Americans every day in schoolrooms, hospitals and Church Missions. America's weapon is demonstrated in our homes, and in our schools. It is demonstrated in our Churches and in our Temples, in our universities and our Courts, in our elections, in the free press and in all the institutions of our free society.

America's great weapon is even found in this very room. Our great weapon is almost totally indestructible. There is but one force that our weapon has no defense against. The only enemy to our weapon is the enemy of individual apathy. Because of the danger that individual apathy opposes to our great weapon that holds all the answers to the success of America, we have chosen May First to remind ourselves of the blessings of our great Country.

Again considering the answer to our question, as to how our great Country has achieved its great success, the answer is found in our great weapon itself. And what is our weapon? Our weapon is simply a habit and a frame of mind which affirms that one must play by the rules, and one which assumes that the rules shall be fair and equal. Our great weapon, gentlemen, is the Spirit of Liberty.

In closing, and in paying my tribute to our great weapon and in saluting May 1, 1969, which is Law Day, U.S.A., I close with six simple but very meaningful words:

"Long Live Liberty"
and
"God Bless America."

MAYOR ALBERT ISEN OF TORRANCE, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to Mayor Albert Isen for his 14 years of outstanding service to the All-America City of Torrance, Calif.

Mayor Isen is almost a native of Torrance, having finished both his elementary and secondary education in the Torrance public school system. In fact, when he graduated from Torrance High School he was the first person to complete his entire grade school and high school education in the Torrance public schools.

Mayor Isen later went on to receive his bachelor's degree from the University of Southern California and was awarded his law degree from USC Law School. Upon his admission to the bar, Mayor Isen set up his law practice in Torrance.

His career in public service began in 1954 when he was elected to the Torrance City Council. After serving for only 1 year on the city council, he was selected mayor of Torrance by his colleagues. Three years later Mr. Isen was elected mayor, the first mayor of Torrance to be elected by the people.

For nearly two decades Mayor Isen has provided the city of Torrance with outstanding dedication and leadership. During this time Torrance has undergone rapid growth and now boasts a sizable share of southern California's industrial development. During his tenure as mayor, the population of Torrance has grown by over 100,000 people and Mayor Isen deserves much credit for this as well as for his role in attracting many well-known national corporations to Torrance.

Along with his busy public responsibilities, Albert Isen has maintained a keen and active interest in the law, his chosen profession. As an example, he spearheaded the successful drive to move the southwest district superior court to Torrance, and worked diligently as president of the South Bay Bar Association.

On May 26, Mayor Isen will be honored by the Torrance Junior Chamber of Commerce for his unselfish devotion and dedication to make the city of Torrance a better place to live. It is my privilege to join in saluting Mayor Albert Isen for the outstanding job he has done as mayor of Torrance, Calif.

IS HIGHER EDUCATION FOR EVERYONE GOOD OR BAD?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ZWACH. Mr. Speaker, our people are becoming increasingly concerned over the disturbances on the campuses.

Some of these people, people of education and sound judgment, are asking if higher education should be receiving aid from the Federal Government, if, in fact, it should be made available to everyone.

Typical of the reaction in my Sixth Congressional District of Minnesota, is a letter which I received from Clifford Hedberg, radio station owner at Morris, Minn.

Mr. Hedberg graduated from the University of Minnesota. For more than 20 years he was a newspaper publisher. He attended law school part time and received his degree in law. Later he disposed of his newspaper interests and went into the radio station operating business.

Mr. Speaker, I commend the reading of this letter to my colleagues as an example of the backlash that is developing as a result of our campus disturbances:

KMRS RADIO,

Morris, Minn., May 7, 1969.

Congressman JOHN ZWACH,
Washington, D.C.

DEAR MR. ZWACH: The college riots have reached a point where the federal govern-

ment should, I believe, curtail grants for colleges.

Instead, I believe a commission should be set up to determine whether college educations are in the public interest.

Is the Vietnam draft filling our colleges with people who shouldn't be there?

Are college campuses being cluttered up with graduates who are seeking a master's or doctor's degree in order to get into a higher income bracket?

Does a master's degree make a teacher a better teacher?

Are college campuses taking young men who would be better craftsmen, and would be far happier if they were working with their talents rather than books?

The vote for mayor in Minneapolis indicates the feeling of the people. As you know, a member of the police department got the highest vote in the primary.

Despite this "age of education" crime has increased, the use of drugs has increased, and morality, we are told, has decreased. UMM brought a play to the campus where the lead man walked around stark naked all evening. It was defended by faculty members as art.

I seriously think a study is needed to determine if higher education for every one is good or bad.

Yours truly,

CLIFFORD L. HEDBERG.

LEGISLATION TO AMEND THE EXPORT CONTROL ACT OF 1949

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BROWN of Michigan. Mr. Speaker, I have today introduced legislation to amend the Export Control Act of 1949. The present Export Control Act expires on June 30 of this year and many may feel routine renewal for another 4 years is the legislative action we should take.

The situation and conditions of today dictate otherwise, I believe. I shall expand upon the many considerations which are incorporated in this amendatory legislation at a later date, but today I wish only to bring to the attention of my colleagues the changes I am proposing and a brief explanation of their impact and a similarly brief justification for such modifications.

For reasons which I shall subsequently expand upon, my amendatory legislation should not be labelled a "liberalization" or a "tightening" of export controls. Rather, I believe my approach to modification of existing law recognizes realistically existent conditions and attempts to have the law reflect present circumstances and considerations.

As stated, my bill would make several changes in existing law. First, it would amend section 1(b) of the Export Control Act of 1949 by deleting from that subsection the words "without regard to their potential military and economic significance." Further, section 1(b) would add the word "certain" in addition to the words "information and technology." The new section 1(b) would then read as follows:

The unrestricted export of certain materials, information and technology may ad-

versely affect the national security of the United States.

The amendment of section 1(b) would conform to an amendment which I propose to section 3(a), the intent of both of which I shall explain at a later point in my discussion.

Section 2(1) is proposed to be amended by adding the following new sentence at the end thereof:

The authority contained in this Act may not be used in any instance in implementation of the policy contained in Clause (B) of the foregoing sentence until after the President has communicated to the Congress his intention to do so in that instance.

The purpose of the amendment to section 2(1) is to insure formal congressional knowledge and review of executive department actions in furtherance of our foreign policy. It is not intended, however, to tie the hands of the President with regard to his conduct of foreign policy, but rather to assist him in the formulation of policy which will evoke congressional advice and support.

It has often been suggested that a legitimate aim of export controls is to assure that countries whose policies are antagonistic to the interests of the United States do not benefit from trade with the United States. But embargo is a serious step; it is less a sanction against the prohibited trading partner than a demonstration of the united will of a country to break off normal relations. Some international lawyers suggest that such a step should require specific legislative action in each case. My amendment to the Export Control Act would not require specific legislative action, but it would require that before such action is undertaken, the Congress be informed.

Perhaps only a few Members of Congress realize that the implementation and administration of a virtual total U.S. embargo against Southern Rhodesia stems from authority contained in the Export Control Act, as well as the United Nations Participation Act of 1945. Unless a Member of Congress had read carefully the quarterly reports required under the Export Control Act, he probably would be totally unaware of the fact that an obscure 1967 Executive order authorized the United States to participate in a trade embargo of Southern Rhodesia. Conceivably at a future date the United Nations might decide to attempt to effectuate a total embargo of the Union of South Africa or some other nation the internal political policies of which were contrary to the will of a majority of U.N. members. Such future embargo could be participated in by the United States with little or no specific knowledge of the Congress prior to the action taking place. It should be emphasized that an act of total embargo against a foreign nation is extremely serious and throughout history has often been one of the last steps taken prior to a formal declaration of war or commencement of significant acts of hostility.

Presumably, the implication of a virtual total embargo against Red China, North Vietnam, and Cuba also finds its authority in section 2(1). Under the circumstances, had my amendment been in

effect at the time these embargoes were undertaken, there is no question that the communication to Congress by the President of his intention to do so would have met with full approval. Virtual total embargoes against a nation such as Southern Rhodesia, on the other hand, undoubtedly would have precipitated valuable congressional deliberation and debate.

As previously mentioned, in conformity with my proposed change in section 1(b) of the congressional "Findings," the third sentence of section 3(a) would be amended by deleting from existing law the language, "shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which" and replace with language which would read that the President may prohibit or curtail exports if he "determines, taking into consideration availability from other nations with which the United States has defense treaty commitments, that such export" would prove detrimental to the national security and welfare of the United States.

This amendment would remove as a statutory consideration incident to control, the extent to which certain exports make a significant contribution to the military or economic potential of the purchasing nation or nations and in its place would grant to the President complete flexibility to deny those exports which in his opinion would "prove detrimental to the national security and welfare of the United States."

The intent of my amendment to section 3(a) is to remove what I consider to be rather meaningless and cumbersome language, while at the same time injecting a new consideration. It would seem to me to be apparent that Congress intends that license to export any articles, materials, supplies, or technical data detrimental to the national security and welfare of the United States should be denied, regardless of their potential military or economic contribution. There should be no need to justify either in military or economic terms the prohibition of exports which in the opinion of the President, after being advised by intelligence sources, would be detrimental to our national security.

Perhaps my proposed amendment to section 3(a) could be criticized to the extent that it would expand the degree of delegated authority vested in the executive branch over that which is currently the law. This argument, however, overlooks the fact that the day to day implementation and administration of the Export Control Act must by its very nature reside entirely in the executive branch and because the traditional procedures and functions of Congress are inappropriate and awkward.

The requirement that "economic potential" of certain exports be taken into consideration in the implementation of the act resulted from a 1962 amendment. Nevertheless, since 1962 the list of exports denied to Communist countries has in fact been reduced, so it can hardly be claimed that the intent of the 1962 amendment has been of any great influence. Removal of economic considera-

tions by itself, however, as has been proposed by S. 1940, might seriously inhibit the executive branch in an area where Congress has delegated its authority for good cause. My amendment would reflect that which is already a fact; namely, the executive branch already has and should continue to retain ample flexibility in the implementation of an act aimed at controlling certain exports to foreign nations where such action is felt to be in the national interest.

Consistent with my effort to amend the act in a realistic fashion, I would add new language to section 3(a) requiring as a matter to be considered in connection with controlling exports, the availability of such exports from other nations with which the United States has defense treaty commitments. Although the quarterly reports of the Office of Export Control reveal that availability elsewhere already is a matter taken into consideration, I think it is important for Congress to make clear that this should be a policy consistently applied. At the same time, the availability of such exports from nations with which we have defense treaty commitments would not force approval of export licenses where such approval would be contrary to our national security and welfare. Hopefully, by amending the act in this manner, the Office of Export Control would undertake a complete review of existing controls, especially with respect to exports currently under control which are readily available from nations with which we have defense treaty commitments or from U.S. subsidiaries and multinational corporations where our controls collide with the problem of extraterritorial application of U.S. law.

It should be emphasized that my proposed amendment to section 3(a) increasing the President's flexibility while at the same time insisting that alternative sources of supply be considered is not meant to be interpreted as an opening up of one valve while closing another. Delegation to the President of the job of determining those exports which he considers to be inconsistent with our own national security and welfare is entirely reasonable. But for the President to reach these decisions without being directed to weigh the impact of trade which is being permitted and in some cases encouraged by trading partners with whom we have defense treaty commitments is an unreasonable reliance upon the effectiveness of unilateral controls.

I expect my proposed amendment to section 3(a) will also have the indirect effect of strengthening the more restrictive trade policy position of the United States within Cocom, a group of nations which during the post-World War II period have attempted to control the exportation of certain highly strategic goods to the Soviet Union and Eastern Europe on a multilateral basis.

Section 4(a) of the Export Control Act of 1949 is proposed to be amended by adding the following new sentence at the end thereof:

Consistent with consideration of national security, the President shall seek information and advice from private industry in connection with the implementation of this Act.

tion with the making of these determinations.

The intent of this amendment needs little explanation. It would merely insure that in determining what shall be controlled, information and advice from private industry shall be sought. This is already being done to some extent. By amending section 4(a) it would be the intent of Congress that a greater degree of reliance should be placed upon information secured from private industry sources. It is the further intent of this amendment that, consistent with considerations of national security, representatives of private industry shall be consulted, at least in an advisory capacity. My amendment to section 4(a) further takes into consideration that most of the technical information and data which goes into the formulation of export control policy is supplied by the U.S. corporate community.

My bill would amend section 6 of the Export Control Act by adding the following new subsection:

In the administration and enforcement of this Act reporting requirements shall be so designed as to reduce the cost of preparation of reports and record keeping required under this Act to the extent feasible, consistent with effective enforcement and compilation of useful trade statistics. Report and record keeping requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

Testifying before the Senate Banking and Currency Committee on April 29, 1969, Mr. Arthur E. Bayless, the national director of the National Committee on International Trade Documentation, said:

The way in which the policing of the current Export Control Act is being enforced costs American exporters approximately \$100 million per year, just for filling out, filing and processing of the control piece of paper known as the Shippers' Export Declaration.

Mr. Bayless emphasized that the same controls and the same Government information can be assured through the expenditure of only a small fraction of this amount and that any extension of the Export Control Act should carry with it an admonition relative to such record-keeping and reporting requirements.

Referring to the 83d quarterly report of the Office of Export Control, Mr. Bayless said that in fiscal year 1967 6 million shippers export declarations were caused to be prepared resulting in 169 preliminary inquiries and 210 new investigations. Of these, 29 cases were referred to the general counsel for consideration of administrative or other punitive action. The department's Office of General Counsel referred six of these cases to the Department of Justice for consideration of criminal prosecution. In the same year, the Department of Commerce recalled to the United States only one shipment valued at \$13,854. During the same year, district directors of customs seized 208 shipments which the Customs Bureau appraised at \$29,276 from which only one severe penalty carrying a fine of \$1,400 was invoked. It seems clear that the filing and processing of 6 million shippers export declarations produced evidence of only a few violations of law. My amendment suggests the possibility that more

practical means of policing the Export Control Act are available and should be applied. Certainly, in a period of declining trade balances the United States should reduce any needless paper work and costs associated with our export industries.

Section 2 of my bill provides that in each fiscal year, the first quarterly report to the Congress shall contain a report of the progress being made toward reducing the costs associated with policing this act.

Finally, my bill would extend the Export Control Act to June 30, 1973.

CITIZENS PROTEST SMUT PEDDLERS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ALEXANDER. Mr. Speaker, citizens are outraged over the rising tide of filth that is being fed into their homes through the mails.

Some of these filth peddlers apparently assume that, because they have lost all respect for personal standards and decency, the mass of people throughout this great country have also lost all respect for personal morals. The vast majority of our citizens still find such obscenity repugnant and objectionable.

The U.S. Post Office should not be allowed to subsidize this disgusting industry. Our citizens should not have to pay taxes to help finance the transportation of this smut into their homes, unwanted and unasked for.

If the 91st Congress accomplishes nothing else, they should provide relief for the vast majority of our citizens who plead for help in ridding their homes of this obscenity.

I would like at this time to include a copy of a letter that I received from one of our outstanding chiefs of police in the First Congressional District of Arkansas, Mr. George Ford, Jr., of Blytheville. Mr. Ford expresses the scope and dangers of this problem as well as anyone I have heard.

The letter follows:

OFFICE OF THE CHIEF OF POLICE,
Blytheville, Ark., May 7, 1969.

HON. BILL ALEXANDER,
U.S. Representative, Room 1110, Longworth
House Office Building, Washington, D.C.

DEAR MR. ALEXANDER: We have received complaints in the past, from citizens in this area who have received material through the U.S. mail, that should be classified as obscene. Attached is material which was received this week. This office has, in the past, referred these items to the local post office; who, in turn, referred them to the Postal Inspector. A duplicate of the attached material was released to Mr. Hugh Hudson, local Postmaster, this past week by a local citizen.

We understand, following a U.S. Supreme Court ruling, that present postal regulations require that a recipient of obscene material must fill out a U.S. postal form requesting the firm to remove their name from the mailing list. After this form is completely filled out, signed and mailed, then the mailing company is in violation of a federal law if

subsequent obscene material is received by this recipient. The law-abiding citizen who does not desire this filth should receive more protection than this.

The material that we are enclosing is advertising, for sale, 8 mm. film, posters, and books. There are forty reproduced photographs of nude men and women engaged in sexual intercourse. Also, there are forty-five reproduced paintings and drawings which show nude or partially nude men and women. These paintings and drawings depict heterosexual and bisexual and homosexual activities.

All of the above photographs, paintings, and drawings can only be classified as printed filth.

After viewing the attached material, I fail to visualize a normal person entertaining the idea of purchasing any of the items advertised. I can, however, visualize the impact that material of this type could have on a community if it was in the hands of a perverted individual who had access to teenage children.

If our Courts have ruled that a person has the right to judge what is, and what is not, obscene, and this decision legalized the mailing of pornographic material, where will this end? It seems to me that this decision has given the sender of pornographic material the right to flood our country with materials that he classifies as not being obscene. This, in my opinion, has taken away the right of other citizens who receive such material. The recipient's decision is made upon receipt and after exposure is made.

I recommend that the Congress of the United States view the enclosed material so as they can decide if they would welcome these items to be mailed to their homes and perhaps opened by their children.

With kindest personal regards, I am

Very truly yours,

GEORGE C. FORD, JR.,
Chief of Police.

A DRAFT CASE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mrs. GRIFFITHS. Mr. Speaker, recently I was contacted by a businessman in my district, Mr. Larry Manto, regarding a constituent of mine, 20 years old, who faces the draft. I would like to insert in the RECORD Mr. Manto's letter to me. The case of Larry Langohr, which he writes about, focuses on some of the problems in our draft system and this whole question of fairness.

Larry Langohr did not pursue a college education. He is not eligible for any student deferment. As a member of a large family, he went to work at an early age. Through the years, he worked hard and long hours and saved his money to establish the business he operates today. Mr. Manto asks what is to happen to this business if he must leave for the service now. He notes the fine caliber of this young man and emphasizes that from a family of nine sons who have had four called to service in the last 3 years, with one wounded in Vietnam, he is not one to shirk his duty.

The questions Mr. Manto raises are questions we must ask ourselves. The answers are vital if we are to secure fairness for all boys.

The letter follows:

DETROIT, MICH.,
May 3, 1969.

DEAR CONGRESSWOMAN GRIFFITHS: I am writing you about a matter I would like you to try and do something about. This concerns a young man who worked for me for over three years, saved his money and has started a small business of his own. He has gone into the cement business, doing patios, driveways, etc.

This young man is going on twenty-years old. He has never been in trouble nor has he given anyone else any. He has worked very hard for me about fourteen hours a day, six days a week after he turned eighteen, so he could get a business of his own. How many young men do you find around like that today? Not many.

He has saved everything he made and put it into his business. I hired this young man when he was just sixteen. I am the manager of a restaurant at Northland shopping center in Southfield.

The young man has nine brothers. Already four of them have seen service; two in Viet Nam, where one was wounded. This young man's name is Mr. Larry Langohr.

He has been called up to take his physical and he will be getting his classification any day now. I am hoping you can do something to get him deferred.

If he has to go into the service now, what happens to the business he worked so hard to get started?

You would have to look far and wide to find a young man of his caliber. I think he should have the chance to make a go of his business. I see so many of the long-haired hippie types walking around who are his age or older, and haven't contributed a thing to these United States except protest everything we stand for. Now here we have a boy who put in seventy-four hours a week of hard work, started a business of his own and will probably be drafted unless you see he gets the chance he worked so hard for. It's not that he doesn't want to serve his country. He is level headed about it, but I think he should have the chance to contribute through his business, in the tax he will have to pay and the people he has working for him. I only hope they do not keep taking this mother's sons until one gets killed. She has nine sons and every time they have called one into the service, she has gone through hell. And, like I said, four have gone so far in the last three years. It gives you and me something to think about, doesn't it? Hoping you will take action on this matter.

I will list the young man's name and address below.

Sincerely yours,

LARRY MANTO.

MR. LARRY LANGOHR.

A CONSTITUTIONAL WAY OF BANNING UNSOLICITED PORNOGRAPHY FROM THE MAILS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BOLAND. Mr. Speaker, exploiters of sex and sensationalism are using this country's mail system for the unsolicited distribution of hard-core pornography to minors. Material that is conventionally considered hard-core pornography—material exclusively and explicitly depicting sex in a context wholly devoid of what the Supreme Court terms "redeeming social value"—is being sent unsolicited through the mails to children as

young as 10 or 12 years. The neighborhood postman is delivering to children, in their own homes, pornography dealing with the most bizarre sexual perversions. Clearly, Mr. Speaker, the Congress must act to end this practice.

I am introducing today legislation that would accomplish this goal in a way that would pose no threat to the constitutional right of freedom of speech.

I am well aware that judgments or the wisdom of such legislation are likely to become highly emotional.

On the one hand, strong feelings of indignation are evoked when homeowners and parents receive such mail—mail that intrudes unwanted into their homes, assails their privacy, offends their sense of decency and undermines their attempts to rear their children in what they consider a wholesome atmosphere.

On the other hand, strong feelings of apprehension are aroused when any attempt is made which may be construed as, or which may have the effect of, empowering any governmental officials with authority to censor what passes through the mails. This smacks too much of Government dictatorship to be palatable to Americans who traditionally cherish their right to be free of Government suppression.

I fully understand both positions and am sensitive to the delicate balance that must be struck in insuring the right to privacy of the individual in his home, on the one hand, and the right of Americans generally to be free of unwanted Government interference in the expression of ideas whether transmitted through the mails or otherwise, on the other.

The legislation I am introducing appears to me to best accomplish this balance.

First, I will summarize the provisions of my proposed legislation, then I will explain why I think such legislation is needed and, still further, why legislation in the particular form I sponsor is, in my judgment, best suited to meet the need.

My bill would add to the present postal law, 39 U.S.C., provisions which would exclude from the U.S. mails as a special category of nonmailable matter, certain obscene material sold or offered for sale to minors, or delivered to a home where a minor resides, if an adult did not request it.

My bill contains provisions which in some detail describe the material which is excluded from the mails so that there can be no misunderstanding as to what is excluded.

The bill also contains certain provisions and prohibitions with respect to carrying through the mails sexually oriented advertisements. There is a requirement that the sender of such advertisements must place his name on the envelope. Moreover, any person may file with the Postmaster General a statement that he does not desire to receive such advertisements. The mails are then closed to sending such advertisements to individuals whose names are on the Postmaster General's list.

With respect to enforcing the proposed provisions relative to advertising, if the

Postmaster General believes that the provisions of the law are being violated, he may request the Attorney General to commence a civil suit against the offender in a district court. And a new section would be added to title 18 of the United States Code, the Federal criminal law, which would make it a Federal crime to send through the mails such sexually oriented advertisements.

The need for this legislation is plain. Let me first set forth a few facts that demonstrate a pressing need for legislation of the kind I am introducing.

The quantity of obscene material being circulated in this country is hard to assess accurately although the evidence indicates it is enormous. I offer some statistics to show how extensive is the problem, and, knowing how statistics are frequently selected to bolster an argument and to lend it an aura of mathematical precision in a manner that at times tends to distort rather than to clarify the true state of affairs, I have attempted to limit my statistics to those I believe to be accurate and not based on guesses.

Since my proposal is limited to material passing through the mails, I think that the statistics compiled by the Post Office Department in its most recent annual report are significant.

The Post Office reports that in fiscal 1968 it completed 3,693 investigations and obtained 263 convictions of dealers whose unsolicited and unwanted pandering advertisements were sent into homes. It further reports that international pornographic rings operate in this country and that the U.S. Post Office Department through cooperative efforts with Canadian authorities and Interpol resulted in the arrest of 39 members of such rings in 1968—1968 Annual Report of the Postmaster General, House Document No. 2, 91st Congress, first session at page 38.

The President, in his recent report to Congress recommending legislation to deal with the flow of sex-oriented mail, referred to the fact that since 1964 the number of complaints to the Post Office about unwanted salacious mail has almost doubled and that tens of thousands of letters have been written to Members of Congress and to the White House protesting against this mail—House Document No. 114, 91st Congress, first session, page 1.

In the 1967 hearings held by the Subcommittee on Postal Operations, a good deal of testimony was offered showing the scope of the problem. For example, Congressman OLSEN testified that one seller of such material sent out 9 million announcements seeking subscriptions to his pornographic magazines—hearings before the Subcommittee on Postal Operations of the Committee on Post Office and Civil Service, House of Representatives, 90th Congress, first session, "Obscene and Pandering Advertisement Mail Matter," page 9.

Insofar as the form which new legislation should take, I have been guided by recent holdings of the U.S. Supreme Court with respect to the power of Congress to regulate the dissemination of obscene material especially when such material is sent through the mails.

The Supreme Court has sustained convictions under the current postal criminal obscenity law, 18 United States Code, section 1461, indicating a recognition of the principle that Congress has the power to legislate under its postal power to close the mails to obscene material, see *Roth v. United States* (354 U.S. 476 (1967)); *Ginsberg v. United States* (383 U.S. 463 (1966)).

These and other decisions have also laid down guidelines which may be followed in drafting an enforceable obscenity law. For example, in the Roth case supra, the Court held that "when the proper standards" for judging obscenity are applied, that obscene material can be barred from the mails—(pages 491-2). As to what constitute the "proper standards" the Court laid down certain criteria for making such a determination. These criteria comprise what is known as the "Roth test", which, as amplified in later decisions, is still considered to be the legal yardstick for ascertaining whether material is obscene.

Before a work is considered to be legally obscene according to the standards laid down in the Roth test, as amplified in later decisions, the following three elements must coalesce: first, the dominant theme of the material taken as a whole appeals to prurient interest in sex; second, the material is patently offensive because it affronts contemporary community standards relating to the representation of sexual matters; and, third, the material is utterly without redeeming social value—*A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Atty. Gen. of Mass.* (383 U.S. 413 (1966)).

It has been difficult for Government authorities to sustain convictions in the past because the application of the Roth test to material sought to be banned has resulted in findings—especially by appellate courts—that much of the material was not legally obscene, and in part because so many of the statutes were worded in language so vague that there was some doubt as to the nature of the offense and too wide an area of discretion was left to the enforcing authorities.

The kind of specific language used in my bill describing what is proscribed by the statute initially grew out of attempts to draft a law that would meet these criticisms: first, that the statute was void for vagueness in that it left too great an area of doubt as to what constituted an offense under it and too great an area of discretion to the enforcing authorities, and second, that the application of the Roth test in determining what is obscene makes it virtually impossible to draft an enforceable law which would prevent the dissemination to children of material considered to be harmful to them, but which the courts held could not be barred as legally obscene because it did not appeal to the prurient interest of adults.

My bill, in describing in detail what is considered to be obscene if sent to children, follows precedent established recently when the Court upheld a conviction under a similarly worded New York penal law *Ginsberg v. New York* (390 U.S. 629 (1968))—not the same defendant as in the earlier decision.

My bill in its provisions on the mailing of sexually oriented advertisements finds support in the Court's holding in *Ginsberg v. United States* (383 U.S. 463 (1966))—a different defendant from the other case cited with a similar name. In that case, the Court emphasized the "pandering" element in which the material in question was being offered for sale in upholding a conviction under the Federal postal criminal obscenity law—18 United States Code, section 1461. This pandering is the deliberate offering of the material as erotica emphasizing its prurient appeal. The material before the Court in that case was borderline obscenity and probably could not have been barred from the mails under the Roth test had it not been for the circumstances of its production, sale, and publicity.

This pandering element plus the right of an individual to be secure in his home seem to me to support the approach taken in my bill. In my judgment, my proposal does not provide for Government censorship which intrudes on our constitutional rights, but rather offers us Government support in our efforts to secure our rights. Those provisions that are designed to protect children appear to be entirely reasonable and those provisions which affect adults, only apply when the mail is unsolicited and when the adults do not want it. It is the citizen's determination that it be stopped, not the determination of a Government official.

THE YAHOO'S

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. RANDALL, Mr. Speaker, in "Gulliver's Travels," a "yahoo" was one of a filthy race of brutes having the form and all the vices of man. According to Webster, a "yahoo" is a degraded or vicious man; a lout or bumpkin.

The Benton County Enterprise, published in Warsaw, Mo., by our friend, Mahlon N. White, calls campus demonstrators "yahoos" and defines them as spiritual descendants of the "know nothings," the brown shirts of Hitler's Germany, and the disciples of Stalin.

As this knowledgeable editorialist puts it:

There's probably plenty to demonstrate about at any college. There always has been.

In my own college career back in the early 1930's, I recall there may have been some students who might have demonstrated because there were not enough jobs available to enable them to work their way through college. One of my staff members told me this morning that the most frequently heard gripe during his college days was that smoking was not permitted in dormitories.

Many of the complaints from campuses today involve issues that cannot stand the light of thorough examination. No student has ever been promised a perfect education under completely ideal conditions. All that can be promised is

an opportunity for all who want it to get an education. The scores of enactments by this Congress in recent years, involving Federal commitments in the billions of dollars, have served to back up this promise. But the "yahoos" today seem bent on tearing down our educational institutions and destroying their facilities as fast as the taxpayers can build them up.

The real losers, of course, will be the students who bury themselves in their studies instead of those who hide their frustrations in outrageous dress, asinine demands and actions that are destructive of all that has made this a land of opportunity. Another group of losers are the taxpayers who foot the bill. But the heaviest losers—if there is no reversal of current trends on too many campuses—will be future generations of Americans, deprived of leadership training by today's campus preoccupation with devastation rather than education.

In no fewer than five acts of Congress last year provisions were included for cutting off Federal funds to students and institutions of learning when rioting joins the other three "R's" and makes a fourth "R" of education. But to make these suspensions effective, college administrators must make certain findings. So far, there has been a deplorable hesitancy on the part of college administrators in this respect.

Mr. Speaker, I am privileged to share with my colleagues the following editorial from the Benton County Enterprise of May 15, 1969:

THE YAHOO'S

The missing ingredient in the current rash of college demonstrations is reason.

Sweet reason.

There's probably plenty to demonstrate about at any college.

There always has been.

There always will be, no matter how quickly and in what vast numbers "demands" are adopted.

Lives there a college graduate who publicly praised the food he ate at college?

So, many of today's demands are for good food.

It's not cooked at colleges.

More up to date teachers and subjects?

Ancient Greece undoubtedly saw some rumbles on this subject.

Ethnic subjects?

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, shot this one down.

The former Kansas Citian, who must rank as one of the most effective champions of black Americans, commented:

"If students want to study about their ancestors they should study them on the side and concentrate in school on algebra, calculus, jets and the great world of communications.

"If this is to be a black world, as the militants would like, black people better learn to run computers, how to levy tariffs and have a better knowledge of the world. It's not how a black man wears his hair but what he has inside his head."

The possible tragedy of it all is that, so shortly after rights are won which should have been part of the American way all along, the demonstrating collegians of all hues may be bringing on a new period of yahoism.

As a matter of fact, some of the demonstrators, of all hues, are yahoos themselves. Yahoos, of course, are spiritual descendants of the Know-Nothings, the Brownshirts of Hitler's Germany and the disciples of Stalin.

They don't really want to win any battles. They just want to bring everything crashing down around them.

There is no excuse for allowing a small group on any campus to disrupt the efforts of the majority to get an education.

Student bodies all over the country are already reacting against the disrupters.

It's high time the college administrations did likewise.

CHAGRIN FALLS HERALD ASKS OF VIETNAM: "IS IT WORTH IT?"

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. MINSHALL. Mr. Speaker, the Chagrin Falls Herald, one of Ohio's most outstanding weekly newspapers, has published a thoughtful, thought-provoking editorial containing deeply moving commentary on the war's effect on two young Chagrin men. It is a story being tragically repeated in American towns and cities every day.

I wish to share the sentiments expressed in this editorial with my colleagues in the House. In doing so, I would be remiss not to extend my compliments to those men who have made the Herald a voice which is heeded with great respect in the community: James C. Toedtman, publisher; Allen J. Tenny, vice president, and Roy C. Meyers, editor. Their standards of excellence, of fair-minded reporting, and editorial integrity have established the Herald as a potent force.

And, in inserting this editorial in the RECORD, I wish to join in the nationwide hope that this war will soon end, that our young men will be returned home safely and soon, and that future tragedies will be averted by the establishment of lasting peace.

The editorial follows:

IS IT WORTH IT?

As the Paris peace talks drone on and the Viet Cong heighten their terrorist activities, the United States government seems to be showing little sign of pulling out of Vietnam.

Over 33,000 American men have lost their lives so far in a war that increasingly seems to make little sense.

Peace movements and militant protestors have made little impact on the government—but maybe public opinion from the average American can do what others have been unable to do.

And that is to make the government realize that the war is fruitless and that the average American is rapidly becoming disenchanting with it.

Don and Art Carley went to Kenston High School and both brothers joined the Army together.

Art was sent to Vietnam while Don went to Korea. Later Don, a helicopter gunner, was transferred to Vietnam, where both are still serving.

This is one of Don's latest letters to his mother, Mrs. Charlotte Carley, 17109 Overlook Dr., Lake Lucerne.

"The Cav is up around Tay Ninh border now so we are flying a lot. There are 'Boo Coo' (many) Gooks around there which makes life miserable.

"I got shot down again April 28. We were flying in formation with seven ships going on a combat assault when Charles opened up with a 50 cal. machine gun.

"We took hits and went down. Luckily we landed in a clearing and no one was hurt bad.

A convoy got hit outside of Quan Loi on the main road south.

"We watched the whole thing plus we took 2 rounds through the tall. We also helped medivac guys while under fire, so that might mean a medal. I doubt it, but maybe.

"It's always the guys who sit behind desks that get medals, but who cares as long as I get home.

"I feel I've put too much into this war already. I'm ready to quit. My obligation is fulfilled—at least I feel it is.

"Everybody in the States thinks the war is almost over because of the number of our guys being killed. But even if only one guy is killed, that's bad.

"People just don't and can't realize how bad it is to look at dead guys—your own kind of people.

"Almost all the guys getting killed are around 20—young guys. But to look at about 10 guys laying stiff in ponchos which are wide open on the ground, expressionless with flies and bugs crawling around and the smell of death . . .

"Some days the chopper is so full of bodies it can't lift off, so you have to throw a couple off . . . Is it worth it?

"No one dies for his country. It just happens that way.

"I got about 6 more months to go, at least I hope so. So I'll have to watch myself because I didn't fight this hard just to come home in a poncho.

The two items below—one a letter from a local boy now in Vietnam, and the other a story of a boy who won't be coming back, might be the type of article that could make a difference.

The saddening part is that these articles aren't unique. They could very well be written by any one of the thousands of community newspapers across the country.

If a clipping of these stories would be sent to their Congressmen by all of The Herald's nearly 8000 subscribers—and the same thing done by thousands of others across the land—it wouldn't be long before Washington would realize the sheer futility and the tragedy of the Vietnam war.

In September of 1943, David L. Urban was only about five months old.

His mother, Mrs. George Urban of Chardon, did what many mothers have done in Baby Books over the years and penned a note to her newborn son.

"My dear son," wrote Mrs. Urban. "It is with great pride and deep feeling I write that word. I had never hoped to have a son, and am truly grateful to God for sending you to us.

"A normal, healthy boy, David, you were born in a struggling wartorn world. Fathers and families have been separated.

"Your father has been fortunate enough to be with you this long. We are so thrilled with you, David, and I do not expect any more from you than that you will develop into a healthy man, and will always be a 'fair-player,' honest, a diligent worker, with an aim to be achieved.

"I pray there will be no more wars, and that you will always be a defender of peace.

"Your father and I will endeavor to prepare you that you can face life squarely and unafraid."

And David lived up to his parents' fondest dreams—After graduation from Chardon High School, he went on to Mt. Union College and, following his graduation, he joined the Peace Corps, spending two years on the island of Truk in the Pacific.

David answered his country's call even further, and was drafted into the Army on March 19 of last year.

After distinguishing himself in basic training and at paratrooper school at Fort Benning, he left for Vietnam last Oct. 26.

Thirty-three days later, on Dec. 3, he was killed in action in Vietnam.

In January of this year, the Army post-

humously awarded him the Silver Star, the nation's third highest military honor for trying to save some of his wounded comrades, even though he was mortally wounded.

"My prayer—the prayer of all mothers for centuries—was not to be granted. However everyone who knew Dave, also knew he was a fair-player and did face life unafraid," said his mother.

IOWA LEGISLATURE BEATS CONGRESS TO THE PUNCH

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. SCHWENDEL. Mr. Speaker, I recently had the opportunity to visit the demonstration of a data retrieval system which Pat Jennings set up for the benefit of Members. The system proposed by Mr. Jennings would appear to have many advantages and would be most helpful to the Members. Imagine my chagrin when I learned in a recent story in the Iowa City Press-Citizen that the Iowa Legislature already has in operation, a system similar to that proposed by Mr. Jennings. If we are to have any realistic success in dealing with the problems of this Nation, we must update our tools, and our procedures, soon.

The article follows:

TV-LIKE DEVICE LINKED TO COMPUTER—INSTANT INFORMATION FOR LAWMAKERS

DES MOINES.—Lawmakers have been using computer-linked visual display terminals for instant research on legislative proceedings.

The IBM terminals, which resemble small television sets with an attached keyboard, provide instant graphic status reports on all bills and resolutions introduced in the current session. The display units, stationed near the House and Senate chambers and in other key government offices, are connected by telephone lines to an IBM computer which stores the legislative data.

Implementation of the system marks a milestone in the use of computers by Iowa state government.

Serge Garrison, director of the legislative research bureau, said volume on the information network is expected to reach 1,000 inquiries a day. "The convenience and speed of this information system gives legislators and other officials an invaluable research capability," Garrison said.

"This development represents another example of how the state is applying the latest in technology for more efficient operation."

Garrison said a total of 33 of the 2260 terminals are presently installed. Besides the four terminals serving the legislature, units are located in the offices of the governor, state insurance commissioner and the comptroller, as well as in the departments of revenue and finance.

William Kendrick, chief clerk of the house, said about 1,500 bills will be introduced this session.

"The information which can be displayed on the terminal screen for any bill or resolution includes the name of the sponsor of the bill," he said, "as well as a phrase describing the bill's content.

In addition, the report will pinpoint the status of the bill in the legislative cycle as of the close of the preceding day's business."

Kendrick said a legislator can isolate the measure in which he is interested through simple index and coding procedures. The most comprehensive index is a general subject file of some 600 categories, ranging alphabetically from "agriculture" to "zoo".

Marvin Selden Jr., state comptroller, said the new information program complements Iowa's computer-based statute retrieval system which includes computer indexing and storage of some 3,000 pages of state laws and 30 pages of the state constitution.

"This system is as timely as we can make it," Selden said. "In the future, we expect to be able to place a newly passed law in the statute file within hours after the governor signs it."

The statute retrieval program has been operative for two years.

TWENTY-FIFTH ANNIVERSARY OF MONTE CASSINO BATTLE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. PATTEN. Mr. Speaker, May 18, 1969, marked the 25th anniversary of the capture of Monte Cassino by the Polish forces for the Allies during World War II. To commemorate this historical event Polish veterans from all over the world will gather in August 1969 at Monte Cassino. One of the many ceremonies will be the handing over to the Polish Boy Scouts the future care of the graves of Polish soldiers at Monte Cassino.

Monte Cassino is the monastery of the Benedictine monks, which during World War II was ravaged into a heap of rubble from fallen walls and columns. This monastery has been a source of inspiration to the Christian world when monks were sent to different countries to teach the art of reading and writing.

It was not without purpose that all nations sent their best sons to shed their blood for freedom during the last war. The Allies, with each of several wonderful American divisions fought with typical courage of their nation. Alongside the Americans, was the French Algerian division, which combined the tactical skill for which the French are known. Later imperial forces were committed. But to no avail. The honor of completing the capture of Monte Cassino was to fall to the men of the II Polish Corps under the leadership of Gen. W. Anders. He had but 10 minutes with his staff to make the decision to attack. They were victorious after a bitter fight with the German 1st Parachute Division. This division was the elite of the German Army. Victory belonged to the Polish Forces, who at long last hoisted the white and red Polish flag to signify capture for the Allied army.

No words can measure the contribution this hard fought conflict made toward ultimate victory in Italy. Those who fought there and died, opened the road to Rome for all who came later. However, the road home for the Poles was closed by the Yalta Pact. Poland, the country that Roosevelt called "an inspiration to nations" became occupied by Soviet soldiers.

The world would like to forget this grave injustice done to Poland at Yalta. But its conscience will not rest easily as long as those 1,500 crosses dotting Monte

Cassino stand as mute evidence of the betrayal of the Polish soldiers. They gave their souls to God and their hearts to Poland. On a foreign battlefield, they gave their lives for their neighbors' freedom—but their freedom was denied them, denied their countrymen and denied their country Poland.

Those of my constituents who were in the Polish Army II Corps and who were awarded the Monte Cassino Cross are as follows: Wacław Janulewicz, Aleksander Jankowiak, Mieczysław Jesionka, Władysław Horezga, Jan Kot, Ludwik Kula, Tadeusz Kurabinski, Paweł Moszkowski, Kuzma Mironowicz, Józef Mroz, Kazimierz Nagiecki, Tadeusz Rychter, Hipolit Pienkowski, Józef Piotrowicz, Wacław Sosnowski, Wacław Szwarowski, Michał Sadowy, Władysław Sosulski, Józef Siatkowski, Czesław Werno, Wincenty Zaler, Piotr Zukowski, Edmund Nowacki, and Józef Kozłol.

WILL THE VALUE-ADDED TAX SOLVE OUR FOREIGN TRADE PROBLEMS?

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. MIZE. Mr. Speaker, as chairman of the task force on international trade of the House Republican conference, I am examining, along with my colleagues on the task force, all aspects of our world trade policies and how they should be revised. In this regard, I noted with interest an article in the May issue of Banking by the former Secretary of the Treasury, Joseph W. Barr, under the title, "Will the Value-Added Tax Solve Our Foreign Trade Problems?"

Mr. Barr, now vice chairman of American Security Trust Co., Washington, D.C., calls upon his own considerable knowledge in the area of world trade to provide a thoughtful examination of the value-added tax approach, based on how it has been used to good advantage by other countries. Mr. Barr makes some recommendations for this country to follow in improving our trade relations and in restoring a trade surplus. These recommendations are worthy of study not only by the international trade task force, but by all my other colleagues as well. Under leave to extend my remarks, I include this article in the RECORD:

WILL THE VALUE-ADDED TAX SOLVE OUR FOREIGN TRADE PROBLEMS?

(By Joseph W. Barr)

Recently the February figures on our international trade balance were published and they showed a staggering deficit in excess of \$350,000,000 for the month. This was a new record. True, there was a dock strike, but we have had dock strikes before. Inevitably there will be an intense reexamination of our trade position.

Any reexamination will immediately flush out the major villain—the inflation that has plagued us for too long. But I believe that the reexamination will also point up a basic factor that seems to work against the United States as an exporter. Put quite plainly, we

are probably at a serious disadvantage in international trade because we rely almost exclusively on an income tax to raise our national revenue. The common market countries are turning quickly to a form of national sales tax called the "value-added" tax as a major source of their revenue.

Because of international agreements entered into about 20 years ago, the sales tax or value-added tax can be rebated to exporters without becoming an illegal subsidy. We on the other hand can give no relief under the corporate tax without running afoul of the charge of subsidizing.

I referred to this point in my testimony before the Joint Economic Committee on January 17 and indicated that Secretaries Dillon, Fowler, and I had come to the conclusion that something had to be done. I offered as my personal opinion a form of border taxes under international control as the best solution. I also volunteered the opinion that it was not necessary for us to tear up our present corporate tax system and adopt some form of value-added tax to remove the present inequities.

This statement did not create much stir. I suppose that it was drowned out by the uproar over another remark I made referring to a "middle class taxpayers' revolt." Quite possibly the press and the public did not completely understand what I was talking about.

Whatever the reason, I would like to call this problem area to the attention of bankers. It can be of crucial importance to banking. Any major move toward a value-added tax can involve banking in more headaches than I like to contemplate. As I am now a banker, it seems fitting that I explain and amplify my remarks of last January 17. Believe me this is one area that bankers should understand.

SOME BACKGROUND FACTS

First of all, let's look at the history. It was the great dream of governments and economists in the World War II period and immediately thereafter to set up a world in which trade moved freely between nations under certain definite and equitable rules. The terribly restrictive trade policies of the 1930s were obviously a severe deterrent to an expansion of world trade. It was hoped to create an international institution similar to the World Bank and the International Monetary Fund to establish the rules of trade and to enforce them.

This dream proved impossible to negotiate, so the second best route was chosen and an executive agreement among nations was worked out called the General Agreement on Tariffs and Trade. Through this agreement (which soon came to be known as GATT) trading rules were set up designed to make trade among nations as free as possible. Special attention was devoted to the problems of national subsidies for exports and national controls on imports.

In the area of taxation they came to an agreement that a sales tax (an indirect tax) always was added to the cost of production and ended up in the price of the finished product. They also agreed that a corporate tax was paid by the corporate shareholders and never ended up as a factor in the price of a finished article.

In GATT they further agreed that exports should not bear the burden of domestic taxes in their price, as they left the country, but that imports should carry their fair share of the domestic tax burden.

Therefore, it was agreed that a domestic sales tax would be rebated to the manufacturer (or exporter) on all articles he sold as exports. They also agreed that imports coming into the country would be subject to the domestic sales tax.

However, as they had determined that the corporate tax had no relation to the price of an article, no adjustments were allowed for the corporate tax.

I should say at this point that this policy was in line with economic thinking in the late 1940s and early 1950s and this nation raised no serious objection. Then, too, the whole focus of policy in the late 1940s was directed at getting world trade going again, and a reading of history would indicate that we were willing to put this nation at a trading disadvantage. This policy ran through our foreign aid, military, and trade policies at that time. Looking back I suppose that this was not surprising in view of the chaos and destruction that prevailed in Europe and Japan.

As the nations of Europe recovered and as they entered the Common Market, the advantages of the tax arrangements made under GATT became more apparent. First of all there was an examination of the effect of the direct national sales tax. It was soon discovered that this tax tended to "cascade" or pyramid. The tendency for these taxes to pyramid occurred because each step in the production line in essence paid a tax on a tax, and the final tax to the consumer was inflated. The system also made it very difficult to determine just how much tax was carried in the price of a finished product.

INTRODUCED BY FRANCE

The French pioneered in a system called the "value-added" tax designed to eliminate the "cascade" effect and to pinpoint the precise tax paid. The value-added system accomplishes this by, in effect, requiring a separate tax invoice to accompany each transaction. This means, with respect to exports, that the entire amount of the tax can be precisely measured and rebated whereas, under the "cascade" system, there was often undercompensation because of the difficulty of identifying the tax element in exports.

The Common Market countries have been so attracted to the French plan that they have moved to harmonize their tax systems on a value-added basis and to end up at a 15% rate.

For the Common Market nations this is all fine and quite fair. Their exports leave their borders free of a large share of the domestic tax burden while imports coming in carry the same load of taxation borne by domestic producers.

But look at the manufacturer in the U.S. There are probably some state and local sales taxes that he has paid, but his principal tax is the corporate tax. Under GATT rules no relief can be granted and his product leaves the U.S. carrying the full weight of U.S. taxation. Conversely he must compete against imports that have escaped a large portion of the domestic tax burden if they were produced in the Common Market. One can only conclude that this is a "hell of a way to run a railroad."

In the past eight years U.S. manufacturers have complained bitterly to Secs. Dillon, Fowler, and to me that they were faced with an unfair situation, and asked us to devise some comparable relief under our tax laws. However, we always ran squarely up against the GATT formula stating that corporate taxes had nothing to do with prices and any relief for exports in the corporate tax was prohibited because it constituted a subsidy.

A DEBATABLE QUESTION

The academics were also divided. The old question of who paid the corporate tax—share-holders or consumers—was still the subject of intense debate. After eight years of surging prosperity, however, I believe the consensus shifted more strongly toward the consumer. In strong markets it became apparent that corporate managers were aiming for a cash flow and to achieve their goal had to factor the corporate tax into their pricing decision.

The most telling blow was administered last November when the Germans reduced their border taxes and the French increased

their value-added taxes at the border to alter trade patterns in favor of France and against Germany. This course was followed rather than increasing the value of the mark and decreasing the value of the franc. So far as I was concerned this action clinched my conviction that the U.S. was at a disadvantage in relation to the Common Market because of our differing tax policies.

TWO POSSIBLE ROUTES

If one accepts this thesis what can we do about it? There are two routes open

(1) The U.S. could adopt a national value-added tax which would be superimposed on the corporate tax if we wanted to raise more revenue, or it could be designed to replace a portion of the corporate tax. The latter is the course recommended by the Committee for Economic Development and possibly the course with the most support. This route involves no tedious international negotiations. It is perfectly permissible under present GATT rules. It would, however, set off a domestic donnybrook. States and cities would argue that we were invading their tax areas. Labor unions have never liked sales taxes. Finally it opens up a whole new can of worms for banking and finance.

(2) The other route and the one I favor is to renegotiate GATT and to restudy its tax provisions to equalize treatment between nations who choose to rely on corporate taxes and those who choose to rely on national sales or value-added taxes. This could be done in one of two ways. It could be decided to eliminate all or part of the rebate granted to exporters in sales tax countries. Or corporate tax countries could be permitted to impose equalizing taxes at their borders. For example, the U.S. might be permitted to impose a 5% to 10% tax on imports at our borders, and the proceeds would be used as a subsidy of 5% to 10% to exporters. I believe that this latter route has a better chance in international negotiations.

Now why should bankers be worried about a value-added tax? First of all bankers are treated comparatively well under the corporate tax—not so well as savings and loan associations, mutual savings banks, lumber companies, or the international oil companies, but still much better than the average manufacturing corporation. Banking's advantages in order of importance lie in the tax exempt status of state and local obligations, the special capital gains treatment accorded banks, and the fact that our bad debt reserves for tax purposes are considerably in excess of our experience ratio. There is simply no other way to read the record except to conclude that banking is in a favored position with respect to the corporate tax—not the most favored because the industries I listed above get much better treatment—but still favored. So any hasty embracing of the value-added tax is not too sensible.

We can, and perhaps equity indicates that we should, lose some of our favored position (provided the savings and loans, savings banks, and lumber and oil companies also lose their shelter) and still have a pretty fair life with the corporate tax. But to adopt a value-added tax raises the specter of what amounts to a gross (not net) income tax on our receipts for interest and services. The Common Market countries have largely excluded financial transactions from the scope of the value-added tax. We would probably not be so fortunate unless we were prepared to wage a bitter fight.

I have lived eight years with the tax writing committees of the Congress, and the mere thought of trying to get banks and financial transactions out from the clutches of a value-added tax makes me shudder.

FOUR CONCLUSIONS

In conclusion let me summarize my position.

(1) I have no doubts that the Common Market countries have a distinct advantage over the U.S. in their ability to export be-

cause of the GATT rules on the treatment of direct as opposed to the corporate tax when applied to exports.

(2) The U.S. should attempt to renegotiate the GATT rules on taxation. This effort should have the full support of U.S. bankers.

(3) Banking should oppose a value-added tax as a substitute for a portion of the corporate tax.

(4) The best solution is probably a system of border taxes for every country—direct or corporate tax countries—under strict international control.

Bankers should give our Government positive and meaningful support in its attempts to restore our trade surplus. However, we should also be in a position to assess the impact of different solutions on our part of the U.S. economy.

SALES VERSUS VALUE-ADDED TAX

To illustrate the pyramiding effect of a sales tax and how a value-added tax eliminates such pyramiding, let us trace the course of iron ore from the mine, to the steel mill, to an automobile manufacturer, and to the consumer.

Under a 15% sales tax, \$100 worth of iron ore costs the steel mill \$100 plus a sales tax of \$15, or a total of \$115. The mill converts this into steel which it sells to an automobile manufacturer for \$400 plus a sales tax of \$60, or a total of \$460. The manufacturer makes a car from this steel which he sells for \$1,000 plus a sales tax of \$150, or a total of \$1,150. The taxes paid amount to \$15 plus \$60 plus \$150, or a total of \$225.

Under a value-added tax, the 15% applies only to the value added to the product at each step. The steel mill stills pay \$115 for the iron ore—\$100 for the ore and \$15 in taxes. That's because the iron ore producer, as the original handler, added the full value of \$100 to the product. But when the steel is sold to the automobile manufacturer, the tax is reckoned only on the value added by the steel mill. In this case it would be the value of the steel (\$400) minus the cost of the ore (\$115) or \$285. The steel costs \$400 plus a tax of \$42.75 (15% of \$285), or a total of \$442.75. Similarly, the automobile manufacturer who pays \$442.75 for the steel and fashions it into a car worth \$1,000, adds a value of \$57.25 to the steel. When the car is sold, the consumer pays \$1,000 plus a 15% tax on the \$57.25, or a total of \$1,083.59.

The taxes paid under a value-added system amount to \$15 plus \$42.75 plus \$83.59, or a total of \$141.34. This is appreciably less than the \$225 paid under the sales tax method.

NEW BANKING AND REGULATION CHANGES

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my address to the Continuing Management Education Co. seminar, held at the New Yorker Hotel in New York City, Friday, May 16, 1969. The address follows:

NEW BANKING AND REGULATION CHANGES

As in many other aspects of American society, dramatic changes are taking place in the banking industry. We in America have long prided ourselves on our talent to stimulate and derive social benefits from changing conditions. Acceleration in the rate of change, however, particularly in the last year, threatens to overwhelm long standing concepts about the structure of the American

banking industry and the role of Federal banking regulation.

Banking in the United States has developed differently from other industrial countries. The concept of "unit banking" has been our keystone. Locally oriented, independent, banks have been relied upon to provide facilities and services to people of particular areas. Other industrial countries, Great Britain, Germany, and France, for example, have centralized banking systems that reduce to a minimum local and regional influences.

The unit banking system has played a key role in our economic development. It assures the fullest application of competitive forces. It provides opportunity to realize local community objectives, and in so doing provides stability to the political base.

Because of its unique relationship to nearly all other business activity, and because it is an essential part of the Nation's fiscal and monetary system, the banking business long has had special attention from the Federal Government. Special laws and regulations over banking have existed almost from the beginning of the Country.

During this century, Government regulation has been preoccupied with the effort to find methods to arrest or control the steady increase in bank concentration. With very few exceptions, since the Depression, when 4,000 banks suspended operations in 1934, the number of banks in the United States has steadily declined. This loss of independent banks, from 15,940 in December 1935 to 13,693 in March 1969, in large part has resulted from mergers and consolidations. The House Antitrust Subcommittee in 1955 reported that bank mergers had resulted in a net loss of 850 banks in the period 1950 to 1955. The 1965 report on "Interlocks in Corporate Management," notes that in the period 1950-1959, 1,503 banks were absorbed by merger, against 887 new bank charters.

Not only has the number of banks decreased, at the same time the volume of business has increased, and in most of the metropolitan areas a few large banks have most of the added business. In 1952, the 14,046 commercial banks in the United States had deposits of \$172.9 billion and loans of \$64.1 billion. By March 1969, the number of commercial banks had declined 473 (to 13,673), while deposits had increased 82 percent (to \$402.4 billion), and loans had more than tripled (to \$264.4 billion).

Now, in the United States, the typical metropolitan area is one in which assets are heavily concentrated in a few large banks, with a small remaining share diffused among a substantial number of small units. A 1962 study shows that the 4 largest banks had more than 90 percent of the assets in 5 of our principal financial cities (Providence, Pittsburgh, Boston, Atlanta and Richmond), and in 6 other centers the 4 largest banks had more than 80 percent (Minneapolis, Cleveland, Detroit, Dallas, Baltimore and Washington).

The persistent and powerful trend toward increased concentration has overshadowed Government regulation of banking throughout the post World War II period. Government antitrust officers and bank supervisory officials alike sought legislation to stem or to direct the bank merger tide. After the enactment of the Celler-Kefauver Act in 1950, I proposed an amendment to the antitrust laws that would reach bank mergers that were accomplished through asset acquisitions. In 1960, this effort was suspended when enactment of the Bank Merger Act required the banking agencies to take into consideration antitrust standards when they passed on bank mergers.

Additional legislative controls over bank concentration were obtained in 1956 on enactment of the comprehensive regulations in the Bank Holding Company Act. That Act vested power in the Federal Reserve Board

to control the growth of bank holding companies and to restrict their activities to those that were closely related to banking so that the abuses and the anticompetitive results of concentrated economic power could be avoided.

During the 1950's and early 1960's, the Government's attitude about bank mergers and banking concentration was one of concern. In 1968, startling changes occurred that changed this attitude to one of alarm. The rapidity and extent of these changes threaten to overwhelm the customary process of continuing adjustment and accommodation between industry's private motivations and the Government's public responsibilities.

Statistics on the one-bank loophole in the Bank Holding Company Act illustrate the problem. In 1956, Congress exempted from regulation a holding company that controlled only one bank. At that time, there were 117 one-bank holding companies which controlled deposits of \$11.6 billions.

The one-bank exception was granted to protect and foster local ownership of small unit banks in communities that otherwise might not be able to support a bank. Some were old operations where a commercial enterprise acquired or opened and operated a bank. Coca-Cola Co., for example, acquired Atlanta Trust. The overwhelming majority of one-bank holding companies owned small banks, however, which were combined with even smaller interests in nonbanking activities. Although the one-bank exemption was a minor exception to a general rule, throughout this period, for uniformity and equality of treatment the Federal Reserve Board sought to close this loophole. All one-bank holding companies would have been required to register and would be limited to fields closely related to banking.

For a decade the one-bank loophole did not create much concern. With about 40 new one-bank holding companies formed each year, in most cases by small banks, by 1965, there were 550 with deposits of \$15.1 billion. Even as late as September 1968, 85 percent of the existing one-bank holding companies had deposits of less than \$30 million each.

In 1965, the Boston Safe Deposit and Trust Company pioneered the use of the one-bank holding company exemption to diversify into nonbanking fields. From one subsidiary in 1965 it has grown to 15. Together they furnish a wide variety of financial services—from the management of pension funds to consultation on oil ventures.

In the Fall of 1967, Union Bank of Los Angeles organized as a one-bank holding company, Union Bancorp, to acquire a mortgage brokerage concern. It has since moved into insurance brokerage, and through subsidiaries has become a property and casualty insurer.

Union Bancorp's move started the stampede to financial congeners. Some banks have turned to the loophole to go into nonbanking business. By December 1968, 34 of the largest commercial banks, with deposits over \$100 billion had announced expansions into fields oft times unrelated to banking.

The assets of one-bank holding companies that have been formed or proposed now exceed those of the banks covered by the Act. In June 1968, there were 106 registered bank holding companies under the Act, and they had deposits of \$48.9 billion. On September 1, 1968, there were 684 unregistered one-bank holding companies, and they had total deposits of \$17.8 billion. By December 31, 1968, the one-bank holding companies exempted by the loophole had grown to 783 existing or announced companies, and their deposits amounted to \$108.2 billion. In summary, the one-bank loophole exempts 7 times the number of banks subject to holding company regulation, and these exempt banks control more than double the deposits of the holding companies that are subject to Fed-

eral Reserve Board regulation. Nearly one-third of the deposits of the Nation's banking system are in institutions that are free to diversify into nonbanking activities that are beyond the scope of banking supervision.

The nonbanking business of one-bank holding companies is substantial and extensive. In September 1966, one-bank holding companies engaged in as many as 99 different types of nonfinancial businesses. These activities ranged from farming to electronics manufacture, from radio and television broadcasting to motion picture production. They include transportation services, retail sales and real estate builders.

This sudden surge in the rate of concentration in 1968 is not limited to the explosion in bank holding companies. Although in the last half of 1968, 34 of the 100 largest commercial banks became occupied with one-bank holding company organization problems, the normal type of bank mergers continued at a high level. There were 67 bank mergers in 1968, 84 in 1967, 75 in 1966, and 76 in 1965.

In the industrial sector of the economy, a similar acceleration occurred. In 1967, there were 169 acquisitions of companies with assets of \$10 million or more, with total assets of \$8.2 billion. This was more than double the \$4.1 billion of acquired assets in such acquisitions in 1966. The rate quickened to \$12.6 billion acquired assets in 1968, and the Federal Trade Commission reports first quarter 1969 figures indicate an annual rate of \$18 billion for 1969.

In 1968 there were 4,462 merger announcements, and this was a 50 percent increase from the 2,975 announcements in 1967. There were 2,442 manufacturing and mining mergers consummated in 1968, which was 1½ times the 1967 level and 3 times the 1960 level. According to the Federal Trade Commission, 82 percent of the mergers in 1968 fell into their conglomerate categories.

What is the cause of this dramatic surge into higher concentration in 1967-1968? Why should some bankers feel the need to expand into nonbank businesses? What has occurred that focuses so much effort on acquisitions in a multitude of seemingly unrelated markets?

The answers are not clear. The House Antitrust Subcommittee now is collecting information in an effort to evaluate the industrial conglomerate merger movement. More will be known when this information is analyzed.

One thing does seem to be present. There has been a revolution in business fact-handling techniques. The computer and automatic data processing permits retrieval and application of mountains of facts. This has brought new dimensions to business management. Ready access to facts and the ability to retrieve and to use vast areas of experience heretofore unavailable because of lack of time has expanded our ability to control the business environment. In financial areas, these new tools have facilitated the drive into broader fields than those traditional for banking.

Whatever the cause, the results are clear. Government officials on all sides are concerned that these changes threaten the basic structure of the American industrial system. The one-bank loophole could be a vehicle to link together major financial and industrial interests in an alliance beyond the power of effective regulation. On all sides there is a conviction that something must be done quickly. The House Banking and Currency Committee held hearings on this problem as early as September 1968, and on February 11, 1969 published a detailed staff report on the "Growth of Unregistered Bank Holding Companies." Representative Patman introduced his bill to close the one-bank loophole on February 17, 1969.

President Nixon on March 24, 1969, requested legislation to deal with one-bank holding companies. He stated:

"Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers."

William McChesney Martin, Chairman of the Federal Reserve Board has expressed similar concern. He is of the view that the rapid increase in one-bank holding companies, if unchecked "could affect the whole economic system of the United States."¹

Secretary of the Treasury Kennedy also sees pervasive changes. Unless the merging of banking and commerce are stopped, he says:

"Our economy could shift from one where commercial and financial power is now separated and dispersed into a structure dominated by huge centers of economic and financial power. Each would consist of a corporate conglomerate controlling a large bank, or a multi-billion-dollar bank controlling a large nonfinancial conglomerate."

There is another side to this story. Spokesmen for the banking industry point out that the move to one-bank holding companies is in response to a squeeze play against banks by well organized commercial and financial groups. Henry Harfield, an eminent authority on banking law and a partner in the law firm of Shearman and Sterling, told the Bank Counsel Seminar on April 26, 1968:²

"The banking industry is in a squeeze today. The pressure is applied at many points and in many ways . . .

"The right of a national bank to sell insurance has been judicially denied in a Federal court in Georgia. The right of a national bank to provide travel services is under judicial attack in a Federal court in Massachusetts. The ability of national banks to underwrite revenue bonds has been judicially denied by a Federal court in the District of Columbia. The right of a national bank to perform fiduciary services for its customers through a commingled investment account has been challenged, so far successfully, in the Federal court in the District of Columbia. The right of national banks to perform computer services for their customers is under attack in Federal courts in Minnesota and in Rhode Island. This is the squeeze on the business of banking.

"The common denominator is the effort of organized commercial and financial groups to protect their profitable areas by compressing the permissible area of banking."

These statements make it clear that the Government officials with banking responsibilities have a wide area of agreement that prompt action is needed to regulate and control this threat. This change in industry condition has been so swift and so basic that it will not permit much delay in corrective legislation. As usual, in anything that directly affects both political and financial interests, there is wide divergence in viewpoint on the appropriate method to protect the public interest.

These differences, particularly differences about selection of the regulatory body to be responsible for supervision of bank holding companies, and differences about the extent and type of new nonbank financial services to be permitted bank holding companies, are fundamental. The decisions that must soon be made on these questions will shape the course of the banking industry, industrial growth, and Government effectiveness for years to come. The magnitude of the changes now underway is a measure of the importance of these differences.

¹ Statement, April 18, 1969, House Banking and Currency Committee, Hearings on H.R. 6778.

² Why Banks Leave Home, Bank Stock Quarterly, September 1968.

This Country has had its full share of bitter experience with abuses that flow from efforts by bankers to pursue business ventures that are not closely related to banking. No man can serve two masters. Bank regulation since the Civil War basically has been an attempt to keep bankers and banking (the suppliers of money) separate from commerce and industry (the users of money).

We have had the Pujo investigation in 1913. We have had the Pecora investigation in 1934. These investigations produced mountains of evidence on the evils, both business and political, that flow when bank managers dilute their interests and become oriented toward different objectives in other businesses. As a people, we know from experience that when banking institutions are permitted to take on nonfinancial interests some bankers become infected with a speculative fever and undertake practices and transactions that have the direct consequences for the public.

It is no matter that the great majority of banks and bankers throughout these periods have comported themselves with honor and with dignity in dealing with nonfinancial interests. Nearly all regulatory laws, in any field, is forced not by the conduct of the majority but from the misbehavior of the few.

The record of corporate holding companies in the United States is full of examples of unlawful securities manipulation, corruption of public officials and abuse of economic power. For years after the 1920's the term "holding company" was synonymous with scandal. We have but to recall the excesses in utilities empire building and the securities manipulation of some investment bankers to recognize the necessity to keep financial management interests separate from industrial management interests.

The record shows there is a constant threat that the management of the holding company may become more interested in securing additional funds for expansion than in the efficient operation of his subsidiaries. The lure of short term savings in current stock prices all too often lead to operations that injure or destroy long run profitability.

It is to the credit of the Federal Reserve Board that the holding companies it regulates under the Bank Holding Company Act have not been permitted to engage in these misleading practices. There has been no pyramiding or watering of stock to weaken financial stability. For this reason it is argued that the Federal Reserve Board's surveillance should be extended to the one-bank holding company, and that its record is good. On the other hand, as is provided in the Administration amendment to the Bank Holding Company Act, regulation lies with a troika, namely the Federal Reserve Board, the Federal Deposit Insurance Corporation and the Comptroller of the Currency. All regulatory orders must be with the unanimous consent of all three agencies. That means any agency would have the right of veto. Personally I believe if all three agencies are to be involved unanimity of all three is impracticable.

The Nixon Administration has recommended amendments that would permit all bank holding companies—not just one-bank holding companies—to undertake activities that would not meet the test of being "closely related to the business of banking."

At the present time, the Bank Holding Company Act permits registered bank holding companies to acquire "shares of any company, all the activities of which are financial, fiduciary, or insurance nature and which the [Federal Reserve] Board . . . has determined to be so closely related to the business of banking . . . as to be proper incident thereto . . ."

The Administration would amend Section 4(c)8 to permit registered bank holding com-

panies—both one-bank and multi-bank—to acquire shares in any company engaged exclusively in activities which have been determined by unanimous agreement of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board "(1) to be financial or related to finance in nature of a fiduciary or insurance nature, and (2) to be in the public interest when offered by a bank holding company or its subsidiaries."

This language is somewhat vague and should be clarified by amendment or the report on the bill by the Committee or the legislative history of the bill as revealed in debate must make crystal clear the Congressional intent of the words used. This is certain, purely business operations must be excluded.

What is needed, if the test "closely related to the business of banking" is not used, is for Congress to define with a fair degree of precision the list of nonbanking activities that affiliates of holding companies will not be permitted to undertake. Congress cannot take the chance that banks will be permitted to expand into all manner of services that are not directly related to the banking business.

If an amendment is needed for permissible areas of holding company activity, Congress should define a list of permissible nonbanking businesses. Congress should not assign this task to the limbo of a regulatory committee. We have had all too much experience with symbiosis between the regulators and the regulated.

Both of the bills now being considered by the Banking and Currency Committee contain a number of additional changes in bank holding company regulations. Although such questions as the "grandfather clause," additional prohibitions against interlocking directorates, application of a "size" test in acquisitions, to mention only a few, are important, they are overshadowed by the pressing need to close the one-bank loophole itself, and to provide a way to delimit permissible nonbanking activities of holding companies. The hearings and report of the Banking and Currency Committee will furnish a much more substantial basis for final decision on these ancillary matters.

CRISIS IN THE MIDDLE EAST

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. HALPERN. Mr. Speaker, an outstanding and pertinent analysis of the developing crisis in the Middle East has been made by Congressman HAMILTON FISH, Jr. I believe that Congressman FISH's observations are of such merit that they should be studied by all Members of the Congress. Accordingly, I am inserting them in the CONGRESSIONAL RECORD.

In view of the dangerous situation in the Middle East, I feel we would be well advised to heed the timely and important questions raised by Congressman FISH. These questions reflect both wisdom and propriety with respect to the development of American policy.

We have every right to be concerned about the unwillingness of the Arabs to make a real peace with Israel, the Arab resolution of the pattern of violence and the pressures exerted on behalf of the Arabs by the Soviet Union and the other Communist states. I commend Congress-

man FISH's remarks to the attention of my colleagues:

CRISIS IN THE MIDDLE EAST

It is a pleasure to be here tonight and to be able to report to you that many members of the Congress share with me the conviction that the fate of the State of Israel is directly related to the security interests of NATO, the United States, and the Free World.

As indicative of this position, I was joined by 63 other members of the Congress in a Sense of Congress Resolution early in January, opposing the one-sided condemnation of Israel by the United Nations, and which opened with the statement, "The United States must continue the pursuit of an honorable Arab-Israel peace in her highest national interest."

More recently, to commemorate the 21st birthday of the State of Israel, I joined with more than half the members of the Congress in signing a Declaration for a Middle East Peace, in which we reaffirmed our conviction that peace can only come through direct negotiations between Israel and the Arab belligerents.

Tonight, I believe, we would all be well advised to observe the unfolding of what I consider ominous developments in the Middle East. Some of these actions I will touch on are old, with only a change in intensity. Some of them are new. Added together, I believe, they spell a building to crisis in that troubled area, that soon will be, if it is not already, beyond any control.

I believe we are all aware of the unrelenting pressures being exerted upon the mid-East and Mediterranean by the Soviet Union. Russian ships crowd the Mediterranean. Russian arms flow to the Arab states—and to the terrorist and guerilla bands that have become a power unto themselves. Russian advisors and technicians are in Egypt, with the numbers reported as high as six to eight thousand. It is also reliably reported that Soviet Army artillery officers are supervising the massive Egyptian artillery barrages that threaten to erupt into another full-scale war.

Arab Terrorist movements have harassed the State of Israel, sowing fear and discord in the Middle East for a generation. Today, supported by Soviet arms, and fed by nationalist hate, they have grown in power until they threaten even the pro-western government of Lebanon. King Hussein has been forced to appease these extremists within his Kingdom to a degree that the Jordanian Government seems no longer its own master.

And although all this is troubling enough, new dangers loom in that deteriorating arena. A delegation of military officers have reportedly left Syria—the most radical of the Arab states—and gone to Communist China. It is reliably reported that Peking has promised to send ground-to-ground missiles and Chinese technical advisers to Syria to escalate the present so-called "War of National Liberation". With such armament, Tel Aviv and Jerusalem could easily become the Saigon and Hue (Way) of the Middle East.

Against this background, it is well to know that President Nixon has pledged that Israel's vital interests will be preserved—that the present Big Four talks will not lead to a sell-out of Israel.

Our Administration policy is that withdrawal of Israeli occupied Arab lands must occur only with the mutual consent of the parties directly involved, based upon a face-to-face settlement involving recognized, definable and just boundaries. These are the peace aims of the United States.

Knowing the unrelenting hostility toward Israel by the Arab nations—recognizing that unchecked terrorist harassment is based in Arab nations—proud of our country's stated position on peace aims in that area—I must admit that I am somewhat puzzled by certain policies of our government, initiated during the last Administration, and which linger on today.

I refer to the continued shipment of U.S. arms to Jordan and the training of Jordanian forces in the United States. A squadron of F-104 jets is to be delivered to Jordan in the very near future, with another squadron to be shipped soon thereafter. Artillery, radar, and other arms are also being shipped.

Yet, at the same time, we are training Israeli military personnel—especially pilots—in this country. These pilots are being trained to fly the 50 phantom jets scheduled for delivery before the end of this year.

As I stated on the Floor of the Congress on March 26, I strongly question the wisdom of arming and training both sides. I question the wisdom of adding our armament to the side already being heavily stocked by the Soviet Union and the Communist Chinese. It seems to me such actions run directly counter to our announced policy in the Middle East. To add to the aggressive capacity of the Arab nations while proclaiming that we will not attempt to purchase a Soviet accord at the expense of Israel—is to state the case charitably a contradictory policy.

It would seem only wise that any military assistance offered Jordan be conditioned on strict observance by that state of the cease-fire agreement. If that had been done, Jordan's conduct during the past months is such that all contracts would have been suspended.

The Joint Congressional Declaration, which specified that the United States should not impose upon Israel a premature withdrawal from the cease-fire line, coupled with the Administration's position, clearly argues against a dual armament policy.

I can appreciate at least part of the problem. Mail in my office is heavy with letters opposing our Vietnam involvement. But the tragic situation in Vietnam must not so preoccupy us, or so weaken our spirit, that we lose sight of the historic and strategic importance of the Middle East. It is unfortunate—but understandable to a student of history—that the Middle East is developing into the prime point of confrontation between the Free and the Communist world. It is a fact. Our resolve must not be weakened.

Miscalculation of U.S. interest by Russia, or China, or the fanatical forces they are exploiting in the Arab nations today, must be prevented. I believe the United States should make it unmistakably clear to the world that we hold Israel's Arab neighbors responsible for terrorist activity operating from their countries. We should remind the world that retaliation for continued harassment against one's homeland is no sin, firmly rejecting one-sided condemnations. We should underscore the justice on our side by continuing our assistance to Israel.

The United States is heavily charged to make it unmistakably clear that we seek a settlement of the tensions in that area through direct negotiations between the combatants. Genuine peace in the Middle East is a major goal of American policy.

Thank you.

WHAT EVERY EMPLOYER SHOULD KNOW ABOUT HANDICAPPED WORKERS

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BUTTON. Mr. Speaker, earlier this month the President's Committee on Employment of the Handicapped held its annual meeting here in Washington. Through the auspices of the State of New York AFL-CIO, the winner of an

essay contest on "Ability Counts," sponsored by the Governor's committee on employment of the handicapped came to Washington to take part in that meeting.

I am pleased that the winner from New York is a resident of my congressional district. Judith Cohn, of Albany, N.Y., is a remarkable young lady for her insight into the problems of the handicapped.

It is an honor for me to share with my colleagues Miss Cohn's perspicacious essay:

WHAT EVERY EMPLOYER SHOULD KNOW ABOUT HANDICAPPED WORKERS

The majority of the roads to rehabilitation and employment of handicapped workers are blocked by barriers of apathy, caution and ignorance on the part of potential employers. We can help to prevent these barriers from forming by informing all employers of the many abilities of the handicapped populace.

What should every employer know about handicapped workers? The handicapped, as a majority, have been found to be dedicated employees with excellent records in attendance, productivity and job adjustment. Miss Walsh, who is in charge of Recruiting and Placement in the Veterans Administration Hospital in Albany, offered this interesting statement, "Impaired workers are not handicapped when employed in the right jobs in your business."

Upon speaking with Miss Murray, the Associate for Staff Development of the State Division of Vocational Rehabilitation Administration in Albany, I gained knowledge on this topic by her interesting replies to my interview. She informed me that, "It is good business to hire the handicapped because they are reliable, able, and productive workers who are ready and willing to do the job correctly. They have the same wide range of skills, abilities, and interests as other people."

Records also show that impaired workers have fewer disabling injuries than unimpaired ones when exposed to the same work hazards. Placement of the handicapped in your business is much more than a humane gesture, it is a sound business investment today and a step toward tomorrow's profit and production.

Through my interviews I've learned that there is much misinformation concerning casualty insurance programs and the handicapped worker.

There is no provision in workman's compensation insurance policies or rates that penalizes an employer for hiring handicapped workers. Employers who have such ideas have simply been "hoodwinked" by "scuttle-butt" rumors that are easily circulated because of their sensationalism. When placed at the proper jobs, the handicapped have an accident experience that is as good as that of their able-bodied fellow workers—and is often superior. So then, the possibility for an increase in an employer's compensation insurance costs is nullified.

The Federal-State program which supports vocational rehabilitation of the mentally retarded has brought about many advances. Many agencies throughout the country have training programs for the retarded. They are given comprehensive job training in a simulated work atmosphere. Their "graduates" are far more carefully screened than the average applicant for employment. The retarded worker is usually stable and takes pride in his job. He does not become easily bored by repetition. "Jobs calling for simple skills, repeated acts, and established routines are often done better by the retarded." This opinion was voiced by Miss Walsh of the Veterans Administration Hospital in Albany.

Mr. Edmond McCann, manager of the Blind Association in Albany, helped to acquaint

me with many facts that every employer should know about blind workers. He said, "When a blind person has decided, with the help of his counselor, what sort of job he is fitted to do, and would like to do, the next step is the special education and training to enable him to do it. When the client is trained and ready to go to work, the counselor will aid him in finding a suitable job."

After my visit to the Blind Association, I decided to interview employees who had hired the handicapped and I was overwhelmed by their praise of these handicapped individuals. I interviewed a shop foreman about a blind operator of a screw machine, and he stated, "Since Frank has been with us, the morale of our group has hit a new high—and so has our production." I also interviewed a training manager of a large department store about a blind packer in the distributing department. The manager smiled after my question and said, "Her fellow employees have never regarded her as a burden. As a matter of fact, they are proud of her performance and independence."

Above all, I think what every employer should remember about handicapped workers is: "It's not the disability, but the ability, that counts."

THE ROAD TO THE TOP IS THROUGH HIGHER EDUCATION—NOT BLACK STUDIES

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article:

THE ROAD TO THE TOP IS THROUGH HIGHER EDUCATION—NOT BLACK STUDIES

(By W. Arthur Lewis)

When a friend suggested that, since I had spent all my adult life in black-power movements and in universities, I might make some comments on the highly topical subject of black power in the American university, it did not at first seem to be a good idea. Now that I have come to grips with it I am even more conscious of my folly in tackling so difficult and controversial a subject.

I am also very conscious that my credentials are inadequate, since the black-power movements in the countries with which I am familiar differ fundamentally from black power in the United States. My stamping grounds are the West Indies, where I was born, and Africa, where I have worked, and which I shall be visiting for the 14th time next month. But in both those places blacks are the great majority of the people—97 per cent in Jamaica, 99 per cent in Nigeria. The objective of the political movements was therefore to capture the central legislature, and the executive and judicial powers. In the United States, in contrast, blacks are only 11 per cent of the population, and have neither claim to nor prospect of capturing the Congress, the executive branch, or the Supreme Court for themselves alone. The objectives have to be different, and the strategy must also be different. Comparison between the colonial situation and the position of blacks in America is bound to mislead if it is suggested as a basis for deciding political strategy.

The fact of the matter is that the struggle of the blacks in America is a unique experience, with no parallel in Africa. And since it is unique, the appropriate strategies are likely to be forged only by trial and error. We are all finding the process a great trial, and since our leaders are going off in all direc-

tions at once, a great deal of error is also inevitable. I myself, in venturing onto this ground, claim the protection of the First Amendment, but do not aspire to wear the cloak of Papal infallibility.

The goals and tactics of black power in America have to be adjusted to the reality of America. Take the issue of segregation. Everywhere in the black world, except among a small minority of American blacks, the fight against segregation has been in the foreground of black-power movements. This goes without saying in countries where blacks are the great majority; yet there are situations where a minority may strengthen itself by temporary self-segregation of a limited kind.

All American minorities have passed through a stage of temporary self-segregation, not just the Afro-Americans. Foreigners speak of the United States as a "melting pot" and it may one day be that; but for the present America is really not a melting pot but a welding shop. It is a country in which many different groups of people live and work together side by side, without coalescing. There are Poles, and Irish, and Chinese, and Jews, and Germans, and many other ethnic groups.

But their way of living together is set by the clock; there is integration between 7 o'clock in the morning and 5 o'clock at night, when all mingle and work together in the center of the city, in the banks and factories, department stores and universities. But after 5 o'clock each ethnic group returns to its own neighborhood. There it has its own separate social life. There Poles do not marry Italians, even though they are both white Catholics. The neighborhood has its own schools, its own little shops, its own doctors, and its own celebrations. Integration by day is accompanied by segregation by night.

It is important to note that this self-segregation is voluntary and not imposed by law. An Italian can buy a house in an Irish neighborhood if he wishes to do so, can marry an Irish girl, and can go to an Irish Catholic Church. Many people also insist that this voluntary segregation is only a temporary phase in the acculturation of ethnic groups. They live together until they have found their feet on the American way of life, after which they disperse. The immigrants from Germany and Scandinavia have for the most part already moved out of segregated neighborhoods. The Irish and the Jews are just in the process, and sooner or later the Poles, the Chinese and even the Afro-Americans may disperse. But in the meantime this voluntary self-segregation shelters those who are not yet ready to lose themselves completely in the American mainstream. Other people believe that there will always be cultural pluralism in America, and that this may even be a source of strength. Whether or not they are right about the long run, there is no disputing that voluntary social self-segregation is the current norm.

The black-power movement is therefore fully in the American tradition in recognizing that certain neighborhoods are essentially black neighborhoods, where the black politician, the black doctor, the black teacher, the black grocer and the black clergyman are going to be able to play roles which are not open to them, *de facto*, in other neighborhoods. Many Southern Negroes claim vigorously that blacks are better off in the South than in the North precisely because the Southern white philosophy has reserved a place for a black middle class in the black neighborhoods—for the black preacher or doctor or grocer.

Essentially, what black power is now saying in the North is that the North, too, should recognize that the middle-class occupations in the black neighborhoods belong to blacks, who are not permitted to hold such jobs in Italian, Polish, or other ethnic neighbor-

hoods. The issue is phrased in terms of community power—that is to say, of giving to each neighborhood control over its own institutions—but this is tied inextricably to the distribution of middle-class jobs inside the neighborhood. It is unquestionably part of the American tradition that members of each ethnic group should be trained for the middle-class occupations in their neighborhoods, and that, given the training, they should have preference in employment in their own neighborhoods.

This kind of voluntary self-segregation has nothing in common with the compulsory segregation of other countries. An American neighborhood is not a ghetto. A ghetto is an area where members of an ethnic group are forced by law to live, and from which it is a criminal offense to emerge without the license of the oppressing power. This is what apartheid means in the Union of South Africa. An American neighborhood is not a place where members of an ethnic group are required by law to live; they may in the first instance have been forced to live there by circumstances, but it is soon transmuted, ideally, into a place where members of the group choose to live, and from which, ideally, anybody can emerge at any time that he wishes to do so. To confuse this neighborhood concept with apartheid is an egregious error.

The fundamental difference between apartheid and the American neighborhood comes out most clearly when one turns from what happens after 5 P.M. to what happens during the daytime. A neighborhood is a work place for less than half the community. The teachers, the doctors, the police, the grocers—these work where they live. But these people are supported by the labors of those who work in the factories and in other basic occupations outside the neighborhood. Some 50 to 60 per cent of the labor force moves out of the neighborhood every morning to work in the country's basic industries.

So a black strategy which concentrated exclusively on building up the black neighborhoods would be dealing with less than half the black man's economic problems. The neighborhood itself will not flourish unless the man who goes out of it in the morning brings back into it from the outside world an income adequate to support its institutions.

I wrote earlier that the American pattern is segregation in social life after 5 P.M. but integration in the economic life of the country during the day. American economic life is dominated by a few large corporations which do the greater part of the country's business; indeed, in manufacturing, half the assets of the entire country are owned by just 100 corporations. The world of these big corporations is an integrated world. There will be black grocery shops in black neighborhoods, but in your lifetime and mine there isn't going to be a black General Motors, a black Union Carbide, a black Penn-Central Railroad, or a black Standard Oil Company. These great corporations serve all ethnic groups and employ all ethnic groups. American economic life is inconceivable except on an integrated basis.

The majority of Afro-Americans work not in their neighborhoods but for one of the non-neighborhood corporations or employers, and so it shall be for as far ahead as we can see. The black problem is that while we are 11 per cent of the population, we have only 2 per cent of the jobs at the top, 4 per cent of the jobs in the middle, and are forced into 16 per cent of the jobs at the bottom—indeed into as much as 40 per cent of some of the jobs at the very bottom. Clearly, our minimum objective must be to capture 11 per cent of the jobs in the middle, and 11 per cent of the jobs at the top. Or, for those of us who have a pride in ourselves, it could even be an objective to have 15 per cent of the jobs at the top and in the middle, and only 8 per cent of those at the bottom, leav-

ing the very bottom to less ambitious ethnic groups.

Not all our leaders understand that our central economic problem is not in the neighborhoods, but is in the fact that outside the neighborhoods, where most of us have to work, we are concentrated in the bottom jobs. For if they understood this they could not be as hostile as they are toward the black middle and upper classes. The measure of whether we are winning our battle is in how many of us rise to the middle and the top.

When a so-called militant abuses a successful Afro-American for having by virtue of extreme hard work and immense self-discipline, managed to get to the top in the outside world, instead of devoting his energies to being—in the neighborhood—a social worker, or a night-school teacher, or a semi-politician, such a critic is merely being absurd. Rising from the bottom to the middle or the top, in the face of stiff white competition, prejudice and arbitrary barriers, takes everything that a man can give to it. It is our militants who should month-by-month chalk up the score of those who have broken through the barriers, should glory in their achievement, and should hold it up before our young to show them what black men can achieve.

Now, at last, I reach my central topic, which is the black man and the university. The road to the top in the great American corporations and other institutions is through higher education. Scientists, research workers, engineers, accountants, lawyers, financial administrators, Presidential advisers—all these people are recruited from the university. And indeed nearly all of the top people are taken from a very small number of colleges—far not more than some 50 or 60 of the 2,000 degree-granting institutions in the United States. The Afro-American could not make it to the top so long as he was effectively excluded from this small number of select institutions. The breakthrough of the Afro-American into these colleges is therefore absolutely fundamental to the larger economic strategy of black power.

I do not mean to suggest that the most important black strategy is to get more blacks into the best colleges. Probably the greatest contribution to black advancement would be to break the trade-union barriers which keep our people out of apprenticeships in the building and printing trades, and prevent our upgrading or promotion in other industries. The trade unions are the black man's greatest enemy in the United States.

The number of people who would be at the top, if we had our numerical share of the top, would be small. Our greatest task in terms of numbers, is to conquer the middle—getting into skilled posts, foremen's posts, supervisory and white-collar jobs—through better use of apprenticeships, of the high schools and of technical colleges. I am going to discuss the universities not because this is numerically important, but partly because it has become so controversial, and partly because if we did conquer the top it would make much easier the conquering of the middle—both in our own minds, and in other people's minds, by altering our young people's image of themselves and of what they can achieve.

What can the good white college do for its black students that Howard or Lincoln or Fisk cannot do? It can open the road into the top jobs. It can do this only by giving our people the kinds of skills and the kind of polish which are looked for by people filling top jobs. To put it in unpopular language, it can train them to become top members of the establishment.

If it is wrong for young blacks to be trained for the top jobs in the big corporations, for top jobs in the government service, for ambassadorships, for the editorial staff

of The New York Times and so on—then there is little point in sending them to the best white colleges. On the contrary, if what one wants is people trained to live and work in black neighborhoods, they will do much better to go to the black colleges, of which there are, after all, more than 100, which know much better than Yale or Princeton or Dartmouth what the problems of black neighborhoods are, and how people should be trained to handle them. The point about the best white colleges is that they are a part, not of the neighborhood side of American life, but of the integrated part of American life, training people to run the economy and the administration in the integrated part of the day before 5 p.m.

But how can it be wrong for young Afro-Americans to be trained to hold superior positions in the integrated working world outside the neighborhood when in fact the neighborhood cannot provide work for even a half of its people? Whether we like it or not, most Afro-Americans have to work in the integrated world, and if we do not train for superior positions there, all that will happen is what happens now—that we shall be crowded into the worst-paid jobs.

If one grasps this point, that these 50 colleges are the gateway to the superior jobs, then the current attitudes of some of our black leaders to these colleges is not a little bewildering. In its most extreme form, what is asked is that the college should set aside a special part of itself which is to be the black part. There will be a separate building for black studies, and separate dormitories and living accommodations for blacks. There will be separate teachers, all black, teaching classes open only to blacks. The teachers are to be chosen by the students, and will for the most part be men whom no African or Indian or Chinese university would recognize as scholars, or be willing to hire as teachers.

Doubtless some colleges under militant pressure will give in to this, but I do not see what Afro-Americans will gain thereby. Employers will not hire the students who emerge from this process, and their usefulness even in black neighborhoods will be minimal.

I yield to none in thinking that every respectable university should give courses on African life and on Afro-American life, which are of course two entirely different subjects, and I am very anxious to see such courses developed. It is, however, my hope that they will be attended mostly by white students, and that the majority of black students will find more important uses for their time; that they may attend one or two such courses, but will reject any suggestion that black studies must be the major focus of their programs.

The principal argument for forcing black students to spend a great deal of their time in college studying African and Afro-American anthropology, history, languages and literature is that they need such studies to overcome their racial inferiority complex. I am not impressed by this argument. The youngster discovers that he is black around the age of 6 or 7; from then on, the whites he meets, the books he reads, and the situation of the Negro in America all combine to persuade him that he is an inferior species of Homo sapiens.

By the time he is 14 or 15 he has made up his mind on this one way or the other. Nothing that the college can do, after he reaches 18 or 19, is going to have much effect on his basic personality. To expect the colleges to eradicate the inferiority complexes of young black adults is to ask the impossible. And to expect this to come about by segregating black students in black studies under inferior teachers suggests some deficiency of thought.

Perhaps I am wrong about this. The proposition is essentially that the young black has been brainwashed into thinking himself inferior, so now he must spend four years in some place where he will be re-brain-

washed into thinking himself equal. But the prospect that the 50 best colleges in the United States can be forced to take on this re-brainwashing operation is an idle dream. Those who are now putting all their energies into working for this are doomed to disappointment.

We are knocking our heads against the wrong wall. Every black student should learn some Afro-American history, and study various aspects of his people's culture, but the place for him to do this compulsorily is in the high schools, and the best age to start this seriously is even earlier, perhaps around the age of 10. By the time the student gets to a first-rate college he should be ready for business—for the business of acquiring the skills which he is going to be able to use, whether in his neighborhood, or in the integrated economy. Let the clever young black go to a university to study engineering, medicine, chemistry, economics, law, agriculture and other subjects which are going to be of value to him and his people. And let the clever white go to college to read black novels, to learn Swahili, and to record the exploits of Negro heroes of the past. They are the ones to whom this will come as an eye-opener.

This, incidentally, is very much what happens in African universities. Most of these have well-equipped departments of African studies, which are popular with visiting whites, but very few African students waste their time (as they see it) on such studies; when there is so much to be learned for the job they will have to do. The attitude of Africans to their past conforms to the historian's observation that only decadent peoples, on the way down, feel an urgent need to mythologize and live in their past. A vigorous people, on the way up, has visions of its future, and cares next to nothing about its past.

My attitude toward the role of black studies in the education of college blacks derives not only from an unconventional view of what is to be gained therefrom, but also from an unconventional view of the purpose of going to college. The United States is the only country in the world which thinks that the purpose of going to colleges is to be educated. Everywhere else one goes to high school to be educated, but goes to college to be trained for one's life work. In the United States serious training does not begin until one reaches graduate school at the age of 22. Before that, one spends four years in college being educated—that is to say, spending 12 weeks getting some tidbits on religion, 12 weeks learning French, 12 weeks seeing whether the history professor is stimulating, 12 weeks seeking entertainment from the economics professor, 12 weeks confirming that one is not going to be able to master calculus, and so on.

If the purpose of going to college is to be educated, and serious study will not begin until one is 22, one might just as well, perhaps, spend the four years reading black novels, studying black history and learning to speak Fanti. But I do not think that American blacks can afford this luxury. I think our young people ought to get down to the business of serious preparation for their life work as soon after 18 as they can.

And I also note, incidentally, that many of the more intelligent white students are now in revolt against the way so many colleges fritter away their precious years in meaningless peregrination from subject to subject between the ages of 18 and 22.

Any Afro-American who wishes to become a specialist in black studies, or to spend some of his time on such work, should be absolutely free to do so. But I hope that of those students who get the opportunity to attend the 50 best colleges, the proportion who want to specialize in black studies may, in their interest and that of the black community, turn out to be rather small, in

comparison with our scientists, or engineers, accountants, economists or doctors.

Another attitude which puzzles me is that which requires black students in the better white colleges to mix only with each other; to have a dormitory to themselves; to eat at separate tables in the refectory, and so on. I have pointed out that these colleges are the gateway to leadership positions in the integrated part of the economy, and that what they can best do for young blacks is to prepare them to capture our 11 percent share of the best jobs at the top—one of every nine ambassadorships, one of every nine vice-presidencies of General Motors, one of every nine senior directors of engineering laboratories, and so on.

Now I am told that the reason black students stick together is that they are uncomfortable in white company. But how is one to be Ambassador to Finland or Luxembourg—jobs which American Negroes have already held with distinction—if one is uncomfortable in white company? Anybody who occupies a supervisory post, from foremen upwards, is going to have white people working under him, who will expect him to be friendly and fair. Is this going to be possible, after four years spent in boycotting white company?

Nowadays in business and in government most decisions are made in committees. Top Afro-Americans cannot hope to be more than one in nine; they will always be greatly outnumbered by white people at their level. But how can one survive as the only black vice president sitting on the executive committee of a large corporation if one is not so familiar with the ways and thoughts of other vice presidents that one can even anticipate how they are going to think?

Blacks in America are inevitably and perpetually a minority. This means that in all administrative and leadership positions we are going to be outnumbered by white folks, and will have to compete with them not on our terms but on theirs. The only way to win this game is to know them so thoroughly that we can outpace them. For us to turn our backs on this opportunity, by insisting on mingling only with other black students in college, is folly of the highest order.

This kind of social self-segregation is encouraged by two myths about the possibilities for black economic progress in the United States which need to be nulled. One is the Nixon myth, and the other, its opposite, is the revolutionary myth.

The first postulates that the solution is black capitalism—to help as many blacks as possible to become big businessmen. To be sure, it is feasible to have more successful small businesses operating inside the protection of the neighborhood—more grocers and drug stores and lunch counters; but I have emphasized that the members of every ethnic group mostly work outside their neighborhood in the integrated economy, buying from and selling to all ethnic groups. In this part of the economy the prospects for small business are bleak.

No doubt a few Negroes, born with the special talents which success in a highly competitive business world demands, will succeed in establishing sizable and highly competitive concerns. But the great majority who start on this road, whether white or black, go bankrupt in a short time. Indeed, about half of the new white businesses go bankrupt within the first 12 months. To tell the blacks that this is the direction in which they must move is almost a form of cruelty. To pretend that black America is going to be saved by the emergence of black capitalism competing in the integrated economy with white capitalism, is little more than a hoax.

Neither is black America going to be saved by a Marxist revolution. Revolution takes power from one set of persons and gives it to another, but it does not change the hierarchical structure of the economy. Any

kind of America that you can visualize, whether capitalist, Communist, Fascist, or any other kind of it, is going to consist of large institutions like General Motors under one name or another. It will have people at the top, people in the middle and people at the bottom. Its leading engineers, doctors, scientists and administrators—leaving out a few top professional politicians—are going to be recruited from a small number of highly select colleges.

The problem of the black will essentially be the same—that problem being whether he is going to be mostly in the bottom jobs, or whether he will also get his 11 per cent share of the top and the middle. And his chance at the top is going to depend on his getting into those select schools and getting the same kind of technical training that the whites are getting—not some segregated schooling specially adapted for him, but the same kind that the whites get as their gateway to the top. Those black leaders who wish us to concentrate our efforts on working for revolution in America are living on a myth, for our problems and needed strategies are going to be exactly the same whether there is a revolution or not. In the integrated part of the American economy our essential strategy has to be to use all the normal channels of advancement—the high schools, the colleges, apprenticeships, night schools: It is only by climbing this ladder that the black man is going to escape from his concentration in the bottom jobs of the economy.

This is not, of course, simply a matter of schooling. The barriers of prejudice which keep us off the ladder still have to be broken down: the task of the civil-rights movement is still not completed, and we need all the liberal help, black and white, that we can get to help to keep the ladder clear. We need also to raise our own sights; to recognize that there are now more opportunities than there were, and to take every opportunity that offers. Here our record is good. For as the barriers came down in sports and entertainment, our young people moved swiftly to the top in baseball, football, the theater, or wherever else the road was cleared. We will do exactly the same in other spheres, given the opportunity.

The secret is to inspire our young people with confidence in their potential achievement. Any psychologists tell us that the background to this is a warm and secure family life. The most successful minorities in America, the Chinese, the Japanese and the Jews, are distinguished by their close and highly disciplined family, which is the exact opposite of what has now become the stereotype of the white American family, with its undisciplined and uncontrollable children reared on what are alleged to be the principles of Dr. Spock. African families are warm, highly disciplined structures, just like Jewish or Chinese families. If black Americans are looking to Africa for aspects of culture which will distinguish them from white Americans, let them turn their backs on Spockism, and rear their children on African principles, for this is the way to the middle and the top. Given a disciplined family life and open doors to opportunity, I have no doubt that American blacks will capture one field after another, as fast as barriers come down.

The point which I have been trying to make is that the choice some of our leaders offer us between segregation and integration is false in the American context. America is integrated in the day and segregates itself at night. Some of our leaders who have just discovered the potential strength of neighborhood self-segregation have got drunk on it to the point of advocating segregation for all spheres of Afro-American life. But the struggle for community power in the neighborhood is not an alternative to the struggle for a better share of the integrated world outside the neighborhood, in which inevitably

most of our people must earn their living. The way to a better share of this integrated economy is through the integrated colleges; but they can help us only if we take from them the same things that they give to our white competitors.

If we enter them merely to segregate ourselves in blackness, we shall lose the opportunity of our lives. Render homage unto segregated community power in the neighborhoods where it belongs, but do not let it mess up our chance of capturing our share of the economic world outside the neighborhood, where segregation weakens our power to compete.

TESTIMONY ON THE TIMBER SUPPLY ACT

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BLACKBURN. Mr. Speaker, in the Housing and Urban Development Act of 1968, the Congress decreed as national policy that all Americans should be provided with a decent place to live. The necessary machinery was established to provide through the use of private enterprise the realization of this idea. However, because of skyrocketing prices and interest rates, private industry has been unable to even begin to meet this need.

Recently, the Banking and Currency Committee held hearings with regard to the skyrocketing lumber prices. The Congress found after lengthy investigation that the increase in the price of lumber has been one of the main contributing factors in the rising cost of home construction. When trying to find a solution to this problem, members of the committee, including myself, found that the national forests were not effectively producing enough lumber to meet the Nation's needs. I readily admit that both private as well as national forests are not being managed at their optimum potential.

However, there has been progress in the private sector by more effective use of natural resources. Therefore, in order to bring forest production up to its maximum potential, I introduced the National Timber Supply Act of 1969. This act would establish a trust fund which would be funded by the receipts from timber cut on public lands. The objective of the act is to "grow trees the way we grow crops." It is hoped that under this program that full potential use of this resource can be realized through proper forest management.

Today, I had the pleasure of appearing before the House Agriculture Committee's Subcommittee on Forests regarding the National Timber Supply Act. For the information of my colleagues, I hereby insert my testimony in the RECORD:

STATEMENT OF THE HONORABLE BENJAMIN B. BLACKBURN

Mr. Chairman: I will not take up a great deal of this distinguished subcommittee's time speaking in support of the legislation before you. I am sure you are aware that I have sponsored a bill similar to the one before you and that the National Timber Supply Act has my full support.

However, I would like to briefly review a possible alternative if this legislation fails, and outline my reasoning.

As a member of the Banking and Currency Committee, I was most interested in looking into the problems that confronted the housing industry in its efforts to obtain enough lumber and plywood, at reasonable cost, to accomplish the job Congress has asked that industry to do.

The hearings on that subject were illuminating to me and, I am sure, to many other members of the committee.

We found that the National Forests, alone, of the major forest holdings of the United States, are not managed with the optimum skills available to the foresters charged with their administration.

We also found, I concede, that millions of small private holdings around the country are not being very well managed for timber production, but we also found that the private sector is embarking on a project to do something about it. I expect that before the year ends this committee will be considering programs to help the states and the consuming industries implement certain recommendations of the Southern Forest Resource Analysis.

If we pass this legislation before this committee now, we will have the opportunity to bring all of our nation's forests up to optimum production.

But first we must pass the National Timber Supply Act.

Why should we? What promise does it hold?

The Banking and Currency Committee heard testimony about a program almost identical to the one in this bill, that has been underway since 1961 on the forest lands owned by the Department of Defense.

On the lands managed by the Army, for instance, income has gone up from about \$1.5 million in 1961 to \$4.6 million in 1968, in just seven short years.

In total, the military lands have produced almost \$12 million in net income to the Treasury of the United States.

That is one reason to pass the National Timber Supply Act.

The Bureau of Land Management of the Department of the Interior presented some impressive figures on the results it has obtained with another self-funding program.

Furthermore, a table submitted to the committee indicated that investments in forestry can produce returns of 9.2 per cent on the best lands, 7.7 per cent on the next lower category, and so on, down to 4.8 per cent. Because of the undermanagement on the National Forests, we were told that each one million dollars in additional forest management investment would return about 21 per cent. It turns out that timber growing investments have been neglected in the appropriation process when compared to the better managed industrial lands.

That, then, is a second reason.

The state of Washington, we were told, has almost tripled its sustainable harvest—and will increase this harvest by 30 per cent more in the next decade—with an investment of only about 25 per cent of receipts. A representative of the state of Oregon testified that the experts believe the yield from the National Forests could be increased by 50 per cent.

That is yet a third reason for passage of this bill. All three are examples of the results obtained by public agencies operating under essentially the same program called for in this legislation.

A forestry expert from Crown-Zellerbach testified before my committee on the yields his company expects and gets. Another, from the Weyerhaeuser Company, did the same before the Senate committee. But Weyerhaeuser disclosed some figures that were of extreme interest to me.

In 1969, that company has budgeted \$38 million for forestry practices.

In contrast, the Congress appropriated only \$16 million for similar activity on the National Forests in the highest single year.

Weyerhaeuser has only about 3 million acres of forest land—the National Forests include 100 million.

Twice as much money will be spent by Weyerhaeuser on one thirtieth as much land.

I am sure none of us believes that this money will be wasted. Profit-making companies seldom waste sums of that magnitude.

But that is not all. Three years ago Weyerhaeuser instituted what it describes as a high yield forest program. That is what the \$39 million is part of.

And now, with proof that the high yield program works, that company's Board of Directors has agreed to spend \$300 million in the period from 1970 to 1975—\$60 million a year.

Surely that proof must have been extremely convincing. It should be equally convincing to this Congress.

For the information of the committee, I am attaching a copy of a letter which I received yesterday from Mr. James R. Turnbull, Executive Vice President of the American Plywood Association, with regard to the National Timber Supply Act. I believe this letter illustrates the plywood industry's position on this matter.

AMERICAN PLYWOOD ASSOCIATION,
Tacoma, Wash., May 15, 1969

HON. BENJAMIN B. BLACKBURN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BLACKBURN: I was deeply gratified to learn of your sponsorship of the National Timber Supply Act of 1969. And on behalf of the softwood plywood industry, I'd like you to know that we greatly appreciate your active support in this area.

The legislation you are sponsoring will obviously ease some of the problems of raw material supply which have created such crises in our industry in recent months. It should also go a long way toward enabling our country's home builders to meet the nation's desperate need for housing at prices people can afford—particularly those on the lower end of the economic scale.

We believe that this legislation is in complete harmony with the public interest from every standpoint—business, construction, and, not least, basic resource conservation.

So, once again, let me extend to you our industry's appreciation for your understanding and active participation in the solution of these problems. We're grateful for your help.

Very sincerely yours,
JAMES R. TURNBULL,
Executive Vice President.

RAIL SAFETY ACTION URGENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. DULSKI. Mr. Speaker, the increase in the number of train accidents and derailments points up further the necessity for tightening Federal laws covering rail safety.

The Federal Railroad Administration has only limited jurisdiction and is operating with a completely inadequate staff to cover even the areas over which it has jurisdiction.

The Federal agency has no authority, for example, over track or roadbed construction, over safety rules or over railroad employees.

The railroads are responsible for maintenance, but I constantly am being told of lapses in normal attention to mal-

functions, broken fittings, and other obvious warnings of impending breakdowns.

Passenger traffic on the railroads has been reduced, relatively, to a trickle. But the danger to human life is just as real with freight trains as with passenger trains.

Besides the traincrews themselves—who certainly are entitled to every consideration—there are the people who reside in the vicinity—or even, perhaps, just happen to be nearby—where a derailment or other accident occurs.

In the period since 1961, the number of rail accidents reported to Federal officials has more than doubled. The average was 240 accidents per month in 1962. Last year, there were 5,300 and now the monthly average is running closer to 500.

Any train accident is serious because of the threat to life and property, but what is not as widely known is the amount of highly volatile cargo which is being carried over the railroads today.

These cargoes are so volatile that, in some cases, they could even destroy an entire community by fire or by other means as a result of a derailment or other rail breakdown.

A particularly spectacular example is the recent revelation of the plan to transport 27,000 tons of lethal war gases to the east coast for disposal. Just visualize the devastation that could occur if one of the trains carrying that lethal cargo should be involved in an accident en route.

In the absence of any other effective safety enforcement, the Congress must tighten Federal law and give the Federal Railroad Administration the tools it needs to impose and enforce effective rail safety.

Mr. Speaker, I am today introducing legislation to provide for railroad safety. I have studied other proposals which have been made and I believe that my version offers the best prospect for favorable and much-needed action in this Congress.

As a companion measure dealing with railroad safety, I also am proposing a reduction in the hours of continuous work by the railroad employees. My measure would limit continuous hours of employment to 12 hours, in place of the present limit of 16 hours.

Mr. Speaker, my remarks so far have been directed in particular at rail safety; but, in citing the instance of the proposal to transport 27,000 tons of lethal war gases to the east coast, this brings up a further matter of concern to all of us which is well expressed in the following editorial broadcast May 17 and 18 over WMCA in New York City:

WMCA EDITORIAL: PEACE OR WAR

The Army wants to get rid of 27,000 tons of poison gas left over from World War Two. The stuff is still deadly, but the chemical warfare people say it's "obsolete" now.

Originally the Army planned to move the gas from Maryland and Colorado to New Jersey in 1100 railroad cars over a period of several months. Then it was to be loaded onto four old Liberty ships, towed out to sea and sunk.

The Army says poison gas has been dumped this way "several times" in the past without an accident. But there have already been at

least five train accidents this year involving other hazardous cargoes.

New York and New Jersey congressmen are fighting this dumping scheme. Maybe they should also be finding out what new poisons the Army is cooking up today to be dumped in the ocean 20 years from now.

**BANK HOLDING COMPANY ACT
OF 1956**

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. STANTON. Mr. Speaker, for the past 6 weeks, the House Banking and Currency Committee has been hearing testimony on one-bank holding companies.

Shortly, our committee will go into executive session to mark up a bill that will best protect the public interest. I am submitting for the RECORD the statement of Mr. William H. Moore, chairman of the board, Bankers Trust New York Corp., in reference to H.R. 9385—a bill to amend the Bank Holding Company Act of 1956.

Although Bankers Trust New York Corp. is already a registered holding company, the legislation before our committee would affect them in many ways and Chairman Moore's comments parallel those of many other witnesses before the committee. I commend them to the Members' attention:

STATEMENT WITH REFERENCE TO H.R. 9385, A BILL TO AMEND THE BANK HOLDING COMPANY ACT OF 1956, SUBMITTED TO THE COMMITTEE ON BANKING AND CURRENCY ON MAY 9, 1969, BY WILLIAM H. MOORE, CHAIRMAN OF THE BOARD, BANKERS TRUST NEW YORK CORP.

Bankers Trust New York Corporation is a bank holding company, registered and regulated under the Bank Holding Company Act of 1956. It owns all of the capital stock of Bankers Trust Company and three smaller banks in the State of New York.

I would like to submit my comments on both H.R. 6778 and the Administration's bill, H.R. 9385.

The stated purpose of each of these bills is to include the so-called one bank holding companies within the present Federal bank holding company regulation and to make some additional changes in that regulation. Both bills contain one provision, however, which seems to me to be inconsistent with the basic principle of equality of treatment otherwise embodied in both bills. These are the so-called "tie-in" provisions. I will discuss them in detail later on, but among other things I believe that, if such legislation is needed, it should take the form of separate legislation applicable equally to all business corporations (or at least all lending institutions) and not just to banks or bank holding companies.

I have been pleased to note that your Committee has indicated a willingness to consider amendments or revisions to H.R. 6778 where to do so will improve the legislation, and I am encouraged to make some suggestions.

First, I would like to comment on what I believe are two very important principles, one of which is embodied in both bills and the other of which is embodied in H.R. 9385.

These principles, which I heartily endorse, are:

- (1) That Federal law should not discrimi-

nate in favor of banks which are not affiliated through regulated bank holding companies and against banks which are so affiliated.

(2) That all banking organizations should be permitted greater flexibility in the utilization of subsidiary and affiliated corporations and in the range of services they are permitted to perform for their customers in this manner.

(1) Federal law should not discriminate. I doubt that the first point requires much elaboration. It seems clear as a matter of principle—and simple justice—that banks which are organized together through registered bank holding companies should be no more restricted in their utilization of, or affiliation with, other corporate entities than are banks which are not so affiliated.

This becomes even clearer when it is recognized that in some states, such as New York, the state legislatures have decreed that the only permissible form of organization for state-wide banking is by bank holding company, while in other states individual banks are permitted to operate offices throughout the state. Banks in the latter states have no need to affiliate with each other through bank holding companies. Accordingly, under present circumstances, such banks are free both to provide state-wide banking services and also to engage, without restriction, in "non-banking" activities through so-called one-bank holding companies.

Both bills would correct this situation by applying substantially identical regulation (at least prospectively) to all companies that own banks. As a result, the ability to utilize or affiliate with other corporations would be the same for a bank owned by a company which also owns other banks and for a bank owned by a company which owns only one bank. This is as it should be.

(2) That all banking organizations should be permitted greater flexibility (a) in the utilization of subsidiary and affiliated corporations and (b) in the range of services they are permitted to perform for their customers in this manner.

This second point is of vital importance if our commercial banking system is to avoid being stifled by the burden of outmoded and unduly repressive legislation. It really involves two separate points which are different in many ways and both quite important, but which have tended to be treated together.

I believe that the recent rush of large and medium-sized banks across the country to organize one-bank holding companies represents a natural response by progressive bankers to the growing need of banking in both of these areas, namely (1) to modernize and expand our commercial banking services and (2) to utilize in many cases more flexible and appropriate forms of organization.

(a) The need to modernize and expand commercial banking services.

In today's increasingly complex business world it is not enough for commercial banks to make loans in the traditional form with the traditional forms of collateral—or to limit themselves to the traditional services or the traditional forms of attracting money. Other forms of financing and of services related to finance are demanded by our customers. Factoring, leasing, mortgage banking, travel services, a rapidly growing list of computer services, credit cards, credit life and related insurance and other services have already become or are in the process of becoming part of banking itself and not just related or comparable services. Many others will, of necessity, follow if banking is to continue adequately to serve the financial needs of the country.

I have been pleased to note that many of the witnesses before your Committee, including Chairman Martin, have recognized this need to permit the range and scope of

banking services to grow with the requirements of their customers.

H.R. 9385 would provide an appropriate means whereby banks, by utilizing the holding company form of organization, may appropriately expand their range of services and isolate their depositors from the new and different risks which some of these services may entail.

H.R. 9385 would amend section 4(c) (8) of the Bank Holding Company Act to include all activities which are "financial or related to finance in nature". I believe this language is appropriate without further statutory definition. In fact, I do not believe that it is possible or desirable to define by statute what is or what is not properly within the range of financial services, or services related to finance, which should or should not be performed by banks or corporations affiliated with banks. Among other things the nature of such services will certainly change over the years in the future as it has in the past.

H.R. 9385 would also require the three Federal bank supervisory agencies to agree upon and establish "guidelines" to govern their administration of section 4(c) (8). If the administration of this section is to be divided between the agencies, I assume that such guidelines (which may be revised from time to time) may be appropriate in order that there may be reasonable uniformity among the agencies in determining what is or is not financial, fiduciary or insurance in nature. It does seem to me, however, that "guidelines" attempting to govern the "anti-competitive" factors are unnecessary and undesirable, especially as they would relate to areas other than bank mergers or acquisitions. In particular, I agree wholeheartedly with the criticism of the American Bankers Association of the provision in H.R. 9385 that in such guidelines "limitations on permissible activities . . . may be established on the basis of . . . size . . ." As pointed out by the A.B.A., size (relative or absolute) has not in and of itself been a statutory factor in antitrust cases. To ask the three Federal banking agencies to undertake in this manner to write (and unanimously agree upon) what amounts to anti-trust law in a new area seems to me to be highly inappropriate.

If the administration of section 4(c) (8) is vested in one agency, such as the Board or the F.D.I.C., I would suggest that no "guidelines" are necessary. If the administration is divided, I would suggest that the guidelines be limited to the so-called "laundry list" with appropriate provision for its amendment as time goes on.

H.R. 9385 would also require that the regulatory agency having jurisdiction under section 4(c) (8) take into consideration precisely the same factors that are required to be considered in connection with bank mergers or with the acquisition of a bank by a bank holding company. Our experience demonstrates that this results in an extensive application replete with factual and economic data. This is expensive and time-consuming.

We would, therefore, prefer to see the provision of section 4(c) (8) leave the Board (in our case) with discretion, as at present, as to the type of application and data it may require for each application thereunder. Our experience suggests that the Board will not be remiss in either the data it asks for or the factors it considers. But at least it would be able to be less formal and more flexible in the smaller and less significant cases.

If, however, the Committee feels that such standards must be required by statute, I would urge that they be limited to applications to acquire going concerns and that the Board be permitted a more informal procedure at least in the case of *de novo* applications. In this connection, I call your attention to the following testimony of Chairman Martin:

"Approval should be required whether the expansion is by establishing a new company or acquiring an existing one, but it should be recognized that the probability of anti-competitive consequences appears greater in acquisitions of existing concerns than in de novo entry. Another reason to favor de novo entry over acquisitions of established businesses is that a company newly entering a market to face the competition of those already in it must meet the test of efficiency that such a market imposes. And an applicant proposing an acquisition involving a relatively large amount of nonbank assets should ordinarily bear a greater burden of proving that the acquisition is not contrary to the public interest." (Italics supplied.)

This distinction is particularly applicable in the case of a *de novo* corporation designed merely to provide a more appropriate form of organization for the performance of a particular banking function.

This brings me to the second part of this problem of subsidiary or affiliated corporations.

(b) The need for more flexible utilization of corporate subsidiaries or affiliates.

The complexity of the doing business and tax laws of our various states have long since required business and industrial corporations to utilize affiliated and subsidiary corporations (in quite legitimate and appropriate ways) to handle specific business or types of business in order to isolate and deal with such problems. As the business banks do become more varied, and in some cases highly specialized, it is apparent that banks' forms of organization to handle this business must also be more varied and more flexible.

For instance, equipment leasing involves the ownership of equipment located in other states, and sometimes the equipment may be moved from state to state, credit cards may be utilized by customers residing in various states and dealing with merchants in other states. These and many other lending and credit service functions which may involve interstate transactions are frequently more appropriately carried on by subsidiary or affiliated corporations. In these separate corporations the doing business and tax problems can be appropriately isolated and solved.

I was pleased to see that Adolph A. Berle in his testimony before this Committee recognized this need and recommended that it be dealt with in a flexible manner.

What I am talking about here is the utilization of a separate corporate entity to perform a specific function that the bank itself could perform. The organization of such companies is permissible under present section 4(c) (5) of the Bank Holding Company Act, without approval of the Board of Governors. I am not aware that they have caused any problems or resulted in any abuses.

Since these corporations are merely carrying on in separate corporate form portions of the business our banks can and do carry on, I see no reason why supervisory approval should be required. And it would be a particularly unnecessary burden if we were required to go through the expensive and time-consuming procedures of an application under section 4(c) (8) as H.R. 9385 would amend that section.

(3) The proposed amendment of section 4(c) (5) in H.R. 9385 should not be adopted.

Section 4(c) (5) currently permits registered bank holding companies to acquire and hold "shares which are of the kinds and amounts eligible for investment by national banking associations under the provisions of Section 5136 of the Revised Statutes."

H.R. 6778 would not change this section. In this respect, I strongly recommend H.R. 6778.

H.R. 9385 would amend this section to limit this authority to "shares acquired and held in the manner, kinds and amounts *specifi-*

cally permissible for national banks under provisions of Federal statute law and regulations issued pursuant thereto" (italics supplied).

The official memorandum describing this amendment states that "it would make a technical amendment to insure that bank holding companies would have to get the same type of approval as national banks for the acquisition of corporate shares that national banks are permitted to acquire."

I have already indicated that I do not believe supervisory approval is necessary to permit a bank or a bank holding company to do through a separate corporation that which the bank may do directly. There should be a limit to the paternalism of bank supervision. If, however, such a requirement is adopted, I respectfully submit that the section should be appropriately amended to accomplish the stated purpose and also to limit the change to the stated purpose. Thus, section 4(c) (5) would be amended to read substantially as follows:

"(5) shares which are of the kinds and amounts eligible for investment by national banking associations, provided that the approval of the Board* shall be required in any case in which the approval of the Comptroller of the Currency would be required in order for a national bank to acquire and hold such shares."

In the absence of such a revision, the proposed amendment in H.R. 9385 is ambiguous as to whose approval must be obtained and also ambiguous as to whether or not the provisions of section 4(c) (8) and the formal procedures thereunder must be complied with if ownership of the particular subsidiary is not "*specifically* permissible . . . under provisions of Federal statute law and regulations . . ."

(4) The provisions of H.R. 6778 amending the Bank Merger Act should not be enacted.

Under the Federal Bank Merger Act of 1966 the Comptroller has jurisdiction of mergers with national banks, the F.D.I.C. with nonmember insured banks and the Board of Governors in the case of state member banks. H.R. 6778 would amend that Act to provide, instead, that the Board of Governors would have jurisdiction over mergers involving national banks and state nonmember insured banks owned by holding companies.

This would substantially emasculate the Bank Merger Act and seriously hamper the Comptroller of the Currency and the Federal Deposit Insurance Corporation in the administration of their supervisory responsibilities with respect to national and state nonmember insured banks.

The mere fact that a national bank, for instance, has chosen to affiliate with a holding company does not eliminate the Comptroller's supervisory responsibility for the bank and its depositors. It is the Comptroller who charters national banks, examines them, supervises them, and passes upon their applications for new branch offices. H.R. 6778, however, would transfer from the Comptroller to the Board of Governors the power to determine whether the bank could acquire new offices by merger based solely upon the ownership of the stock of the bank by a company.

Admittedly, our system of three Federal bank supervisors results in some overlapping and inconsistent jurisdiction. It seems to me, however, that the Bank Merger Act provision placing responsibility for mergers in the agency that examines and supervises the bank involved places the emphasis where it belongs. Our Federal laws relating to bank

* In place of "the Board" this should read "the appropriate banking agency as defined in section 2(h)" if the divided jurisdiction approach of H.R. 9385 is adopted.

supervision should give primary attention to the orderly and consistent supervision of the banks themselves. Whether the provisions relating to the ownership by holding companies of corporations other than banks are administered by the Board of Governors alone, or the three agencies, it seems fundamental to me that the agency responsible for supervision of the resultant bank should in all cases pass upon bank mergers, as presently provided in the Bank Merger Act.

For these reasons, I respectfully suggest that the provisions of the Bank Merger Act be not amended.

(5) The so-called "tie-in" provisions are inconsistent with the principle of non-discrimination, are far-reaching in their consequences and should be the subject of separate legislation applicable to all businesses.

This is the provision to which I referred at the outset. It is my most important point, and I have saved it for the last.

The "tie-in" provisions in H.R. 9385 would apply *only* to bank holding companies and their subsidiaries. The language is extremely broad and categorical. It would subject any bank holding company or affiliate thereof to both criminal and civil sanctions if it should extend *any* credit or provide *any* service on the understanding that any other credit or service would also be provided by either the institution itself or any affiliate thereof.

H.R. 9385 discriminates against banks owned by holding companies in favor of all other lenders and businesses including banks not so owned.

H.R. 6778 is at least applicable to all banks and undertakes to apply at least some anti-trust criteria. However, it too discriminates against banks and in favor of all other lenders and other businesses to which no comparable provisions are applied.

In addition, even in H.R. 6778 this provision is worded so broadly that it may well be construed to prohibit—and apply severe penalties to—many banking practices that are widespread and innocuous. In fact, many of them seem quite essential. For instance, many banking services require that the customer maintain a deposit account with the bank. These include accounts receivable loans and many other specialized types of loan transactions, deposit bookkeeping for correspondent banks, payroll services, credit charge plans for retail merchants, to name but a few. Many of our other banking services are interrelated and many have been developed and are furnished in consideration of the maintenance of deposit balances. Indeed most of the services the money center banks provide for their correspondent banks are on this basis.

I was pleased to note that Chairman Martin expressed the opinion to this Committee that the compensating balance arrangements which have become customary would not be prohibited. I naturally respect Mr. Martin's opinion, but the proposed statutory language is so broad, and the penalties so drastic, that I do not believe banks should be required to rely upon so thin a reed as that answer provides.

This is really anti-trust legislation, not banking legislation. If there were any doubt that the anti-trust laws applied to banking in this area, then perhaps there would be basis for a special amendment to *those laws*—namely the anti-trust laws—making clear their application to banks, or bank holding companies, or both. But there is no such doubt. And the Assistant Attorney General has testified that since the *Fortner* decision "the law is now clear beyond doubt" that the Sherman Act "would reach tie-ins between financing and some other product."

Since this provision was drafted before the *Fortner* decision, it would seem to me more appropriate—and more just—to eliminate it from these bills which are essentially bank holding company legislation and to consider it separately. It can then be carefully con-

sidered in the context of its application to banking practices, such as compensating balances and correspondent bank services, and in relation to the practices of, and its application to, other lending institutions and other comparable businesses.

It seems to me that such a provision should be adopted only after careful study to make sure that it is needed, and, if it is, that it be limited to curing areas of real or seriously potential abuse, that it does not prohibit legitimate and appropriate services currently being provided for businesses and individuals, and that it applies equally to all concerned and not just to one class or group.

CONGRESSIONAL SCHOLARS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. DELLENBACK. Mr. Speaker, with its many blessings and what we Oregonians consider points of superiority over most of the rest of the Nation, Oregon does have the factor of being a considerable distance from our Nation's Capital. There are those who would consider this one of Oregon's blessings, but it does make it difficult for our young people to observe the operation of our Government.

In an effort to make this National Government come clear and alive to many of Oregon's young people, Mrs. Dellenback and I have instituted a congressional scholars program. We ask the school authorities in Oregon's Fourth Congressional District to select from high schools throughout the district a total of 12 high school juniors. We specify only that the young people selected be particularly able to learn and profit from a week in the Nation's Capital, that they be willing and able to pass along to their fellow students what they learned here, that they come from schools distributed throughout the district, and that both young men and young women be included. In this third year of the program there were 276 high school juniors who applied for the scholarships. The 12 scholars selected come in groups of four to spend a week during March or April as guests of the Dellenback family.

This year's scholars were Mary Martin, Robert Laney, Carol Hall and Marlo Bacon, Eugene; Sharon Prager, Roseburg; Steven McCasland, Bandon; Chuck Crane, Talent; Julie Landauer, Harbor; Paisley Livingston, Reedsport; William Beardsley, Medford; Carol Vogt, Grants Pass; and Gerald Wright, Coburg. All, of course, from Oregon.

While here we have sought to give these scholars an opportunity to meet some of the people and observe some of the procedures and structures through which our National Government lives and performs its functions. Many of my colleagues took time from busy schedules to visit with these young people. They have often told us how much they appreciate an opportunity to talk with the people who are involved in the functions of Government.

I mention this program with the thought that other Congressmen might

be intrigued with the idea and become involved in, and perhaps improve on, the basic program for residents of their own districts. I know that such involvement has been a most satisfying experience for the Dellenbacks. We have been impressed and thrilled by these young people and their promise of future contributions to good government.

AGRICULTURALLY SPEAKING

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. PRICE of Texas. Mr. Speaker, the Pampa Daily News of Pampa, Tex., which is located in my congressional district, recently carried a most thought provoking editorial which I commend to the Members and the consuming public.

The article follows:

AGRICULTURALLY SPEAKING

(By Foster Whaley)

Last week I noticed a front page news story in an area paper that had a pink headline entitled "Meat Prices Up—Housewife Sizzles."

The article was an Associated Press release with a New York date line.

The article had a few selected quotes from housewives across the country about how shocked they were about soaring meat prices. One quote that took my eye was as follows: "The cause of rising prices according to cattle and retail dealers is that consumer demand is continuing unabated, so that American families are eating their beef and paying dearly for it."

At least this was the opinion of the reporter that the consumer was paying dearly for it.

Buried in the next to the last paragraph of the paper on page two the reporter quoted the Department of Agriculture, "Cattle and retail prices are the highest they have been since 1951-52."

Now isn't this just awful that cattle and meat prices are about to get back today to what they were bringing 17 years ago.

Let me direct a few questions to this uninformed reporter and some of the shocked housewives.

Are you shocked when you go down to your car dealer today and he prices you a stripped down, medium-priced car today for \$2,600? The same car in 1952 could have been purchased for about \$1,850. Mrs. Housewife are you shocked today when your husband goes down and purchases a stripped-down pickup for \$2,300 that could have been purchased in 1952 for \$1,550?

Are you shocked today when your husband pays \$1.75 for a haircut that cost him a one dollar bill in 1952? Are you shocked Mrs. Housewife when you go to the local hospital to have your baby and it cost \$30 for a private room today that you could have gotten for \$12 in 1952?

If your husband is a roughneck on an oil drilling rig, are you shocked that wages per hour in 1952 have risen to over \$2.75 per hour today?

If your husband was drawing an average wage in the U.S. in 1950 of \$1.53 per hour, are you shocked that he is bringing home over \$2.75 per hour today?

Now, Mrs. Housewife some farmers are not only shocked but have been shaken out of an occupation because of the inflationary trend in which both of you are living.

A farmer is very shocked when he goes

down to purchase a tractor today that cost \$5,000 when a tractor of similar horsepower could have been purchased in 1945 for \$1650. He really gets shocked when he goes down sell his wheat at \$1.25 per bushel that he was getting well over \$2.50 a bushel for in 1950.

I talked with a farmer yesterday who was shocked at a tractor costing him \$8,500 that could have been purchased for \$5,300 in 1960.

Mrs. Housewife are you aware that it took almost 25 per cent of your husband's disposable income (take home pay) to pay for the food your family ate from 1947-1949? Today it takes a little more than 17 percent. While it cost you \$306 per person to buy groceries in 1947-49, it cost you \$484 in 1967 the average take home pay was \$2,733. While the price of food has gone up 58 percent, your husband's take home pay has gone up two hundred nineteen percent.

Mrs. Housewife if your family was average in 1957, you spent \$265.00 for meat. In 1966 you spent \$331. The cattleman received \$154 for his share in the meat you purchased in 1957 and he got a \$161 for his part in 1966. In other words, the cattlemen received a 7-dollar increase during the 9 year period. The marketing system received \$111 in 1957. In 1966 they received \$170 or a \$59 increase. It could be the much higher wage the packing house worker is drawing today has caused a slight price increase.

In 1952 steer prices on the Chicago Stockyard averaged \$33.18; today average steer prices are about \$32.50.

The average price of all cattle including cull cows, calves bulls stags and finished steers and heifers was \$26.40 on April 15, 1969. If cattle was standing at parity (a figure considered fair in relationship to a long list of things farmers have to buy) they would be bringing \$31.00. This would place choice steers close to \$40 per CWT on foot.

To compare it another way, Mrs. Housewife, if the price of a choice steer on foot had gone up as much as your husband's wage since 1952, choice steers in Chicago would be selling for \$52.75. No doubt the price you would be paying for steak would be over \$2.50 per pound.

Mrs. Housewife—my advice would be to "let a sleeping dog lie."

You live in a country where you spend less of your disposable income for food than any country in the world. You spend only 17 percent for food in the U.S. In England you would spend over thirty. Most European countries over 30 per cent. In Russia close to 50 percent. In China you will work two-thirds of the day for a bowl of rice.

One of the big reasons why you have had an increase in grocery costs is because of the precooked, ready-to-serve built-in maid services that you are receiving in much of the food you are buying today.

We would also like to suggest that you subtract from your grocery bill the hair curlers, the soda pop, the hose and the thousands of other non-grocery items you buy from your grocer. It will make you feel better about the price you pay for food.

Mrs. Housewife if you want to make your husband feel better let him know that in 1935 he could buy only 1½ pounds of round steak for an hour's labor. In 1965 he could buy two and 4-tenths pound of round steak for an hour's labor.

PUBLIC SERVICE PERFORMED BY THE FRANKFORD TRUST CO.

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BYRNE of Pennsylvania. Mr. Speaker, in these days of spiraling costs,

a lot of people talk about the burdens incumbent upon our senior citizens, most of them with fixed incomes, but too few are doing anything about it.

When someone does, I think that fact is noteworthy and should be shared with as many people as possible. That is why I want to inform my colleagues of a public service being performed by a banking institution in my native city of Philadelphia, the Frankford Trust Co.

Frankford Trust, led by its president, Oliver S. Twist, has recognized the fact that maintaining a checking account, even at minimum rates, was causing a hardship among our older citizens, most of whom live on fixed incomes and many of whom depend exclusively or almost exclusively upon pension or social security checks.

And, in the opinion of Frankford Trust Co., it is this very group which needs a checking account the most. They need a safe repository for their funds. They need the ability to pay their bill by check rather than travel around paying cash. And some even had difficulty in cashing social security checks at banks in which they were not depositors.

Frankford Trust came up with the idea of free checking services for the elderly—regardless of the cost to the bank, Frankford felt it could perform a service to the community it serves.

Therefore, Frankford Trust inaugurated a Philadelphia first—free checking for senior citizens. No charge for checks. No charge for deposits. No monthly maintenance charges.

The need for such a service is apparent in the fact that shortly after its inauguration, almost 1,000 persons applied—and received—these free checking accounts.

I think, Mr. Speaker, this proves that business can have a heart. I wish more banks would follow this splendid example set by Frankford Trust Co. in Philadelphia.

**A COLLINS CONGRESSIONAL SA-
LUTE: THE DALLAS PUBLIC
AFFAIRS CLUB**

HON. JAMES M. COLLINS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 1969

Mr. COLLINS. Mr. Speaker, the Public Affairs Club of Dallas, Tex., under the excellent leadership of Mrs. Milam Pharo, has been a remarkable source of concerned civic action. The members have given to all of us in the Congress their frank and knowledgeable views on the legislative issues before the Nation. I certainly do appreciate their patriotism and working faith in the principles of our constitutional government.

The April 1969 edition of the Phyllis Schlafly Report carried a fine tribute to Mrs. Pharo and the Public Affairs Club, and I would like to enclose her remarks into our public record. It is, indeed, heartening that the women of our Nation contribute so much of their time and energy—and join with this Congress in keeping America strong.

The report follows:

**PUBLIC AFFAIRS CLUB IN DALLAS:
A SUCCESS STORY**

The Public Affairs Luncheon Club of Dallas is a brilliant success story of effective citizen participation in public affairs at the local, state, and national levels. This achievement has been the result of dedicated leadership which has patiently interwoven strong patriotic backbone, political acumen, business and professional support, social eclat, and cooperation of the news media.

The President of the Public Affairs Luncheon Club is Mrs. Milam Pharo, whose long hours of careful planning and hard work have paid off handsomely in terms of the respect which is accorded the Public Affairs Luncheon Club by the business, professional, academic, political, and newsgathering communities.

The Luncheon Club meets once a month to hear a speaker of importance. Senator Barry Goldwater has spoken several times for this Club. Other speakers have included Senator Karl Mundt, Congressman Otto Passman and John Ashbrook, former Congressman Don Bruce, Superintendent Max Rafferty, Editor M. Stanton Evens, Stephen Shadegg, and Phyllis Schlafly. The Club is non-partisan, but its members express themselves very forcefully on political questions by resolutions and telegrams.

When the 500 members of the Public Affairs Luncheon Club of Dallas send their telegrams to Washington, D.C., Congressmen take note and listen respectfully. Recent resolutions passed by this fine Club have called for:

- 1) Passage of House Concurrent Resolution 90 which would stop trade with countries which are aiding North Vietnam.
- 2) Enforcement of laws which deny Federal aid to student demonstrators and rioters.
- 3) Withdrawal of the nomination of Jacob Beam as Ambassador to the Soviet Union because of the Warsaw spy and sex scandal which occurred under Beam's jurisdiction when he was Ambassador to Poland.
- 4) Passage of S. 12 which will increase the powers of the Subversive Activities Control Board and thereby fully utilize the expertise in security matters of the new Board member, Otto Otepka.
- 5) Prohibition of the mailing of obscene material to minors.
- 6) Immediate deployment of an anti-missile defense system.
- 7) Opposition to the Johnson Executive Order which prohibits the U.S. from buying chromite from Rhodesia and forces the U.S. to buy chromite from the Soviet Union at a one-third higher price.
- 8) Opposition to the invasion of privacy included in the 120 personal questions scheduled to be asked in the 1970 census.

Because of its dignified yet hard-hitting policies, the Public Affairs Luncheon Club has a great impact in Washington and in Dallas. Congratulations to Mrs. Pharo and her Board for setting an inspiring example of what a few individuals can do to protect the American way of life.

NAVY LEAGUE SPEAKS

HON. PHILIP J. PHILBIN
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 1969

Mr. PHILBIN. Mr. Speaker, I was highly privileged to receive the recent message of President Charles F. DuChemin, of the Navy League of the United States, and was deeply impressed with its contents, which I include in the RECORD as part of my remarks.

President DuChemin refers to the fact

that an oceanic doctrine to guide the policy and progress of our Navy toward the implementation of a new ocean strategy is a critical need.

The league president states that before our Nation can capitalize fully on the unfolding opportunities seaward, a lot of relearning and a major defense dialog will be needed. I agree that our naval posture, strategy, and composition require major overhaul, redistribution, and restructuring.

I think it is appropriate in that connection to observe that Congress and our committees are well organized and experienced in analyzing defense and Navy policy needs, and keeping them up to date. Congress is regularly engaged in this type of dialog, and it has born rich fruits, yet there are great, new needs that must be met now.

Since the Constitution assigns to Congress the responsibility for maintaining the armed services, and providing for the common defense of the country, it is in this area that penetrating studies must continue and the work must be done that is necessary to implement and insure a total, balanced, national defense.

A number of proposals looking toward the modernization of the Navy are pending before the Congress, particularly the ship construction bill, and our committee has already launched sea power hearings and specific recommendations will be at hand before long. New ideas and new techniques must be speedily found. We cannot afford to lag or fall behind in these areas at this time.

The revitalization of the American merchant fleet is, of course, also a very important objective of overall, enlightened, oceanic policy which has been all too long delayed.

It is a pity that we have permitted our merchant marine to fall so far below the standards of relative, adequacy, efficiency, and ability to do the job of carrying American goods and products in American bottoms throughout the world that our position as a Nation dictates.

The league president touched on the current ABM controversy and the SABMIS, sea based version of ABM which can be set up at sea, and thus avoid the criticism that it is located too close to populated areas.

These days we must not only be land conscious, but sea conscious and space conscious, if we want to keep pace with what is going on in the world, not only with regard to defense needs, but in order to keep pace with the forward march of science and civilization and liberate mankind from the shackles of tyranny, war, ignorance, and disease.

The Soviets have their own ABM system which rings Moscow, and some other urban centers, with what is described as a sophisticated, antimissile system which, in contrast to our own designed against Red China alone in the 1972-75 period, is designed against the missile systems of both this country and Red China, and is claimed to be effective against all missile systems, although I do not think that claim would be accepted by many authoritative scientific specialists in this field, where experimentalism still must be found.

No doubt antiballistic missiles to intercept deadly nuclear missiles are in one sense the groping of man to defend himself against the cataclysmic power and effect of current nuclear weapons. In time, they will be very effective.

The President of the United States has spoken out in these matters. In stressing the total strategy of the oceans, it would be reassuring, if we could confine our special, strategic systems to peaceful objectives. However, in this troubled, dangerous world, it would be impossible for any nation, having as much at stake in the world as we do, and which must be concerned about the safety of the people, and our ability to resist and ward off lethal nuclear attacks, to overlook or neglect the obvious needs that are presently crying out to us for defense, as well as offense, against nuclear destruction until the insanity of nuclear warfare is banished by validly enforceable agreements that will be kept.

If we could place the ABM forces at sea, it might result in nuclear fire being drawn away from industrial and population concentrations in our cities and even our rapidly growing smaller communities also gravely threatened by nuclear dangers. This is highly speculative at the moment, but it must be carefully studied.

Naturally, we do not want to waste money in any field because we have too many urgent needs in social, economic, and human areas that cannot be forestalled or indefinitely deferred.

What we need, perhaps as much as anything, is a policy and a procedural mechanism that would, in effect, redistribute the priorities and budgetary allocations to accord more realistically with conditions existing in the world and Nation today, and the social needs of our people, and depend less and less upon some of the outmoded techniques of the past that have glossed over desperately needed social readjustments and reforms.

In a word, Congress must move fast to get our priorities straightened out, and put emphasis where it is needed, on programs that serve the demonstrated needs of the present day and the future.

This involves a huge task, but I think Congress can and must undertake it. It involves a reassessment of many of our huge expenditures and programs in many fields, and I think it must be carried out very vigorously across a broad front, to insure that the taxpayer's money is not wasted on any program not clearly justified, that is poorly devised, or not designed to serve primary needs in our economy, our defense system, and our social structure.

I think we must unhesitatingly and vigorously approach this massive job, because it cannot be delayed in the Nation and world of today. We must start cutting deadwood from the shrinking trees of national surfeit, and divert our resources away from arid areas where they bring little return, and involve great waste, into more constructive channels related to the well-being of our people of every class, economic and social level.

We must boldly tackle the problem of huge defense costs, which are taking such

a large portion of the tax dollar and the gross national product, and we must take some very hard looks, and spend much time conducting very penetrating revaluations of our great social security system, medicare, medicaid, and related areas having to do with the health, education, the well-being, and the opportunities and overall patterns of the people as a whole.

Obviously, we cannot go on wasting so much money, nor can we fight windmills, so to speak. We must get down to brass tacks and make sure that in defense, as in every other area, the tax-ridden people beset by reduced incomes, oppressive taxes, rising costs, and sweeping inflation eroding the value of their dollars are getting full value for the money they expend, whether it be for missile systems, naval craft, aircraft, or other essential elements which comprise our defense.

Indeed, in every area of the spending process, we must apply a very hard fast rule of searching inquiry to find out what can be dispensed with, and what we must spend to strengthen and build up the Nation and protect the people against neglect, oppression, inflation, exploitation, and confiscatory taxes.

I am thankful, indeed, to President Duchein for his stimulating views. They deserve consideration and action. And Congress must move fast toward corrective measures to put our house in order. The article follows:

OCEANIC DOCTRINE, THE CONGRESS—AND SABMIS

An oceanic doctrine to guide the policy and program of our government toward an implementation of a new ocean strategy, as provided for by the President's platform, remains a critical need.

Most members of the Navy League are aware of this priority requirement, but hardly the majority of American citizens. Therefore, if you look for an immediate formulation of oceanic doctrine, I suggest you follow the ABM debate very carefully and study the substance very critically. This will reveal the bedrock requirement for broadened oceanic education. Before the nation can capitalize fully on the unfolding opportunities seaward, a lot of relearning and a major defense dialogue will be needed. For only through increased understanding can the essential change come. Here, I would say, the Congress holds the trump card.

The Constitution assigns the Congress the responsibility: "provide and maintain a navy." This can be the key consideration.

In the final analysis, enlightened Congressional leadership most probably will force this issue of orienting the nation toward the sea. Chairman Rivers' proposed \$3.8 billion ship construction bill serves as the significant spearhead for forging an ocean strategy. The Sea Power Hearings, now underway in his House Armed Services Committee, relate directly to both the educational and the power process involved.

HILL IS RESTIVE

Despite the President's assurance that he will revitalize the American Merchant Fleet, "The Hill" is restive and has initiated considerable constructive legislation. These healthy signs reflect the collective oceanic wisdom of Congress, where strong maritime conviction exists on both sides of the aisle. These legislators grasp fully the geo-economic implications of expanded oceanic endeavor.

While many press observers report that Secretary of Defense Laird is moving the Administration toward its first Congressional

confrontation on the ABM controversy, I sense a consolidation of viewpoints is in the making and SABMIS, the sea-based version of ABM, will serve as the oceanic catalyst. This will come about if the Defense Department objectively considers all of its options. This point has not escaped the discernment of the Congress.

But despite Congressional concern, the intensity of the ABM controversy highlights the land consciousness of the American citizen.

Somewhat strangely, the new Soviet emphasis on their defense strategic systems, unexpectedly caused an upheaval in our national thinking. Triggered by the frustrations in Viet Nam, pressures mounted for a withdrawal of our troops. This viewpoint has been broadened to encompass a unilateral disarmament of defensive strategic weapons—come what may. Mounting antagonism toward building the Sentinel system apparently is an expansion of the view. In the absence of a full scale debate on the mobile vs. fixed strategy, Polaris has not been related to the ABM debate, as indeed it should be.

Where does the seabased system fit? SABMIS, as we know, means "seabased anti-ballistic missile intercept system." The SABMIS plan, as part of the oceanic strategy, is to place anti-ballistic missiles aboard ships and to deploy them off the Soviet and Chinese coasts, relatively close to Communist missile launching positions.

ANDERSON'S LETTER

As Congressman William Anderson, former naval officer and an astute strategist, wrote to the Secretary of Defense, "Despite the intensity of the present ABM debate, most politicians and defense leaders, it seems, share the conviction that the nation will be served in taking military steps toward deployment of credible ABM capability, whether our profit accrues from a strategic position in the arms control bargaining, or from possession of an effective shield against missile attack."

Since SABMIS serves either criteria, the system may become central in forging the new Nixon "grand strategy of the oceans," as pledged in platform plank.

As an alter-ego to the Polaris-Poseidon strategic systems, a balanced offensive-defensive foundation for such strategy would be provided with the deployment of SABMIS.

Seabased forces bring this factor into far better balance and eliminate the possibility of being outflanked by Communist strategic arms.

By placing anti-missile support forces at sea, nuclear fire is drawn away from the industrial and population concentrations of our cities.

Congressman Anderson describes the system as follows: "SABMIS is, in a large measure, a marriage of the Polaris-Poseidon technology with the Sprint and Spartan systems. In effect, the deployment of a SABMIS unit would place in the seas close to an adversary's homeland, and across his "launch trajectory window," a mobile screen of anti-missile forces.

"Early interception of an adversary's offensive missiles promises the destruction of multi-warhead missiles before such weapons split into a virtual shower of decoys, penetration aids and thermo-nuclear warheads."

LAIRD ISSUES ORDERS

Defense Secretary Melvin R. Laird has issued orders that Pentagon officers and civilians are not to make substantive statements about any U.S. weapons systems, current or projected. This raises a valid question as to what is causing the SABMIS block in the Pentagon processes, particularly when the experts say the system can be deployed to sea as quickly as Sentinel and at a fraction of the cost.

Even though a mutual de-escalation of strategic nuclear weapons might be negotiated with the USSR, the world will be safer

to the extent that ballistic missile systems are deployed in and on the oceans, rather than on populated continents.

As the ABM debate rages, we wonder whether Congress will rise to its constitutionally assigned role by insisting on the full consideration of the seabased system.

SABMIS, together with Polaris-Poseidon, could provide the foundation for a mobile strategy. Together they would serve as the cornerstone for the new Nixon "grand strategy of the oceans." This the nation needs!

CHARLES F. DUCHEIN,

National President, Navy League of the United States.

REALLY A QUEEN

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ROGERS of Florida. Mr. Speaker, another indication of the attitude of the vast majority of college students in America, in the face of the bad publicity given by the few who would destroy their universities, can be seen from the good example given by the young lady who was queen of the Palm Beach Golden Palm Festival in Florida recently. I would like to congratulate her, and also Gus Harwell of the Boca Raton News, whose article I insert at this point in the RECORD: [From the Boca Raton (Fla.) News, May 11, 1969]

REALLY A QUEEN

(By Gus Harwell)

She was a queen in more ways than one.

Miss Jane Howley, queen of the Palm Beach County Golden Palm Festival, made an appearance, along with Eugene Robinson, of Boca Raton, this year's king, on behalf of the festival, at the Rotary Club meeting Wednesday.

Miss Howley turned out to be queen officially, crown and all, but she also displayed beauty of a queen and she captured her audience with a refreshing brief talk about teenagers.

You might say that teenagers are Miss Howley's business. She teaches mathematics at Cardinal Newman High in West Palm Beach, and she spends most of her day associating with youngsters.

Her analysis of "student unrest" that appears on the front pages of the nation's newspapers are boiled down to this; the trouble-makers aren't typical students today—these are what we call the 10 per cent club."

She observed: "In dealing with students, one thing keeps popping up. They say, 'Adults tell us to do things, but we look at the adults and they aren't doing it' . . . Adults don't practice what they preach."

"Basically, this is their gripe. If you give them the example, they'll follow it."

Queen Jane said youngsters consider her a "square" and a tough disciplinarian.

"They're looking for someone stern—for some direction and some guidance. They want you to be strict and make them toe the line. They don't admit it, but that's what they want."

She said she is one teacher who isn't trying to win any popularity contests. But she is fierce in defending today's teenagers, whom she maintains are the best ever—and she cites all the positive things that the majority of the young people are doing to prove her point.

Adults must bear their share of the blame, she said. "It isn't teenagers who make drugs, print dirty books or make dirty movies."

Queen Jane—a Lake Worth graduate of

Marymount and FAU who hasn't been out of her own teens for long, came closer than anybody I've heard in a long time in putting a finger on what's good about the younger generation.

Despite the fact that she's got the reputation of being tough on students, she puts her heart in the right place:

"No matter how many times a day they drive me up a wall, I love them and I always will."

IN DEFENSE OF THE ROTC PROGRAM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BOB WILSON. Mr. Speaker, in recent days, there has been agitation and anarchy on many college campuses regarding the university-military relationship, particularly as it pertains to the ROTC program. While I cannot understand their attitude or actions, I believe it is not the time to add fuel to the fire by merely denouncing the motivation of those who would destroy the program; rather, I would direct my remarks to the more constructive side by discussing with you the ROTC program and the mutual benefits derived from it by the participating students, the universities, the military services, and by the American people.

While ROTC had its formalized beginnings with the passage of the National Defense Act of 1916, the association of the academic-military relationship had its genesis in 1819 when Norwich University in Vermont was established as a military school. The Land Grant Act of 1862 provided that military training be required at the land-grant colleges, mostly State universities, in return for land concessions from the Federal Government. Thus, the idea of association between educational institutions and the military is almost as old as the Nation itself and represents a traditional principle of drawing officers for our Armed Forces from the mainstream of American life in all its diversity. So, to put the matter in a proper perspective, what is now being advocated—that is, complete separation between the university and the military is a new proposal—heretofore not advocated by any serious segment of our society.

But exactly what is the nature of the ROTC? It is a program given on the university campus with all the costs paid by the Federal Government wherein the students are provided the opportunity to study for a military career. It can be a 4-year course or a 2-year course. The Federal Government in no way requires any academic institution to make the course compulsory. Thus, from a Federal standpoint, it is the offering of an opportunity for students to study voluntarily for military service. And what is the nature of the course? The program is based upon a minimum of 3 hours per week in each of the first 2 years and 5 hours per week in each of the last 2 years of the program.

It is impossible to show what a typical

ROTC program contains because the head of the ROTC unit at each university has been delegated authority to tailor the program at each campus in recognition of the difference in students, major fields of study, departments within a university and between universities. But within the ROTC curriculum, the specified courses are taught in two categories—some of the academic courses are taught by university faculties and the professional military courses which are taught by military officers.

At the present time, 212,416 students are participating in 515 ROTC units at 347 schools. Approximately, 13,500 students are attending schools on ROTC scholarships wherein they receive tuition, book and fee costs, plus \$50 per month subsistence. Recipients of these scholarships are committed to 4 years of active duty after graduation as officers and must accept a regular commission, if offered. The other ROTC participants received \$50 per month subsistence, and are obligated upon graduation and commissioning to serve 2 years of active duty.

Who are these participating students? Some are those who genuinely want to be commissioned and make the military their career. Others obviously are motivated by the financial assistance they receive as a means of obtaining a college education. Admittedly, the largest number are those who recognize that upon completion of their academic courses they will have an obligation in the military service and they would rather serve as officers than in an enlisted status. But whatever their motivation, they have recognized their citizenship obligation and have combined their academic career with military training.

But what about the universities? Do they derive any benefits from this program? I believe the answer is a very obvious, yes. In the first place, it enables them to offer another career opportunity training program—that of the profession of soldiering. And is a university not usually measured by the variety and caliber of training for career opportunities provided to a student? The second obvious benefit is the scholarship program and financial assistance program provided ROTC cadets. While no direct financial benefits are provided to an institution having an ROTC program, this indirect benefit of assistance to the student, in turn, directly benefits the university.

Transcending these direct benefits, however, is a more subtle advantage to a university having a ROTC program. It is the advantage of having an input of civilian trained, academically oriented personnel into the Armed Forces. The philosophy of their university training represents a different background than that of a military school. The university community, being a vital segment of American society, has frequently warned of the dangers of a militaristic society. So the ROTC program provides the academicians the opportunity to infuse the military services with personnel for whose training they have been primarily responsible. Obviously, we could enlarge by many times the service academies to provide officer personnel for the military

services—but we feel that a balance between militarily oriented and academically oriented students is far superior.

And what place does ROTC play in the role of the military? Of the 74,043 officers entering military service last year, 21,400 were ROTC graduates. And if we examine the percentage of officers on actual duty commissioned from ROTC, we find the Army has 33 percent; the Navy, 12 percent; and the Air Force, 32 percent. The Army and the Air Force would like the figure to increase to approximately 50 percent. So, as you can see, the ROTC program is the prime source of officer procurement. But since there are other programs for the commissioning of officers, is there anything particularly unique about the ROTC approach. Again, I believe the answer is yes, in that it provides a vehicle for evaluation of commission potential by the cadets over a relatively long period of time. It is essential in building a cadre of capable officers to assure that commissions go to the best potential leaders—not necessarily the best student or athlete, but ones capable of developing those qualities of leadership which cause others to desire to follow, capable of instantaneous judgments which are sound, and capable of learning and then teaching other men and women. The uniqueness lies in the opportunity for a working together of the student and the head of the unit for a period of years in order to fully evaluate each cadet's potential.

And within the military services, ROTC graduates have achieved high status as is evidenced by the fact that there are 154 generals in the Army, nine admirals in the Navy, 33 generals in the Air Force, and 22 Marine Corps generals who entered active duty after being commissioned through the ROTC program.

The recent attacks on ROTC programs on the college campuses are, in my opinion, an effort on the part of a small minority of students aided and abetted by a few members of the faculty on an obvious symbol of the relationship between the university and the military. The attacks are not so much directed against the ROTC program as they are on the military influence existing in the United States. I, too, wish that we could abolish armies and that the world would be a place of everlasting peace. I am not so naive as to believe, however, that wishing alone can make peace a reality as long as selfishness and greed exist among nations and leaders of the world. There will be a continued need for a military force to defend this country, and it is our job to provide for the best possible military organization.

I believe the military is a better organization because of the vital interplay of civilian university and military training in the ROTC program. I believe, too, the ROTC system has proved of great value to our Nation in that it combines the outstanding resources and sound traditions of our colleges and universities with those of the military services. I believe America is a safer place because of the ROTC program and I urge that those who would attempt to destroy, to suggest what alternatives our country would face if the program were abolished.

A WORD FOR AMERICA

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. STRATTON. Mr. Speaker, in these days it has become fashionable to question and doubt our country's purposes and to think that the changes we see all around us are somehow going against our historic ideals.

It is heartening to hear modern America defended instead of denigrated. To my knowledge nowhere has this been done more cogently than by an English immigrant now living in Cortland, N.Y., in my district.

His name is Kenneth G. Meades. He is technical director for the Potter Paint Co. of that city and president of the Cortland Rotary Club. His eloquent, brief article, "A Word for America," was sent to me by Mr. Robert I. Potter, president of the company.

I wish to share with my colleagues Mr. Meades' appreciation of his adopted country, and include the article at this point:

A WORD FOR AMERICA

(By Kenneth G. Meades)

Please: May I say a word for America, this great land which is mine by adoption only?

I was born and raised in England, my ancestors as far as I know, stretch back into England's history and yet I choose to live in the United States. So I feel I have a special right to say a word for America at a time when Americans seem in doubt at themselves, at their government and at the very roots of their society. Americans seem unsure; ashamed and baffled at the currents of change which drag and pull away at the foundations of their way of life.

Because we live in a climate of constant change, these worries are certainly understandable, but surely America's greatest enemy is self-doubt.

I have seen many countries and lived in several of them: No matter what the communist may say, the peoples' paradise is here—on Main Street, U.S.A.

As a comparative newcomer to your country I have seen graft, corruption, crime on the increase, minority groups oppressed, a lowering of moral standards, poverty, discrimination and all the other things which are pointed out as indicative of a sick America. Sadly, these are all true, but the waves of change which wash this country also wash other shores, and the problems Americans seem to claim as theirs alone also belong to the rest of the world. England and France have race riots, there are strikes in Germany and Italy and students demonstrate in South America, China and Russia.

For whatever reasons, the whole world is seething with discontent, with some of it directed against the U.S.A. For this country represents the "haves" in a world of "have nots".

In little more than 300 years Americans have made their land the richest, most powerful land in the world. If you remember they began with nothing but their bare hands, they built the most fabulous way of life man has ever seen—leaving the other nations to snap at Uncle Sam's heels.

No country provides greater freedom of speech than does the U.S.A. No country allows more freedom of movement. No country feeds its people as well or protects the rights of its citizens more jealously. No country allows—better yet, encourages—individual opportunity as does the United States.

And that was the word I wanted to say for America—Opportunity.

In the six years I have lived here America has given opportunity to me, just as she does all the other immigrants to this country. We arrive all colors, races and creeds, speaking the babel of fifty languages. America takes us by the thousands each year and offers us to build for ourselves this life we share with Americans. She does this free and clear—open handedly sharing her wealth and opportunity with all of us who ask for entrance.

Which other nation can say the same?

So Americans, take stock, you have created a marvelously sophisticated way of life. You and your forefathers did it beginning with nothing. No one sent you Foreign Aid, or the Peace Corps. The World Bank wasn't around to finance you and you didn't pollock off the West against the East whilst you built.

Speaking for myself I am proud to be part of the United States of America. Should you as Americans be ashamed?

MARIHUANA

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. GUDE. Mr. Speaker, today I have joined with several of my colleagues in cosponsoring a measure which would establish a Presidential Commission to inquire into the legal, social, and medical questions arising from the use of marihuana in our country.

I feel that the rise in the use of marihuana is one of the most prominent, the most critical, and perhaps the most perplexing problems which I face as a Representative from suburban Maryland, and which my constituents face as citizens and parents in an urban metropolitan area.

There have been 63 young people in my district who have been involved in narcotic charges so far this year, most of whom were involved with marihuana. There is no doubt that the estimated 5 percent of the students in the Montgomery County schools who are chronic users is a conservative estimate. It seems that no home, even the most affluent and apparently stable, is completely immune to infection by this strange disease—pot.

One of the difficulties with this problem of marihuana use is that of a substantial lack of research on and a dearth of authoritative information about the effects, serious dangers, legal implications of marihuana. I cannot stress enough my feelings as to the importance of preventive education in this area.

As a cosponsor of the Drug Abuse Education Act of 1969 and having recently issued a drug abuse information pamphlet, I am well aware of the lack of ready and available information about marihuana; yet I am also acutely aware, as I am sure my colleagues are, of the tremendous interest in this subject which is being indiscriminately used by some of our young people for reasons which we do not fully understand.

Some of our young people in turn are being arrested and sometimes acquiring an irrevocable criminal record in our sys-

tem of justice without understanding the full significance. The time has come when we must face this amorphous monster squarely. The use of marihuana is a nationwide phenomenon. We must find out all of the facts about this phenomenon, and accomplish this at a level which acknowledges the range of seriousness of the problem. I urge my colleagues to join with the gentleman from New York (Mr. Koch), my fellow cosponsors, and myself in support of a Presidential Commission on Marihuana. It is our responsibility to our constituents and to the Nation as a whole to provide for a complete examination of every aspect of the widespread use of marihuana and establish a national policy based not on fear but fact.

YOUR MASTER'S VOICE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, an article in the May 19 edition of Barron's by Associate Editor Shirley Scheibla, should both interest and concern our colleagues and the executive branch. The article, entitled "Your Master's Voice," describes in some detail the mushrooming practice of some of our departments and agencies of promoting certain pet projects by use of "public service" announcements, radio spots, and telecasts.

Interestingly, and even frighteningly, many of these Government-sponsored programs present positions in direct conflict with announced policies of the Government. Yet no coordination seems yet to have been established between the agencies, and the programs continue to be broadcast by radio and television stations across the Nation anxious to comply with the FCC requirement that part of their time be devoted to "public service."

Mr. Speaker, under unanimous consent I submit Mrs. Scheibla's article in full at this point in the RECORD, and I commend it to my colleagues and to members of the executive branch for very careful attention and corrective measures:

YOUR MASTER'S VOICE—"PUBLIC SERVICE" BROADCASTING HAS BECOME A PROPAGANDA MACHINE

(By Shirley Scheibla)

WASHINGTON.—In carrying out plans to close 59 Job Corps centers, President Nixon may find his task made harder by radio and color television spot announcements which the Office of Economic Opportunity recently sent to stations throughout the country. In a staff memorandum dated February 14, OEO said: "Three new Job Corps TV spots, with the theme of 'Give Yourself a Chance,' have been distributed to all TV stations and will be shown in addition to those currently used. Additional radio spots have also been distributed." (While the Labor Department, slated to take over the Job Corps, persuaded OEO to withdraw plans to advertise the Job Corps on the side panels of every mall truck in the country, it failed to talk OEO into killing the radio-TV spots.)

HIGHLY CONTROVERSIAL

A few years ago, federal production of TV and radio material to propagandize highly

controversial programs was most unusual. Today it's the rule rather than the exception for most government agencies engaged in social endeavors, nor are their efforts confined to spots. On the contrary, today they turn out vast quantities of long and short TV films, video tape and radio productions and scripts. They're doing it on their own; through donated professional services; and under contract with private companies and non-profit institutions like universities. Some agencies even have a "Spotmaster" which enables stations to broadcast recordings directly from a phone after dialing the right number.

Nobody knows how much money the government spends on such activities, or even the approximate value of the gratis services. Nobody even knows how much Uncle Sam spends for public relations; most agencies take such disbursements out of their administrative budgets. However, one independent producer of TV films for the government estimates that expenditures for that item alone run into hundreds of millions of dollars. (He likes the work because it doesn't involve competitive bidding.)

Nobody at the top in government studies the radio and TV messages being disseminated. Herbert Klein, communications director for President Nixon, doesn't have the time. Small wonder. The Agriculture Department alone has 300 different films available for television, not counting about 350 spots, plus radio material.

The uncontrolled avalanche of federal propaganda gets a direct reception from radio and television. Broadcasters apparently are delighted to receive free material of commercial quality. Moreover, it is one way to comply with the requirement of the Federal Communications Commission to devote some of their time to "public service": all federal productions for the airwaves are lumped into the "public service" category. But they're beginning to look less like a public service and more like a propaganda monster.

OTHER REALMS, TOO

President Nixon may find himself in opposition to federal radio-TV material in other realms as well. As he tries to "bring us together" and still the voices of racial turmoil, he will be running into a TV spot distributed by the Department of Housing and Urban Development (HUD), which says, in part, "If you're black, you've got to be famous to live where you want. You call up; the agent has a house. Show your face; it vanishes."

While Mr. Nixon is trying to bring OEO's community action under control, a HUD radio spot is urging listeners to "organize community action groups." (A 14-minute Interior Department TV movie suggests community action to remedy a water shortage.) Although the Chief Executive's advisors are pondering the problem of too many requests for HUD money, the agency's TV and radio spots tell people to send for a booklet, "Better Communities," which urges readers to apply for nine different kinds of grants from HUD.

Communications Director Klein says he would like to inspire a new pride in America. But here's what the booklet says: "Today America's urban communities are at a juncture. Their sidewalks are unsafe, streets jammed with traffic and air polluted. Their office and apartment buildings are all too often uniformly drab and unoriginal in design. Their cores are ridden with slums, junkyards and neon forests. Their splayed, amorphous suburbs are rapidly becoming unsightly and unlivable. Whether they will continue to deteriorate or will be revitalized and rebuilt is in question." The answer, says the booklet, is that everyone "must be made aware of the abundant opportunities available to them for bettering their communities," i.e. money from HUD. Proudly HUD reports it has had 1,500 requests for the booklet directly attributable to the spots.

SOLICITING BUSINESS

The Equal Employment Opportunity Commission is another agency which appears to be using spots to solicit more business than it can handle. Despite its admitted inability to deal with the huge volume of complaints it has on hand, EEOC has a radio spot which says, in part, "Do you need a job? If so, go to your United States Employment Service or visit a private employment agency. If you hear of a job that you can do and you would like to have, go today and apply for it. . . . If you are turned down because somebody thinks you are the wrong color or the wrong race or the wrong sex or religion or national origin, that somebody is breaking the law—and the Equal Employment Opportunity Commission wants to hear about it."

The Agriculture Department's huge roster of TV movies and radio material promotes virtually every controversial activity within its jurisdiction, including farm and electric cooperatives. A film now in preparation will tout the federal meat and poultry inspection service which recently has been criticized for issuing biased reports on conditions in the meat-packing industry (Barron's, April 7).

HOLLOWS AND RUTS

Back in 1965, when President Johnson was struggling to win support for the War on Poverty, the Department produced a 28½-minute film titled, "Poverty in Rural America." It remains in circulation for TV use. According to the Department's catalog: "This film takes you where the 'Hidden Americans' live—into the mountain hollows, to the end of the rutted dirt roads, and into the by-passed communities."

This a long way, of course, from Smoky the Bear, who now is revered as the grandfather of the mushrooming federal broadcasting ventures. The Department still is promoting its fire-fighting bear and features him on about 95 commercially produced TV spots. They are the only films which the agency doesn't turn out in its own studio in its sprawling South Building. During fiscal 1968, the studio made 87 TV films for the Department, compared with 94 in 1967. "But owing to a sharp increase in the requirement for longer films," it explains, "the level of activity in terms of finished screen minutes held essentially constant."

Here is what the Department reports on its growing radio activities: "Agri-Tape," a weekly tape recorded program, went to 427 radio stations, exceeding what was thought a year earlier was near production capacity (400 for regular handling with existing facilities. "Agriculture USA," another weekly taped program, grew from 220 regularly using stations to 236. The daily radio featurettes, "Consumer Time," issued on a weekly reel of six programs (three and a half minutes), continues serving 325 to 350 radio stations.

The Department of Health, Education and Welfare (HEW) is so deep in dramatic productions for the airwaves that it employs a former theatrical agent—Harry C. Bell—as its radio-TV officer. Among the Department's recent TV films are two running a half-hour each called "Beware the Wind" and "Battle Below the Clouds." Dealing with air pollution, both are distributed under the auspices of HEW's Consumer Protection and Environmental Health Service.

A 15-minute weekly show by HEW's Social Security Administration is carried by 743 TV stations and 3,698 radio stations. A five-minute weekly show, recorded for Social Security by singer Eddy Arnold, is aired by 2,000 radio stations a week. In addition, Social Security reports that during the final quarter of last year, 185 TV stations used its live programs; 91, its long films and 703, spots.

"Three years ago," says Mr. Bell, "we were producing virtually no TV spots; now we

have them out on anti-smoking, air pollution, drug abuse, rehabilitation, the Teacher Corps, financial aid to students and Social Security."

With over 1,000 community action centers scattered all over the country, OEO is in a unique position to exploit radio and TV as a propaganda tool. It is urging every center to literally get into the act. Volume II of an OEO Public Affairs Handbook called "Sound and Sight" tells how to do it.

"Under terms of their licensing by the Federal Communications Commission, TV and radio stations must devote a certain amount of broadcast time to public service" and "your Community Action Program fits the definition of a public interest program," the booklet advises.

SCRATCHING THE SURFACE

But wangling free spot announcements and guest appearances on existing programs is "only scratching the surface," according to the booklet. Send news releases about CAA activities to TV and radio stations and develop with them a public affairs series telling "what the poverty program can do for the community and what the community can do for the poverty program," it urges.

"Know the special prejudices of your audience. . . . In a rural area . . . emphasize the 'individuality' or 'self-help'. . . . In an urban area, where group cooperation is more of a way of life, your program might portray those efforts in which the community joins together toward a special goal," declares the booklet.

With a \$100,000 grant from OEO, the Community Action Training Institute of Trenton, N.J., produced a TV show series which recently was nominated for a special citation by the National Academy of Arts and Sciences. Called "Ya Es Tiempo" (It's About Time), the five Spanish language shows were aired over UHF channel 47 in Newark last August and September. The theme was that it's about time to do something about poverty and that the answers lie in community action.

ACTION-TYPE CLUBS

CATI reports that over 50 buyers' clubs, block clubs and "other action type" clubs were formed as a direct result of the Spanish-language showings.

On each of the five evenings when the TV programs were shown, 224 Spanish-speaking CATI group leaders conducted training sessions in their homes for 2,300 people in connection with viewing the programs.

Here, in essence, is how CATI describes the show on employment problems: A man who has worked at a factory for seven years is fired without being told the reason. His union will not help him. When he tells his friends, they are afraid that if they help him, they will be fired. But finally they meet with an employment specialist at a CAA. "He suggests they form a group so they can learn what to do; e.g. how to participate in the union so it's working for their benefit." The specialist also helps the fired worker "get into a training program that will prepare him for a new career."

This is what CATI reported about advance promotion: "The group leader and actor network of local people, assisted by many CAAs, local organizations and churches in New York City and northern New Jersey, distributed more than 3,000 posters and 50,000 throw-away announcements. This neighborhood promotional effort reached 36 Spanish barrios. . . . Channel 47 gave free air time for short promotional spot announcements. . . . An advertisement was placed in The New York Times the day of the first telecast."

Currently being aired in Newark—over radio station WNJR—is the Newark Report, produced by the United Community Corp., the top CAA in that city. Started last October, it is a panel discussion show of the programs of the UCC, and WNJR says it is very popular.

DYNAMIC PLATFORM

According to The Crusader, a newspaper published by the UCC, television "can provide a dynamic platform to bring the basic problems of the ghettos more clearly into focus. . . . The poor have come to recognize that their demand for a free and equal access to the mass media is an intrinsic part of their being able to succeed in the struggle for freedom from hunger, from privation, from exclusion."

Down in Williamston, N.C., Martin County Community Action, Inc., puts on a 15-minute radio program twice daily. "An antipoverty agency is not the easiest thing to sell the public on, but we have been rather successful in our efforts with the affluent as well as the poor," says Harmon St. Clair of MCCA.

OEO itself sends out radio-TV material in addition to that on the Job Corps and urges its local community action groups to help persuade local stations to use it. For instance, OEO recently sent all TV stations half-a-dozen new color spots lauding VISTA.

"The Owl Who Gave a Hoot" is described as an OEO cartoon film which "alerts low-income groups to their rights as consumers, rights being denied them because of malpractice, fraud or their own lack of knowledge."

Mention of the future prospects for the role TV and radio will play in government public relations brings a sparkle to the eyes of many information officers of the aforementioned agencies. They talk of only beginning to exploit the possibilities.

Obviously those who are battling creation of a Public Broadcasting Corp. to forestall federal broadcast propaganda are unaware of what is now going on.

PROPOSED CUTBACKS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. SCHEUER. Mr. Speaker, I am deeply disturbed by the Nixon administration's proposed cutbacks in appropriation for title II and title III of the Elementary and Secondary Education Act.

The administrator has proposed to eliminate completely all funds for books and other instructional materials that come under the title II amendment. The \$50 million provided in the last fiscal year will be cut to zero, if Congress agrees to the President's proposal.

The Nixon administration has also proposed to cut the title III budget for education innovation fully by one-third, from \$173 million to \$116 million.

These funds for educational resource materials for our communities and for demonstration educational programs have been basic components in the Federal Government's commitment to education. That commitment must continue.

Without adequate instructional material provided by title II projects, other programs funded by ESEA cannot possibly achieve the maximum impact our legislators intend.

Without creative educational programming provided by the title III-sponsored projects, this Nation can no longer claim to seek out new educational programs that work, and that are maximally responsive to the communities they serve.

I call upon my colleagues to continue

the funding of title II and title III amendments to the ESEA as specified by the Johnson budget. There is no more important domestic priority than the education of our children.

RACE AND AMERICAN FOREIGN POLICY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. OTTINGER. Mr. Speaker, I am most pleased to call to our colleagues' attention a speech delivered earlier this year by my good friend and former Peace Corps associate, Mr. Franklin H. Williams.

Mr. Williams, director of the Urban Center of Columbia University, delivered a timely and penetrating speech at Stetson University in March on the role which race has played in our foreign policy. As he so aptly summed up his remarks:

The fate of America and the fate of the black man are one and the same.

I am happy to share this important message with our colleagues and insert it, herewith, for inclusion in the RECORD:

Despite the paramount importance of race in our domestic life very little has been written of its role in American foreign affairs. But every now and then something appears that gives some insight into this important subject.

A small news story in the center pages of the February 23rd issue of the *New York Times* graphically demonstrates *Africa's* place as a continent of concern in shaping America's foreign policy. The article reads:

"Chelsea House Publishers announced last week that Arthur M. Schlesinger, Jr., the historian, will be general editor of a five-volume 'Documentary History of American Foreign Affairs, 1945-1970.'"

Few events have more influenced the form and character of international relations during this period than the emergence into independence of more than 30 African states. Yet note the titles of the volumes to be included in the history:

"East Europe and Soviet Union . . . Asia . . . Western Europe . . . United Nations . . . and Latin America."

Africa? Apparently, as far as American foreign affairs is concerned, the second largest continent in the world, with millions of people, has not existed from 1945 to the present. This to me is especially upsetting since for almost three years I represented our nation as Ambassador to a Black African country. It seems that in the view of Chelsea House and Professor Schlesinger, it either wasn't there or somehow did not count.

Ralph Ellison has characterized the plight of the Black man in America as that of the "invisible man". He is simply ignored as a living, breathing, sentient person. This tendency to treat Black people as if they weren't there also seems to apply to Africa, and to the problems of race in international affairs generally. If you look at practically any textbook on international relations published in recent years, there is virtually no discussion of racial factors. In eleven texts published in America since 1960, the entry "race", or its equivalent, can be found in only five of their indexes, and in three of the five the index refers the reader to less than three paragraphs of text. Yet with the possible exception of the Western European colonial empires, no nation's foreign affairs

have been more influenced by racial considerations—positive and negative—than America's.

Domestically, race is a matter of deep national concern and divisiveness, and inevitably, our resolution of this national problem will directly effect our role in world affairs and our influence as a world power. Though we often refer to our country as an ethnic melting pot, America is invariably seen and sees itself—as a white Anglo-Saxon Christian nation. As a result, our policies toward non-white peoples have been marked by what can fairly be called "white imperialism", on a political level, and "benevolent racism", on an ethnic level.

Domestically, our immigration laws, from the early Oriental Exclusion Acts to our present statutes, have established national immigration quotas in direct proportion to the whiteness of the country of origin. Further, the internment of the Nisei—but not citizens of German descent—during World War II reflected a national uneasiness with citizens of darker hue.

It should be noted that these are matters of contemporary history: Asians were barred from naturalized citizenship until 1946. Finally, the long continued almost total absence of Black, brown or yellow Americans from our foreign policy-making councils not only supports this uneasiness but invariably influences our policy-making decisions relative to the world's majority.

Externally, the Boxer rebellion; our economic support of racist South Africa; our military alliance with colonial Portugal, and our apparent readiness to resist colored in contrast to white communist aggression suggest the existence of a double standard in our international relations. It appears, indeed, that we have a bi-partisan ethnic foreign policy: one operating favorable for countries most similar to our own—predominantly white—and the other taking a more negative posture toward those countries whose inhabitants are predominantly non-white.

Over a hundred years ago, in 1854, Martin R. Delaney, a physician, author and Negro leader, spoke these prophetic words:

"The white races are but one-third of the population of the globe—or one of them to two of us—and it cannot much longer continue that two-thirds will passively submit to the universal domination of this one-third."

By 1900, Dr. W. E. B. DuBois, a distinguished Black scholar and intellectual, was no longer predicting. He stated unequivocally that "the problem of the twentieth century is the problem of the color line."

Contemporary history validates this prediction. The two great white nuclear powers, locked in a battle for world supremacy, are attempting to win the allegiance of the uncommitted nations. But the uncommitted—with few exceptions—are colored—and China's entry into the nuclear fraternity, with its unabashed effort to speak for the non-white peoples of the world, has complicated the struggle. Russia's advantage flows from its revolutionary and supposedly non-colonial history. Ours comes also from our revolutionary history, as reflected in the language of our basic documents and the rhetoric of our founding fathers. But this advantage has been eroded if not totally offset by past practices of slavery and segregation and the fact that America is still dominated by essentially racist institutional structures.

Black Americans, who suffered and still suffer from this condition, have always known that American life was permeated with racism; but it took the Kerner Report to drive this point home. At one point the report states: ". . . White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II. . . . What white Americans have never fully understood—but what the Negro can never for-

get—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."

Today we run the risk that our immersion in day-to-day crises may blur our memory of the past, and that the press emphasis on Black demands may gloss over the systematic and cruel exclusion of the non-white American from the mainstream of national political and economic life throughout our history.

Let me refresh your recollection just a little.

In 1901, President Wilson, the man who was to make the "world safe for democracy," described the colored American as a "homeless class, unpracticed in liberty, unschooled in self-control; never established in any habits of prudence, bewildered and without leaders, and yet insolent and aggressive; sick of work, covetous of pleasure—a host of dusky children untimely put out of school."

The treatment of Black Americans—including 360,000 soldiers—during and after the war to make the world safe for democracy, proved that Wilson did not have them in mind when he talked of defending freedom. The last six months of 1919 saw 25 bloody race riots, and in that year more than 70 Black people were lynched, including ten soldiers in uniform.

The despair that gripped the Black ghettos following the war spawned the Garvey Back to Africa Movement, which attracted over 2 million dues paying members. His goal was similar to that of some advocates of Black power today: economic and political control by Black people over their own Black communities. But in 1933 it was estimated that two-thirds of the Harlem labor force was unemployed. World War II created jobs, of course, but institutional racism insured, as usual, that they were on the bottom of the ladder of opportunity. The President of the North American Aviation Company, for example, stated in 1941 that "while we are in complete sympathy with Negroes, it is against company policy to employ them as aircraft workers or mechanics, regardless of their training. There will be some jobs as janitors for Negroes."

After the war, returning Black veterans were expected to fall back into their traditional inferior places. The same old conviction, rooted in slavery, was still in general currency: "Black people are inferior, and we're going to keep it that way." In the armed services itself, Black volunteers and draftees had to fight for the right to fight. For example, Black soldiers overseas were assigned to unskilled non-combat duties until the Battle of the Bulge, when they were organized into platoons and assigned to the front, one platoon to a white company. It was not until 1948, when our segregated army landed in South Korea to defend a colored nation, that harsh military necessity forced President Truman to order the elimination of this embarrassing contradiction.

It cannot be denied that there have been major modifications of our domestic racial policies since that time. Some have been fundamental; for example, the judicial rejection of the constitutionality of enforced racial segregation. In the main however, such changes have affected more the form of our behaviors than the content of our racial ideologies. From the day our founding fathers—some of them slave holders—committed the nation to the achievement of a domestic society within which all men shall be free and equal, to the present where Black Americans still live in substantial insularity and isolation, it would be fair to say that racism based on color differences has been an incipient, if not indigenous characteristic of our country. As James Conant phrased it, slavery has the "congenital defect" in the making of the country, for it

built self-deception into the very matrix of the American image.

The ancestors of the more than 500,000 Black Americans who survived the voyages from Africa still seek the "promised land" of freedom and unrestricted opportunity. Mutiny aboard ship, unremitting slave rebellions, the underground railroad, experiments with resettlement in Africa, sit-ins, riots, and alternative present-day schemes for Black status and Black communities with Black capitalism all mark unrelenting efforts on the part of Black Americans to find some solution to their American condition.

Unless we bring the Black Americans fully into the main-stream of lives in our nation, this important body of nationals—12.5% of the population—will be able to contribute little to our international relations. Unfortunately, we seem to be making little progress in this direction. A new administration has recently assumed leadership without a single Black person in a key State Department post. On the international scene, we have dropped from seven Black Ambassadors, including two in Europe, one in the Middle East, three in Africa and one at the United Nations to a total of four: one in Malta and three in Africa. Though there has been a small increase in the number of non-whites in the Foreign Service at the junior level, the number of senior grade Black officers is at a standstill, with less than a dozen based in Washington or abroad.

The mounting domestic racial crisis has emerged, next to Vietnam, as the major inhibiting factor in achieving respect, communication and support for America and its policies not only throughout the non-white world, but in Scandinavia and elsewhere as well. The gravity of race as a United States domestic problem and as an international crisis is summarized in a recent statement of the Institute of Race Relations in London:

"It is no longer necessary to emphasize the importance of race as a domestic issue in the United States. In Britain, too, this has become a national issue; we may still be in time to learn from American experience and prevent the problem reaching the gravity it has in the United States, but only if exchange of ideas is urgently sought and quickly translated into action."

"It is less generally recognized that ideas about race play a part in every major confrontation of the world today. World poverty, world hunger, world population, and the operation of aid programmes, are all affected; efforts for peace, the activities of the United Nations, the working of international agencies are frustrated by the suspicions and resentments which arise from race. Failures to solve the domestic problem in the United States and Britain; failure to enforce the views of the United Nations in South West Africa and in Rhodesia, failure to achieve peace in Vietnam—all increase the sense of frustration among the developing nations. The line between rich nations and poor and the line between white and non-white are dangerously near coinciding and the polarization of the world into camps divided by these lines become increasingly serious. In the power struggle between the United States, Russia and China, political use is made of this polarization and it is a major contribution to instability. There are influential people who speak of a 'race war' on a world scale as inevitable if not already in progress. But surely more reasonable courses are open if men apply their minds to the possibilities."

Dr. James Moss of the University of the State of New York has found that in spite of the long tradition of African students studying in the United States most African students experience some form of racial discrimination during their stay in the United States. Indeed, he reported that one group of African students studying in the midwest became more disaffected the longer they

stayed in the United States. When we consider the history of discrimination towards African diplomats and other distinguished visitors during their stay in this country, coupled with the documented evidence that some of the most damaging effects upon our American-African relations derive from experiences with racially and culturally unsophisticated white Americans on varying assignments in Africa, is it any wonder that we are so disliked in that continent? Dr. Joseph Kennedy's research findings and conclusions five years ago are just as relevant today as then:

"Today, the entire world is caught up in a great twopronged struggle—a struggle for material and human equality. The American Negro quest for civil rights, the independence of nations, world revolutions, are a part of this larger struggle. For most countries the dissolution of old alliances and the formation of new friendships and relations will be determined by the outcome of this great struggle.

"Where this struggle takes on racial overtones, as it must in Africa, (for the African, like the American Negro, has lived with minority status within the concept of white superiority and Black inferiority) the United States finds itself in an extremely sensitive, tenuous position—much more so than the Soviet Union or England, or any other country in the world. The United States is the major force in the 'free world' standing for democracy, individual expression, and human rights. The United States has the largest Black population any place in the world outside Africa itself. Yet, the United States has an extremely negative racial image in Africa and around the world."

If our country therefore is to alter its image as one of the most hated nations in the world by non-white peoples, nothing short of a major transformation in our racial posture and priorities domestically and internationally will suffice.

The United States and our Western allies must begin to deal with the reality of an international community of non-white peoples, bound together in a common struggle against white racism and imperialism, in which our country is one of the major protagonists. I must here confess my own doubts on this score. Far too many of our policymakers seem to consider that, in the context of world wide priorities, nonwhite peoples are of too little consequence to merit the kinds of activities on the massive scale that I believe are essential if racial polarization is to be reversed.

From our founding this nation and the Black man have been inextricably committed to each other. America's commitment rose out of the contradictions of slavery and democracy—a contradiction which had to be resolved if the republic was to endure. "Indeed, I tremble for my country," Thomas Jefferson told the Virginia House, "when I remember that God is just." Recognizing the contradiction inherent in his plight, and using the Christian ethic and democratic rhetoric as his tools, the Black man hewed his way out of first slavery then enforced segregation. He looked upon his activity as self-liberation; the deeper truth is that the Black man's struggle is the struggle of America itself seeking its true identity.

It was not by accident that as America came into its own as a world power during and after World War II, the Black man came to represent the conscience of the nation and he advanced in direct proportion to his ability to embarrass America in times of international crises. My point is clear, I hope;—The fate of America and the fate of the Black man are one and the same. The challenge to the one is mirrored in the increasing freedom of the other. I submit that with the advent of national independence abroad and increasing racial opportunity at home the question of color will steadily dissolve into a question

of economics. The residual issue then that will have to be faced during the remainder of the 20th century is the struggle between the haves and the have-nots.

The danger lies in the fact that the historical events of the past 350 years have doomed the majority of the non-white peoples of the world to the category of the have-nots. Our domestic danger is that we may lack sufficient national concern or commitment to make of our Black minority an asset rather than a liability. It would be a pity if the United States, which held out such hope for the world's needy and oppressed, found itself isolated and alone because of its own inability to root racism out of its national body at a critical point in its own survival. Where then would we turn? How impregnable would our white defense be?

A FORWARD STEP IN MICRONESIA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ZABLOCKI. Mr. Speaker, I have been gratified by recent press reports which indicate that the U.S. Government is, at long last, taking necessary steps toward improving the American image in the Trust Territories of the Pacific, more commonly known as Micronesia.

As you know, on March 25, 1969, I took the floor of the House to warn that time was running out for our Nation in Micronesia. It was obvious that the native population of these strategically important islands was becoming progressively disillusioned with us on the issues of economic reconstruction and political development.

I brought to the attention of the Congress a resolution passed by the Congress of Micronesia and sent to the United Nations which condemned the U.S. stewardship of the U.N. trusteeship and asked that the international body reconsider its legal and political status.

Action has now been taken to halt this deterioration in relations between the United States and the 91,000 inhabitants of the 2,141 Micronesian Islands spread over 3 million square miles of the western Pacific.

According to press reports, Secretary of the Interior Hickel in a visit to the region has pledged that Washington will take immediate steps toward more self-government for the islands, the upgrading of local participation in their administration, and payment of equal wages to Micronesians and Americans who do the same work.

The reaction from leading Micronesian political figures to this program has been hearteningly favorable. It bears out my contention that the Micronesians are anxious for a permanent tie with the United States but naturally have reacted negatively to America's past policies of indifference and neglect.

The Secretary of the Interior also outlined two other important reforms.

First, the administration will propose legislation to give Micronesian products the same preferential, duty-free status now afforded products of American territories.

Second, Congress will be asked to pass companion legislation to remove travel restrictions between the United States and Micronesia.

Both of these legislative actions are important to the economic development of the islands: The first would help bolster the region's exports of fish and other commodities, the second would encourage tourism in the islands.

It is my hope that Congress will move with dispatch to enact these proposals.

Mr. Speaker, the strategic importance of the trust territories becomes more evident with each new disturbance in Japan, Okinawa, and the Philippines over our bases located in those countries.

Because Micronesia is a "strategic trust" the United States may place military installations on the islands. But we can only do so with the concurrence of the native people, if we are to abide by the United Nations mandate.

I am confident that, treated fairly, the Micronesians will choose a continuing relationship with the United States and allow some islands to be used as "fall back" positions for defense installations should other bases in the area become untenable or lose their practical usefulness.

In order to further acquaint my colleagues with the steps proposed by Secretary Hickel and the strategic importance of the Micronesian Islands, I am inserting in the RECORD at this point several recent newspaper items on the Micronesian situation:

[From the Washington Daily News, Apr. 29, 1969]

U.S. ANNEXING 2,141 ISLANDS?

(By William Steif)

The Nixon Administration may try to annex the 2,141 Micronesian islands in the Pacific, which the United States has held under United Nations trusteeship since 1947, to establish military bases and troop training areas to replace those in Okinawa.

The Okinawans last November voted for reunification with Japan, and growing Japanese student unrest now is focusing on demands for return to Japan of the big island in the Ryukyus chain between Japan and Taiwan.

As a result, the Nixon Administration has developed a new "position" on the Pacific trust territory.

Interior Secretary Walter J. Hickel will explore annexation possibilities when he goes to Micronesia Thursday to confer with leaders there on the islands' future.

DISCUSS RETURN

The Nixon Administration sent a high-level representative to Tokyo last winter to open informal negotiations on the return of Okinawa to Japan and has sent at least three separate observers to Micronesia in recent weeks. The latest to return was Marine Lt. Gen. Lewis W. Walt, former commander of Marine forces in Vietnam who is now the corps' assistant commandant.

Gen. Walt surveyed several of the 96 inhabited islands in a six-day visit in search of new training areas for the Marine Corps. He said the people were "warm and receptive" and reported that many areas could be used for training—particularly amphibious training—either now or in the post-Vietnam era. He was especially impressed with the possibilities in the Palau group, westernmost of the trust territory.

OVER 2,400 MILES

The islands extend over a 2,400-mile belt of the Pacific and stretch north 1,000 miles from

the equator, but cover only 706 square miles of ground, half the size of Rhode Island.

The U.N. made the United States trustee after American troops wrested the island from Japan in a series of bloody World War II battles at such places as Saipan, Tinian, Kwajalein and Eniwetok.

The U.N. designated Micronesia as a "strategic trusteeship"—the only one in the world. This means the administering power may use the islands for military purposes. The United States exercised that right by testing nuclear weapons at Bikini, building an anti-missile base at Kwajalein, permitting the Central Intelligence Agency to train Chinese Nationalist guerrillas at Saipan and building several smaller bases at other islands.

Some observers believe a U.S. offer to incorporate Micronesia into the United States would stir a row in the UN, where the United States is on record against colonialism.

FAVOR U.S. TIES

Surveys of Micronesian sentiment in the last couple of years have shown most opinion favoring some sort of tie to the United States.

As long ago as 1966 a U.S. representative to the U.N. Trusteeship Council said events were "pushing us toward a definite decision within a reasonably short time" on the date and method by which Micronesians would determine their future. Russia at that time was pressing for independence for the islanders.

Former President Johnson two years ago asked Congress to set up a commission to study Micronesia's future status—and urged a plebiscite before 1972. The Senate last year passed such a bill but the House balked.

The Micronesian legislature, meantime, created its own status commission and is expected to deliver recommendations to Mr. Hickel this weekend. The legislature was established by order of the Interior Department, not Congress.

When Mr. Hickel became interior secretary, he gave top priority to bolstering the Micronesian economy, with an eye to more tourism and a bigger fishing industry. The 95,000 Micronesians have a per capita income of less than \$200 a year. He also has been working closely with Defense and State Department officials.

[From the Washington Post, May 6, 1969] ISLANDERS GIVEN GREATER VOICE—UNITED STATES OUTLINES REFORMS FOR MICRONESIA

Secretary of the Interior Walter J. Hickel announced last night a broad reform program for the Micronesia Trust Territory.

He announced the program at a public meeting in Saipan, the Mariana Islands. The Secretary emphasized the need for the Micronesian people to determine their own future by having a greater voice in decisions affecting the Trust islands and promised "to bring more Micronesians into high-ranking and responsible positions in the Trust Territory government."

Since the end of World War II the islands have been administered by the United States under a United Nations trusteeship, which gives the United States the right to maintain military bases in the area.

The only important installation now is at Kwajalein, where there is a missile test site. But the other islands could have military value in the future if the United States leaves Okinawa.

But these military installations could be installed only if the Micronesians choose to maintain a continuing association with the United States.

Hickel's trip to Guam and Saipan was designed to encourage such a relationship.

He told the islanders he was taking these steps:

"The High Commissioner will move rapidly and decisively to bring more Micronesians into high-ranking and responsible positions in the Trust Territory Government."

The people of Micronesia will "be brought into the planning and decision processes as full and equal participants with American personnel."

Hickel said he had directed the High Commissioner to "start within 90 days an active and imaginative program of training of Micronesians for position of greater responsibility in the Administration."

He also said efforts will be made to eliminate any differences that may exist in the pay schedules.

The Nixon Administration will "start work to develop an improved judicial system which will give Micronesians a stronger voice in the administration of their judicial system."

Hickel said the Nixon Administration "will soon propose legislation to give Micronesian products the same preferential, duty-free status now afforded products of American territories."

He also said the Administration will seek companion legislation to "remove travel restrictions between Micronesia and the United States."

Hickel stressed the need for close relationships and cooperation between the United States and the people of Micronesia.

He said he welcomes the formation of a budget committee from the Congress of Micronesia to develop budget recommendations within the ceiling authorized by Congress.

The Secretary also had praise for the Status Commission, which has been studying proposals for the political future of the 94,000 people who live on the 2100 islands spread over 3-million-square miles of the Pacific.

He said the Commission has done a "tremendous job during the last two years" and when its report is finished it will "not go unheeded."

Hickel requested the Micronesian Congress to "appoint a representative group of your wisest, most experienced members to work with my staff in drafting legislation to make your program possible."

"You . . . will help develop the legislation which will end the trusteeship and build a lasting political partnership with us so we can go forward together," Hickel said.

[From the New York Times, May 5, 1969]

MICRONESIANS GET SELF-RULE PLEDGE—HICKEL SAYS UNITED STATES WILL SPEED REFORMS FOR ISLANDERS

(By Robert Trumbull)

CHALAN KANO, SAIPAN, May 5.—Walter J. Hickel, the man responsible, under President Nixon, for American government of Micronesia, pledged today that Washington would take immediate steps toward more self-government for the islands, the upgrading of local participation in administration and the payment of equal wages to Micronesians and Americans who do the same work.

The Secretary of the Interior, who is touring the Pacific islands, where there has long been criticism of United States policy under the United Nations trusteeship initiated in 1947 made his pledge in an address to Micronesian legislators * * *

The items discussed by Mr. Hickel have been among those most frequently mentioned by critics of the regime.

"The situation could not be worse, but I am optimistic that conditions will now change," Amata Kabua, President of the Senate in the Congress of Micronesia, an elected legislative body with limited powers, commented after hearing Mr. Hickel.

COMMISSIONER IS INSTALLED

The Secretary installed Edward E. Johnston, a 51-year-old Honolulu insurance executive and prominent Hawaii Republican, as the new High Commissioner of the Trust Territory of the Pacific Islands. He succeeds William R. Norwood, a former newspaperman, also of Honolulu.

The more than 2,000 islands and atolls

of Micronesia, of which about 100 are inhabited by 92,000 people, were taken by the United States from Japan. * * * Visiting missions from the United Nations Trusteeship Council have charged Washington with neglecting the islanders' welfare.

Mr. Hickel, speaking under a broiling sun in a gymnasium whose roof was torn off by a typhoon last year, acknowledged some shortcomings of previous administrations.

"For years you have had little voice in your government," he said. "This is wrong. High Commissioner Johnston will move rapidly and decisively to bring more Micronesians into high-ranking and responsible positions in the trust territory government."

BIG GAP IN PAY RATES

"Every effort will be made to eliminate any differences which may exist in pay schedules," he said. According to an official report, scales for Micronesian employees of the administration run from almost \$700 to \$10,300. Americans, many doing the same jobs, receive from \$3,600 to \$25,900, plus "hardship" allowances and other bonuses.

Mr. Hickel said the Nixon Administration would strive to make the economy more viable by expediting the development of roads, electric power and other projects to improve the economic base. Legislation will be introduced in Congress in Washington to allow duty-free imports of Micronesian products, he added.

To increase Micronesian participation in the development process, Mr. Hickel asked the Congress of Micronesia to form a budget committee and a planning group to work with American officials on future programs.

The steps proposed by Mr. Hickel "could alter the adverse image of the United States" among educated Micronesians, said Senator Lazarus Sali, an influential member of the Congress of Micronesia from Palau.

"The United States is at least coming to grips with the situation," he added.

NIXON REALIZES CONSEQUENCES OF A SURRENDER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BOB WILSON. Mr. Speaker, in the past week there has been a great deal of speculation over the meaning and implications of the President's message to the Nation on Vietnam last Wednesday night.

One problem that must be of paramount importance in the President's Vietnam stance is the fate of the thousands of innocent South Vietnamese civilians who would be the victims of a massive bloodbath should we fail to stand firm in requiring a total withdrawal of North Vietnamese troops from South Vietnam, Laos, and Cambodia. The following column by Joseph Alsop emphasizes the life and death importance of refusing to draw back from the President's resolute position on this issue:

SPEECH SHOWS NIXON REALIZES CONSEQUENCES OF A SURRENDER

(By Joseph Alsop)

In the President's study, quietly eloquent and common-sensible speech about Vietnam, you could hear ghosts walking. To be specific, you could hear the ghosts of the 2000 dead of Hue.

The New Left in the U.S., and indeed a good many of the so-called media, can now summon indignation against almost anyone

but the enemies of this country. This is perhaps why the Communists' monstrous crime in Hue has been so little noticed, with only two or three honorable exceptions.

During the Tet offensive, in brief, the Communists occupied much of Hue for a little more than three weeks. The occupied part of the little city had an original civil population of perhaps 80,000 men, women and children. One half or more of these people—probably more—managed to seep out between the lines in the confused early stages of the fighting.

Thus the Communists' potential victims numbered no more than 35,000 to 40,000 at most. Of these, they killed in cold blood at least 2000, old and young, men and women, and even little children. That many have actually been found in the mass graves in which the Communist high command buried these 2000, who were guilty of nothing except being suspected—and you can doubly underline "suspected"—of opposition to a Communist takeover.

In a grim story describing the reburial of 300 of the recently found dead by the Hue municipal authorities, Robert Kaiser of *The Washington Post* described how many of them had been beaten to death with clubs, that they did not have a whole bone in their bodies. Many more, said Kaiser, showed clear evidence of having been buried alive!

So now extrapolate, as our virtuous academic intellectuals so often say. Before Tet, Hue was the city in South Vietnam most disaffected from the government. It had very few Catholics, and none of those massacred in the mass graves of Hue were soldiers. Yet the Communists massacred on the order of 5 per cent-plus of the civil population they got briefly in their grip.

To extrapolate correctly, moreover, you must crank into the calculation South Vietnam's million men in uniform, and the million Catholics that the U.S. brought down from North Vietnam in 1954. Realistic extrapolation from what happened in Hue would therefore give a figure of at least a million South Vietnamese who would be doomed to prompt execution, in the event of a nationwide Communist takeover. And this is quite in line, in turn, with the blood bath that occurred in the North after the Communist takeover there.

A grave and sober consciousness of the consequences of an American surrender, disguised or otherwise, showed through in every line of President Nixon's speech. So did realism about the necessary terms of any acceptable settlement, as when he stressed the absolute need for North Vietnamese withdrawals from Cambodia and Laos as well as South Vietnam. And showing, to, was the courage to see through this hard, intractable problem.

The dead of Hue meanwhile symbolize, indeed in some sense define, the severe limitations on the President's freedom of action. Because he has so clear a view of the consequences, he cannot take the advice to give up that is pressed upon him by men like Sen. J. William Fulbright. (But he can, of course, ask these gentlemen, at a later date: "Do you want the blood of hundreds of thousands of innocents on your hands, and on your country's hands?")

The President, in short, cannot possibly accept anything less than the minimum he asked for: absolutely free self-determination, with no threat of northern re-invasion, for the people of South Vietnam. Hanoi knows perfectly well that only the tiniest minority of South Vietnamese would freely choose a Communist regime. Hence Hanoi is certainly not ready, as yet, to give the President anything like the minimum he must insist upon.

That is why the President warned that an early end of the war was not in sight. Yet Hanoi's problems mercifully, are a hundred times more painful than Saigon's problems, or indeed than the President's problems.

Above all, Hanoi now has to worry about the dreadful and continuing manpower drain on the North, and worse still, about the potential crack-up of large chunks of the VC structure in the South.

So the President's best posture is not merely to look resolute, but also to be resolute. In his speech, he was very resolute indeed. Hanoi, therefore, now has solid knowledge of the President's purposes—which are very different from the guff that has been so widely written about his purposes.

BRETTON WOODS—25 YEARS LATER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. MOORHEAD. Mr. Speaker, uncertainty and instability in our international economic relations have dramatically pointed up the need for monetary reform.

In the interest of economic growth and the free flow of trade among nations, we cannot continue our patchwork economic policies, nor can we continue to be bailed out of our dilemmas by the central bankers of the world.

Whether monetary reform is accomplished by a system of "crawling peg" or "sliding parity," many students of economic thought agree that the time has come to move toward a more flexible system of rate exchange than that to which we are bound by the Bretton Woods agreements of 1944.

The Washington Post of May 10 and the New York Times of May 11 carried articles narrating the monetary crisis and urging exchange rate reform without further delay. I include the articles at this point in the RECORD for the thoughtful attention of my colleagues:

[From the New York Times, May 11, 1969]
FIXED EXCHANGE RATES UNDER FIRE IN CRISIS
(By H. Erich Heinemann)

An uneasy quiet settled over the world's money markets on Friday afternoon as trading closed down for the weekend.

For the fourth time in the last 18 months, or perhaps the fifth or sixth time, depending on whose count you take, the international financial system was in the throes of a major currency crisis, whose resolution was clearly still a matter of conjecture, even for those in the seats of financial power in the principal money centers.

The immediate cause of the latest upheaval was the resignation of Charles de Gaulle as President of France, which appeared to open the door to negotiations for a general realignment of European currencies.

A STRUCTURAL PROBLEM

The roots of the disturbance, however, are far deeper than that, and lie in structural flaws in the present mechanism of international finance.

Meanwhile, the financial markets have not waited for the politicians to make up their minds. The expectation last week, quite obviously, had been that there would be an adjustment of the values of the leading European currencies—almost certainly involving an increase in the German mark, and possibly in some other currencies as well.

On Friday afternoon, these hopes were dashed when the German Cabinet voted to maintain the value of the mark at 25 cents. But the problem of dealing with the results

of the massive speculation of the last two weeks—as well as its underlying causes—still remained.

More than \$2-billion in speculative "hot money" moved into the coffers of the Deutsche Bundesbank, the West German central bank, during the week as traders placed their bets that the value of the Deutsche mark would be increased.

At the same time, the magnet of the mark pulled funds away from the beleaguered British pound and the French franc, making these currencies (despite tight foreign-exchange controls in France) vulnerable to devaluation—in other words a drop in value.

In sharp contrast to the currency turmoil that gripped the international markets at the beginning of last year, the present crisis does not directly affect the position of the United States dollar, except to the extent that dollars have been used by speculators as the vehicle for moving into marks.

EFFECT ON PRICES

Largely because of the Federal Reserve System's tight-money squeeze in the United States, American banks have pulled some \$10-billion out of the Eurodollar market—the market for dollars on deposit in banks abroad—so that even with a continuing deficit in United States international payments, the dollar has been in short supply on most world money markets.

The fear in financial circles was that from problems in the structure of international money market, a period of uncertainty and instability could emerge that would hamper seriously the growth of world trade and investment.

No matter what happened this weekend—or in the weeks to come—the chances were that it would be no more than a stopgap solution to the fundamental underlying problems in the structure of international finance that have been exposed in the recurring crises that have boiled up since the devaluation of the British pound on Nov. 18, 1967.

An increase in the value of the mark would have the effect of raising the prices of German products in world markets. Volkswagen cars, Pfaff sewing machines would cost more, and thus would be less competitive.

At the same time, imported goods would cost less in Germany. The hope, obviously, would be to reduce substantially the huge surplus in the German balance of trade, thereby taking some of the pressure off of Germany's European neighbors.

Conversely, the opposite impact would be hoped for in the case of devaluation elsewhere—lower export prices and higher exports; higher import prices and smaller imports; and consequently an improved balance of trade.

A POLITICAL CHOICE

Within Germany, the problem has been that the imposition of sharp restraint on the vital German export industry (which accounts for about 20 per cent of total output) would almost certainly lead to an increase in unemployment.

With the coalition government in Germany divided almost equally between the two principal parties that will be rivals in the election that is coming in fall, it is not hard to see why it has been difficult to come to a decision on changing the value of the currency.

But in the present currency crisis, the machinations of domestic German politics are really beside the point.

What the latest upheaval has shown—just as did its predecessor last fall—is the lack of an adequate means to adjust currency values when they get out of line with each other.

Changes in values that should be handled as routine technical matters by central bankers—and be of interest only to a few outside the tight little circle of international bankers and traders—have become matters of intense interest, involving president and

prime ministers in supercharged confrontations.

It was Charles de Gaulle, and Charles de Gaulle alone, who said "non" to a devaluation of the French franc last fall, and thereby set the stage for the crisis last week.

There are few objective standards that one can apply to determine whether a country's currency is "overvalued" or "undervalued." Comparisons of the relative purchasing power of two currencies are a notoriously tricky business.

It is fair to say, though, that when a country, year in and year out has an international payments surplus—or conversely a deficit—then perhaps there's something wrong with the value of its currency.

ROLE IS DEFINED

The balance-of-payments account is, in effect, a summary of all of a nation's transactions—in trade, investment, tourism and so forth—with the rest of the world. Naturally, the competitiveness of a country's products in world markets is an important element in this overall equation of inflows and outflows, and to a substantial extent currency values are an influence in determining whether or not a country is competitive.

The present system of international finance—whose basic charter was drafted at Bretton Woods, N.H., at a conference of the World War II allies in 1944—calls for fixed foreign exchange rates between countries.

In day-to-day trading, price fluctuations of a currency are to be limited to a narrow band of 1 per cent above or below a defined "par value," and in practice most major nations have limited this trading range to three-quarters of 1 per cent either side of par.

Only in the event of a "fundamental disequilibrium" in a nation's balance of payments is a change in par value to be contemplated. There is evidence that the founding fathers at Bretton Woods expected that these changes in par value would be easily accomplished, with little disturbance to the system.

UNFORESEEN RIGIDITY

But here, too, the practice has been to hold foreign exchange rates far more rigidly in place than appears to have been contemplated at Bretton Woods.

For example, when the mark rises to its official "ceiling" of 25.1889 cents (3.97 marks to the dollar), the Bundesbank must supply marks to the market at the ceiling rate to prevent the mark from going higher.

The belief in 1944—and to a large extent even today—was that the financial turmoil caused by floating foreign exchange rates in the 1930's was largely responsible for the collapse of world trade and investment in the Depression.

The basic difficulty has been that, even with a commitment to fixed foreign exchange rates, it has proved impossible to keep exchange values from getting out of line.

Gabriel Hauge, president of the Manufacturers Hanover Trust Company, said not long ago that "it is doubtful that fixed exchange parties could be maintained indefinitely even if all countries were prepared to give preservation of their currency values top priority. Individual countries experience differing rates of economic growth," Mr. Hauge said, "of productivity and of price change because of the disparity in the world-wide allocation of resources and of technical capacity."

"It seems likely," Mr. Hauge said, "that even if all of us had done a better job of managing our domestic economic affairs these past 10 years, the relationships among currencies would only by accident be in balance today."

But coming to the conclusion that changes in the fabric of foreign-exchange rates are inevitable and essential is only the beginning of trying to analyze the present international financial problem.

For if foreign exchange rates are to change,

how are they to change? Continuously? Occasionally? By what amount? Under what kind of international supervision, if any?

Opinion has been gradually changing among leading American bankers and economists in the direction of greater flexibility in foreign exchange trading.

Two of the most-discussed methods for accomplishing this have been called, in the jargon of the international economists, the "wider band" and the "crawling peg," either alone or in combination.

Under the former proposal, exchange rates would be allowed to move within a band of, say, 5 per cent above or below par, in contrast to the present three-quarters of 1 per cent. Under the latter, the par value of a currency under basic upward or downward pressure could be allowed to respond to that pressure, at predetermined time intervals and by predetermined amounts.

The most recent expression came last week when Gaylord A. Freeman Jr., chairman of the First National Bank of Chicago, called for a new Bretton Woods-type conference to overhaul the present structure of currency values, to allow a wider range of fluctuation around those new par values, and to allow gradual further adjustment of par values for currencies facing basic problems.

A SHARP ATTACK

Another Chicago banker, Beryl W. Sprinkel, senior vice president and economist of the Harris Trust and Savings Bank, presented a more extreme view to a business gathering here in New York not long ago.

Mr. Sprinkel sharply attacked the idea of price controls in any form and then he went on to say: "One additional area of price control that remains popular is that of pegged exchange rates between national currencies."

"Exchange rates are supported," Mr. Sprinkel said, "therefore preventing price from performing the important function of equating the quantity supplied with the quantity demanded, hence the continuing surplus of dollars in the world's currency markets."

"Fixed exchange rates," he said, "invite direct controls which restrict the free flow of trade and capital between nations. Only recently have we come to realize that rigid exchange rates render the international adjustment process virtually impotent."

"Currently," he went on to say, "serious attention is devoted to the possibility of permitting greater exchange-rate flexibility through the adoption of such freer markets as adjustable pegs or floating bands."

OPPOSING VIEW

By contrast, Eugene A. Birnbaum, the respected senior economic adviser to the Standard Oil Company (New Jersey) has been arguing just the reverse.

"Greater exchange rate flexibility," Mr. Birnbaum said in an address to the Chemical Marketing Research Association, "would be conducive to the formation of competitive world power blocs. Seen in this light," he added, "a change toward flexible exchange rates might not be progress, but, perhaps even more probably, a retrograde step."

The long-range goal should be a single currency for the Western world, Mr. Birnbaum said, and any changes made in the international monetary structure should be taken with this goal in mind.

Any movement toward more flexible exchange rates, he asserted, would in effect make more difficult the eventual integration of the world economy. Each of the innovations suggested to allow greater exchange-rate flexibility, Mr. Birnbaum said, "harbors potentially serious technical difficulties that could outweigh the presumed advantages."

[From the Washington Post, May 10, 1969]

NO END TO THE MONEY CRISIS

West Germany's decision not to revalue the mark may temporarily diminish the specu-

lative turbulence that has gripped the foreign exchange markets. But the basic problem of monetary imbalance remains as a menacing manifestation of the unwillingness of governments to agree upon a rational course of action.

It would be heartening if the international monetary problem could be solved by banishing the evil currency speculators, those who are selling francs and pounds sterling in order to buy marks. But currency speculation is as much a result of the disequilibrium as it is a cause. Because of uneven rates of inflation and of productivity growth in the Western countries, the mark is undervalued; the rates at which it is pegged in the foreign exchange markets are too low in relation to what it will buy in Germany. At the other extreme is the badly overvalued franc, a currency which has been pegged at an unsustainably high level in the world money markets.

The remedy lies in a realignment of exchange rates—an upward revaluation of the mark along with a devaluation of the franc and perhaps also the pound sterling and other currencies that are not so severely overvalued. But it is at that point that the dictates of rational economic policy are blocked by the imperatives of politics.

An easy—but far from ideal—solution would have been provided by a unilateral upward revaluation of the mark. However, the Kiesinger government, which faces an election in September is fearful of offending German farmers and businessmen. And the paralysis of inaction that has stymied Bonn also prevails in other world capitals. London is silent because an already fragile pound sterling has been further weakened in the rush to buy marks. And Washington does not speak out because it fears that the dollar might be engulfed by a tide of competitive currency devaluation.

The irony of the current impasse is that there is no lack of monetary cooperation in the world today. A number of ingenious techniques have been developed by the central banks—currency swaps and the prompt "recycling" of speculative capital flows—in their defense of the prevailing set of fixed exchange rates. But cooperation in defense of what is economically indefensible is hardly a virtue.

A way out lies in a more flexible system of exchange rates, one that will facilitate, not impede, economic adjustments among advanced trading countries. The day of reckoning may be postponed for a time. But a further delay of exchange rate reform increases the danger that the international monetary structure will be toppled and that a rash of protectionist controls will bring the growth of world trade and investment to a standstill.

COLLEGE REBELLION REVERSED, MILITANTS GET COLD SHOULDER

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ROGERS of Florida. Mr. Speaker, in these days of campus unrest, it is well for all of us to realize that only a small fraction of the American college population is involved in destructive acts. It is a credit to the Nation that the vast majority are sincerely interested in getting an education, and seeking change through the orderly process.

One indication of the attitude of many students can be seen from the action of the student government at Palm Beach Atlantic College. I insert a recent

newspaper report of that at this point in the RECORD:

[From the Miami (Fla.) Herald, Apr. 6, 1969]

COLLEGE REBELLION REVERSED, MILITANTS GET COLD SHOULDER

WEST PALM BEACH.—In a campus "revolt in reverse," student leaders at Palm Beach Atlantic College have called for an administrative ban on any "adverse student organization" at the new, Baptist-supported institution.

Taking the Student Council's unanimous recommendation further, trustees of the one-year-old college announced in a newsletter to parents and prospective students:

"Students requesting admission to Palm Beach Atlantic are required to sign statements affirming that they are not members of the organization of Students for a Democratic Society or any other such organization, nor will they become affiliated with such while enrolled at Palm Beach Atlantic."

Kenneth Bagwell of Merritt Island, president of the student government, said the recommendation came after the administration sought the council's opinion on campus violence across the nation.

Bagwell said council members discussed the violence with representative groups of the 150-member student body, and then decided the college should deny admittance to any student "affiliated with any adverse organization."

"The students here believe it is high time some student body spoke up for the huge majority of students and let it be known that they are strongly opposed to the disruptive actions of small groups of students," Bagwell said.

The new policy statement will appear in the college's 1969-70 catalog.

THERE OUGHT TO BE A LAW

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, "There Ought to Be a Law" was the title for a very thoughtful editorial by WBZ radio-television in Boston earlier this month. Contrary to the idea conveyed by the title initially, the editors maintain that Government's responsibility in dealing with campus disorders is not through Federal intervention on the university campus, but through the implementation of action-oriented programs to conquer the pervasive ills of our society which kindle social anger and disturbance. I offer the full text of the editorial for consideration of all my colleagues, who share my concern over the crisis on our campuses.

THERE OUGHT TO BE A LAW

(Delivered by James R. Lightfoot, general manager, WBZ radio; and Winthrop P. Baker, general manager, WBZ-TV)

Campus rebellions continue to dominate the news across the country. And as usual, in times of such unrest, many people are inclined to mouth that old phrase—"There ought to be a law against that sort of thing." So it's no surprise that there are a host of proposals for government intervention into campus affairs, a real crackdown on students.

We don't profess to know just how this campus mess will be straightened out. But we're convinced of one thing. Congressional or legislative intervention of this sort would be a disaster. There are ample legal means

of dealing with campus disorders right now. Police action has already been taken to clear buildings and restore order at Harvard, Dartmouth and a number of other campuses. We support this type of move as an unpleasant necessity.

One of the men who had to make that type of decision was Harvard's Nathan Pusey. Significantly he told a "Meet the Press" audience on WBZ-TV that the answers to the crisis must come from within the university itself—primarily from the faculty and students.

This doesn't mean that there's nothing for government to do, that there shouldn't be a law. But what's needed is local, state and federal action to deal with the rot in our society—poverty, prejudice, slums and materialism. These are conditions that have angered many responsible students. They have been trying to give American society a message it ought to listen to. Unfortunately much of it has been garbled by the actions of a maniac minority. The university and if necessary the police can deal with the troublemakers. The challenge for government is to defuse the anger of the responsible majority—not with negative acts of repression but a positive attack on society's many ills.

REPORT TO CONSTITUENTS

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ESHLEMAN. Mr. Speaker, within a few days my latest report to my constituents will be mailed. This report includes some pertinent commentary and also my second questionnaire for the first session of the 91st Congress. I would like to include the contents of this report in the RECORD at this point:

WASHINGTON SPOTLIGHT

(Report from your Congressman
Ed ESHLEMAN)

A CONSTITUTIONAL QUESTION

Back when Davy Crockett served in the U.S. House of Representatives, a bill was passed appropriating money for the relief of some families whose homes had been destroyed by a fire. Colonel Crockett voted for the bill, but later was questioned by a constituent on the constitutional basis for his vote. The Congressman explained that his vote was right for it contributed an "insignificant sum" for the relief of "suffering women and children." The constituent, however, persisted, and perhaps we should think a little about the point he made during some Congressional deliberations today. He said: "It is not the amount, Colonel, that I complain of; it is the principle. . . . The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay monies, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution. So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its powers beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better . . ."

COME ON DOWN

Your Nation's Capital is "bulging at the seams" as thousands of tourists come to visit the focal point of American heritage. Numerous school groups, organizational groups and

individual families from Lancaster, Lebanon and Lower Dauphin Counties have been in Washington this spring. My staff and I are looking forward to greeting many more of you as we get into the summer months. There is much to see and much to do in and around Washington, and most people find that even after several trips they are still making new and fascinating discoveries. If you would like to come, your Congressional Offices will be happy to help you with planning your visit to Washington, and we are ready and willing to serve you during your stay.

DOUBLE STANDARD

When the Congress begins to talk about starting some new governmental program, we usually talk in terms of two basic questions: Is this program needed? Will it work? In recent years as a variety of expensive social projects have been considered, many Congressmen have said that the question of whether or not a suggested program will work is really secondary to the question of whether or not Congress will do something about the "crying need." These legislators, therefore, are on record stressing need as the first priority when judging the merits of a given proposal. But, it is most interesting that many of these same lawmakers have switched their logic in arguing the ABM issue. Since the need for a defensive missile system has been rather ably demonstrated, the ABM opponents have been talking about the subject of workability even in the face of some of the weightiest evidence ever compiled on a project's ability to deliver.

DESK DUTY

This month I took my turn on the "minority desk." This is an assignment given freshman and sophomore Republican legislators and involves acting as one of the floor leaders for the party during a particular week. The job has two basic functions. First, you obtain permission from the House for other Congressmen to make speeches of a personal nature or to include various comments in the Congressional Record. Second, you are the "watchdog" for the minority on matters of House business. Should the Minority Leader, Gerald Ford of Michigan, be absent during some attempt by the majority party to change the plans for the day's legislative activity, you immediately raise an objection. Since matters of this kind require unanimous consent of the House, this one objection will overrule any proposed change in the schedule. If this seems pretty routine in nature, it is. But, the assignment does give those of us who are relative short-timers a chance to become more directly involved than usual in the parliamentary maneuverings of the Congress.

A PROFESSOR'S PUTDOWN

Campus turmoil has been very much in the news during recent weeks. The unlawful excesses of student militants have shocked and disgusted the Nation. One of the most disturbing aspects of the problem is that these young people seem to think their ideas are so good that any action, even violence, is justified to "sell" their opinions. A rather well-known professor commented on this point in a lecture the other day. Former Vice President Hubert Humphrey talked about the proper way, the legal way, to sell an idea. Following the lecture, he was challenged by a student who said, "I like your ideals but not your method." Retorted Humphrey: "I like your ideals, but you don't have any methods. You couldn't get a Mother's Day resolution passed in an old lady's home."

MANY PROPOSALS

The 91st Congress has been in session for about 5 months. In that time, over 2000 bills have been introduced in the Senate, and the House has over 11,000 pieces of legislation for consideration.

QUESTIONNAIRE

As the first session of the 91st Congress rolls into the summer months things promise to get rather exciting. It would be helpful to me to have again an indication of your thinking on a number of issues of importance to all of us. Your response on the questionnaires I circulated earlier this year was most appreciated, and I hope you will take the time to complete this poll of the 16th District and return it to me. I will try to tabulate the returns as soon as possible and will let you know the results. By the way, in cases where your family has difficulty agreeing on replies, my District Office, 210 Lancaster Post Office Building, Lancaster, telephone 393-0666, will be glad to furnish extra copies of the questionnaire.

For our convenience, please tear off this back sheet of the newsletter when you submit your answers.

Thank you!

1. Do you believe that the Vietnam program recently outlined by the President is a reasonable and hopeful step toward achieving peace?

Yes , No .

2. Regardless of how you answered the previous question, do you consider the Paris peace talks to be the best means of ending the Vietnam War?

Yes , No .

3. Should the power of a President to commit American troops to combat without specific approval of Congress be curbed?

Yes , No .

4. Would you favor a tax reform plan that would eliminate most income tax deductions but substantially reduce the tax rates?

Yes , No .

5. Viewing the economy as it now stands and figuring in the continued expense of the Vietnam conflict, do you favor extending the 10% surcharge beyond its June 30 expiration date providing it is lowered to 5% as of January 1, 1970?

Yes , No .

6. Regardless of how you answered the previous question, would you favor extending the 10% surtax if it was coupled to a spending ceiling on the Federal Government to help bring inflation under control?

Yes , No .

7. Do you think that Federal spending should be cut back even if it means reducing expenditures in your favorite government program?

Yes , No .

8. Until a settlement is reached in Vietnam, do you think that the present military draft system should be immediately changed to the random lottery plan proposed by the President?

Yes , No .

9. Should Congress develop legislation to prohibit strikes by all public employees?

Yes , No .

10. Do you believe that the national security factors pointed out by the President justify the \$6 billion expenditure needed to build the modified ABM system he proposes?

Yes , No .

11. Do you believe that Congress should develop a code of ethics for the Supreme Court rather than have the Court develop one for itself?

Yes , No .

12. Should the national government step in and standardize welfare programs in States throughout the country?

Yes , No .

13. Do you think that the present controversy has justified a reopening of the Job Corps camps ordered closed by the President?

Yes , No .

14. Would you agree that disorder on a college campus should be primarily a matter for settlement by college authorities?

Yes , No .

15. In your opinion, is it proper for the Federal Government to ban certain types of advertising from television?

Yes , No .

16. Generally speaking, are you favorably impressed with the first four months of the Nixon Administration?

Yes , No .

17. Do you believe that Congress should grant local law enforcement agencies greater financial support?

Yes , No .

18. In your opinion, is the problem of organized crime big enough to demand priority attention by the Justice Department?

Yes , No .

19. In the area of electoral reform, do you favor a plan which would provide for the direct election of a President?

Yes , No .

20. Do you believe that Federal health, education and welfare grants to the States should be replaced with a block grant system which would permit State and local officials to determine how the funds should be spent?

Yes , No .

Please return to Hon. Edwin D. Eshleman, 1009 Longworth Building, Washington, D.C. 20515.

A SALUTE TO THE ROTC

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ZABLOCKI. Mr. Speaker, it was my distinct privilege and honor on Sunday, May 10, to participate in the 20th Annual President's Review and Awards Ceremony of the Navy Reserve Officer Training Program at Marquette University in my home district of Milwaukee, Wis.

In view of the emotional pitch of the current controversy surrounding the ROTC program on our Nation's campuses I would like to share with my colleagues some of the important highlights of that day.

As part of my remarks I include the statements of Capt. Robert Brent Harrell, commanding officer of the NROTC unit at Marquette, the Very Reverend John P. Raynor, Marquette University president, and my own. A brief history of the NROTC program at Marquette is also included.

The remarks and article follow:

OPENING ADDRESS BY CAPT. ROBERT BRENT HARRELL

Distinguished guests, my warmest welcome to the NROTC unit's 20th Annual President's Review and Awards Day Ceremony. Greetings to all of you who have regularly attended this ceremony over the past years, and our equally warm welcome to the many who are attending for the first time. I should like to take just a moment to express our sincere gratitude to those organizations and persons who have faithfully supported us with their award donations—both those who have contributed over the years and those who have donated awards for the first time—in order to honor these outstanding Marquette University students.

Greetings also to this outstanding midshipman battalion and NESEPS. All of them deserve special recognition for annually they set the highest standards of deportment, intellect, and all-around excellence which are a source of pride to the vast majority but decried by a covetous and, alas, vocal few. These ladies and gentlemen, are the outstanding examples of our youth today who have a deep-rooted belief in our country—they believe in tomorrow and their part in making it worthwhile. These fine lads are

living, breathing testimony to the viability and modernity of our constantly up-dated academic programs. Notwithstanding what others would say, young gentlemen, your thought processes have never been trampled, but, rather, fertilized. Continue, to set this pace of excellence.

Warm greetings to those distinguished persons who have honored us with their presence—Father Raynor, our president—the Honorable Clement Zablocki, our distinguished native son—Admiral Renken, Commandant, Ninth Naval District and Mrs. Renken—and Father Quinn, our revered coordinator of the Naval and Army Academic Departments on this campus. Admiral and Mrs. Renken, we are so happy you could be with us again this year. Mr. Zablocki—you are making our day a memorable one.

For one of us, at least, this will be his last President's Review in the uniform of his service. I would be remiss indeed if I did not mention that Commander Eaton, my executive officer, will retire this summer after 26 years of honorable service in our Navy. We are sorry to see you go, Commander, and in behalf of the entire battalion, I wish you every success in your forthcoming second career.

It gives me especial pleasure to present our President of Marquette University, the Very Reverend John P. Raynor, Society of Jesus, who will introduce our very distinguished guest and principal speaker.

Father Raynor.

REMARKS BY VERY REV. JOHN P. RAYNOR, S.J., PRESIDENT

Congressman Zablocki, Admiral Rankin, Captain Harrell, Reverend Fathers, Officers and Faculty, Midshipmen, Parents, Friends, and Guests, before introducing our esteemed guest speaker for the day, I wish to extend to each of you a warm welcome to Marquette. We are especially proud to have our honored guests with us today, as we are to have so many parents, friends and guests of our midshipmen at the Annual Naval Reserve Officers Training Corps Review and Awards Ceremony. And on behalf of all of us at the University—my Jesuit colleagues, members of the faculties and administrative staff, I extend warm and special congratulations to those whom we honor today, and to those in this unit who will soon be awarded their commissions.

As all of you know, a college or university President these days has his problems, but he also has choice privileges which he cherishes. Among those is that of recognizing and paying tribute, for this University, to those who have excelled, whether it be in their studies, in service to their school and its community, or in other projects designed to complement the formal educational program. Gentlemen, all of us salute you today, and as we congratulate you, we thank you for the persistent efforts which have brought you to the distinctions with which you will be honored, and we wish you God's blessing and every future success.

In a university atmosphere, we must be constantly mindful of our central purpose... the intellectual growth of our community. We may speak with justified pride of co-curricular and extra curricular accomplishments, but we must ever be vigilant that the quality and vitality of our intellectual life is becoming stronger and stronger. Only in this way can we equip our students to be responsive to the leadership needs of our society.

I am confident that we have such leaders in the young men of this NROTC unit. Like hundreds and hundreds of their predecessors since this unit was founded—1940—the first at a Catholic University, we can confidently expect that they will be leaders in their years after Marquette as so many of them are while they are students. Almost without exception, these young men have highly respectable academic averages. Moreover, there is in this group a willingness, a spirit, a help-

fulness, a loyalty which makes us pleased to have these men at Marquette.

They conduct themselves with honor and character.

They are responsible and responsive.

They are respected by their peers as they are by their teachers.

They are active in service to their unit, to their university, and to its community.

The value of a university is measured in its teaching, its research and its service to its community. But the work of a university, and its success in that work, must be measured not only in terms of what is accomplished on its campus and in its community, but perhaps even more so by the contributions its alumni make to society after their years on campus—contributing in every profession, in every walk of life. Again, if past serves as prologue, we really will expect that Marquette, through these young men, will be most favorably evaluated, for like those who went before them, they will distinguish themselves in service to their country and to their fellow man.

And service to this country is one obligation which Marquette University, and graduates of whom Marquette is proud, will never overlook. Perhaps nowhere more than in an academic community do we realize that peace is a prerequisite for the flourishing of free institutions. But before peace can be enjoyed, we know that we must provide for security and for the preservation of our democratic ideals—and this depends upon the commitment of young men to active, vigorous citizenship and leadership in all areas of life. We are proud that they do so freely, willingly and enthusiastically. Indeed, for this, we are grateful to them.

And so, we congratulate you young men today. We thank your parents, your teachers, your officers and your friends for the support and encouragement they have given you, and we wish you God's blessings and smooth sailing in the years ahead.

When I said that the value of the work of a university is reflected in the contributions of its alumni, I might well have cited today's honored guest and speaker as a prime example of an alumnus of whom any school would be proud. It is for this reason that Marquette is especially pleased to have the Honorable Clement J. Zablocki, Congressman of the United States, as its academic son, both by virtue of the degree he earned from the School of Speech in 1936, and of the Honorary Doctor of Laws Degree it was my privilege to confer upon him in 1966.

Congressman Zablocki is truly Milwaukee's own . . . Marquette's own. The cliché, "he needs no introduction," really doesn't apply very well, though, because I think it is important that we recall again, even if we know them well, his many accomplishments and the reasons he is held in such respect, not only at Marquette, or in Milwaukee, or in Washington, but literally, throughout the world.

After service in the Wisconsin State Senate from 1942 to 1946, Congressman Zablocki was elected to the House of Representatives in 1948 and became a member of the 81st Congress. He has served in Congress without interruption since. He is the ranking member of the House Committee on Foreign Affairs, Chairman of the Subcommittee on National Security and Scientific Development affecting Foreign Policy, and serves on other important committees and subcommittees. He has an impressive and lengthy list of sponsored or co-sponsored legislation related to both foreign affairs and domestic affairs, and is generally recognized and respected as a leading authority on foreign affairs, especially those of Southeast Asia and the Pacific. He is widely published. His most recent book, *Sino-Soviet Rivalry—Implications for U.S. Policy*, was published in 1966. He has received many, many awards, distinctions and citations; among them is honorary member-

ship in Alpha Sigma Nu, the National Jesuit Honor Society.

Not to be overlooked are Congressman Zablocki's outstanding qualities as a Christian gentleman, a respected husband and father, and a true friend of Marquette. It is my privilege to say "Welcome Home" to Congressman Clement J. Zablocki.

Ladies and Gentlemen, Congressman Zablocki.

REMARKS OF HON. CLEMENT J. ZABLOCKI

It is indeed a pleasure and privilege to join you here today for this Annual President's Review and Award Ceremony. To these men who have distinguished themselves by high academic performance and military accomplishment I extend special congratulations for a job well done.

We are proud of you and we want you to know it. Parents, teachers, relatives, friends—all take personal satisfaction in your dedicated effort and hard work.

Much is being heard today about the program of which you are a part. My main purpose here is to help set straight some of the facts in this controversy and thereby hopefully place the issue into proper perspective. In doing so I would like to touch briefly on some of the history of the ROTC as well as its achievements and value. Out of this brief review I would hope might come a more rational understanding and reasoned dialogue. The need for such calm deliberation is all too evident.

The exact origin of military training on our nation's campuses is difficult to establish. For all practical purposes, however, military training started in 1862 with the enactment of the Land Grant Colleges Act.

The institutions of higher education created by this legislation were to provide instruction in agriculture and mechanical arts and other scientific and classical studies. Further, training in military tactics was also to be included—on a *voluntary* basis. It is true that by the action of a few state legislatures and some university governing boards the program was made compulsory.

In providing for the inclusion of military training within our higher educational system, however, our Country gave practical expression to its time-honored philosophy—*civilian control of the military establishment*.

This philosophy has been expressed by American statesmen, educators and legislators throughout our history. Underlying their belief was past experience. It began with the harsh lessons of history involving professional military establishments divorced from the moderating influences of literature, the sciences, and the liberal arts.

What better means of preventing the creation of such military establishments, they reasoned, than by blending professional military training into the university curriculum.

Thus, the military instruction required by the Act of 1862 became the Army ROTC in 1916. The Navy entered upon a similar program in 1926 by establishing units in six universities—California, Georgia Tech, Harvard, Northwestern, Washington and Yale. During the years 1938 to 1941, 21 additional units were established to provide the reserve officers required for the expanding Navy.

In 1945 and 1946 it became clear that the Naval Academy with its limited physical capacity could not provide all the officers needed. The Navy therefore turned to the civilian colleges and universities for the education of many of its officers. This concept, The Holloway Plan (Rear Adm. J. L. Holloway, USN) was formalized in legislation passed by Congress in 1946. The number of Navy units was expanded to a total of 52 and the NROTC Program as we know it today was born. Marquette University's participation dates back to 1940-41. Several thousand Naval, Marine and Coast Guard officers re-

ceived their training at Marquette University and served our Nation with distinction.

Since 1946 the N.R.O.T.C. program has consistently received applications from qualified and competent young men—many of whom would be unable to attend college without the scholarship assistance provided by the program.

Given these facts I believe our nation should be and is extremely proud of the R.O.T.C. program. I believe it has been good for higher education, good for the individual, and essential for the officer manpower needs.

Unfortunately, many of these facts are being submerged by the emotionalism surrounding the current controversy. The value of the R.O.T.C. to our national security has been demonstrated repeatedly: In World War II, for example, 100,000 R.O.T.C. graduates served in the Army, and another 7,000 in the Navy and Marine Corps. In Korea also, and in South Vietnam today, NROTC graduates continue to serve their country with distinction.

Yet the system is under attack today from several sources. The faculties of a few universities and colleges have adopted resolutions recommending actions which, if implemented, would seriously downgrade the program or destroy it completely.

All of these moves have the tragic effect of removing military instruction from the mainstream of academic affairs.

The most violent and destructive criticisms along this line come from small but highly organized and extremely vociferous radical or revolutionary groups. One such group, the Students for a Democratic Society, has actually prepared in great detail a plan to (and I quote) "smash the military machine in the schools."

It is important to note that such extreme radical groups agitate for removal of the ROTC programs from the campuses as part of a larger plan for fomenting actual revolution in the nation. They seek to introduce class warfare and racial conflict among the youth of our country. They do so on the basis that the officers produced by these programs are, according to their warped view, the oppressors of the deprived segments of our society or that they are tools of the so-called military-industrial complex.

To all of this I submit that military training on campus is not in conflict with the purposes and ideals of the American system of higher education.

The truth of the matter is that there would be no better and more effective means of creating an oppressive military structure than to succumb to the false logic of SDS and other extreme opposition groups.

You young men and the hundreds of thousands who participate are the best proof of the value and effectiveness of the ROTC program. I urge you to carry on your important work, moving forward with the knowledge and confidence of knowing that this nation is proud of you and all that you represent. We are grateful for your dedicated service and we wish you every success in the days ahead.

THE NAVAL ROTC AT MARQUETTE UNIVERSITY

Each year the Navy commissions about 12,000 new officers to maintain the Navy in meeting its present world-wide commitments and in providing the experienced leaders needed for the Navy of tomorrow. The maximum number of officers the Navy may have is set by law. So the number of new officers needed is determined by annual losses expected from retirements, releases from active duty, etc. In order to meet these needs, the Navy has a variety of programs to obtain new officers. These programs generally are designed to provide long term, career oriented officers and shorter term reserve officers, who may not be interested in the long term career aspects, but desire to serve in the Navy on the shorter term basis. This, then, is the basis for

the Regular NROTC Program and the Contract NROTC Programs.

Briefly, the NROTC Program is conducted on 54 college and university campuses in all parts of the continental U.S. It started in 1926 on 6 campuses—California (commanded by the late Fleet Admiral Chester W. Nimitz, then a lieutenant commander), Georgia Tech, Harvard, Northwestern, Washington, and Yale. Originally it was designed to produce only Naval Reserve officers; the Naval Academy then being able to produce all the regular officers needed. However, during the years 1938 and 1941, units were established on 21 additional campuses to provide the reserve officers required for the greatly expanding Navy at that time. These units served well during World War II. It became evident that the future requirements for regular officers would far exceed those of former years and would be beyond the capacity of the Naval Academy. Therefore, a study was conducted by a board comprised of civilian educators and Naval officers headed by RADM J. L. Holloway, Jr., USN. Various alternatives were considered. This study resulted in the decision not to enlarge the Naval Academy to meet the increased demands but to utilize both the Naval Academy and the NROTC to obtain needed regular officers. The final plan was titled, "The Holloway Plan." This plan, in return for a specified period of obligated service, provides benefits for four years including tuition, fees, books, instructional equipment, uniforms, plus a monthly subsistence allowance of \$50.00—previously unknown in the ROTC of any service. The number of Navy units was expanded to a total of 52 and the NROTC program, as we know it today, was born. These universities specifically requested the establishment of an NROTC unit and accepted the provisions of the program wholeheartedly. The first nationally screened input of Regular Midshipmen entered this program in the fall of 1947 graduating in 1951. Marquette University's application for participation in this program dates back to July 1940 with the establishment of the unit in 1941. The Marquette University Unit enrolled its first class of Midshipmen in the fall of 1941. During the war-time period, several thousand young Naval, Marine, and Coast Guard officers received their Naval training at this Unit. In 1946, the activities of the Unit decreased as its mission shifted from mass production of war-time officers to the education of highly trained professional officers to man the increasingly complex Navy of the post World War II period. The shift was then made to the Holloway Plan.

This program, in concept, continues largely unchanged to date except as modified by Public Law 88-647 of the 88th Congress dated October 13, 1964, and known as the ROTC Vitalization Act. This act is the basis for today's program, and it also established a 2-Year Contract Program (an unsubsidized program). This act further extended the subsidized program to Army and Air Force ROTC. The 3 Navy programs then are:

(1) The Regular NROTC Program which pays 4 years of tuition, books fees, etc. There are approximately 20,000 applicants for this program each year. These applicants are required to take a nation-wide competitive examination. If adequate scores are made on this examination, applicants are then required to take physical examinations. If physical qualifications are met they are then interviewed by at least 2 Navy or Marine Corps officers. Names of successful candidates are then submitted to their own state selection boards which are comprised of 1 civilian educator, 1 civilian noneducator, and 1 military man. Final selections are made by these boards, based on the record of the applicant and the whole man concept, to fill the quotas. The Navy does not determine the school which the applicant must attend. It is his responsibility to apply for and ob-

tain admission into the university of his choice where an NROTC unit is located. If he is accepted into the university, and if he is selected for the NROTC program within quota limitations, he is then in the Regular NROTC Program. Graduates of this program receive Regular Navy or Marine Corps commissions and, at present, enter into a contractual obligation to serve a minimum of 4 years on active duty. This program has proven to be a valuable adjunct to the Naval Academy and a most desirable program from the standpoint of career officer input with a wide variety of educational backgrounds and experiences from the various universities of the United States. It is also in keeping with the civilian of the armed forces concept.

(2) The 4-Year Contract Program is comprised of university students who desire to obtain Naval Reserve commissions and whose education is not subsidized. After entry into the university they apply directly to the local NROTC unit. The curriculum requirements are the same for them as for the subsidized students with the exception of at-sea training periods scheduled during the summer months. The Regular NROTC student is required to participate in 3 of these summer training periods, the 4 year Contract Student is required to participate in 2, and the 2 year student participates in 1. Contract students receive \$50 per month for subsistence during their junior and senior years and, upon commissioning, are required to serve on active duty for a period of 3 years.

(3) The 2-Year Contract Program was basically designed for undergraduates. This would permit transferees from junior colleges to participate. It also permits other undergraduates, who are undecided during their freshman year, an opportunity to participate. It also applies to students in graduate school, including law, provided that they have at least 2 years of college remaining. One provision of this program is known as the Law Option. This allows senior undergraduates who are going into law school as well as first year law students an opportunity to participate while acquiring a law degree and defers selectees from duty until completion of law school and passing the bar examination.

Since the number of officers in the Navy is fixed by law, the numbers selected for these programs are necessarily limited to the needs. Selection into the 2-Year Contract Program is made in Washington and is made on a national basis to fill such quotas as are established. The NROTC Vitalization Act limits the Navy's regular NROTC participation in that—no more than 5500 midshipmen may be in the financial assistance program at one time. The quotas for the contract program are based on the Navy's needs and limited to the available facilities and funds. It is to be emphasized that all of these programs are strictly voluntary and that all participants have entered this program at their own request.

The academic structure of the program is as follows: An academic minor consisting of Navy specified civilian faculty taught university courses, and Navy professional courses taught by Navy/Marine Corps officers. Continuous officer contact with the midshipmen is essential and must be maintained.

The major goals of the NROTC Program are:

(1) To assist in the education of the midshipman in a major field of study of interest to the Navy or Marine Corps leading to a baccalaureate degree.

(2) To provide the midshipman with the fundamental concepts and principles of Naval Science and with the professional Naval knowledge necessary to establish a sound basis for his future growth as a Naval or Marine Corps officer. The Naval Science curriculum is tailored to contribute to this professional knowledge.

(3) To prepare the midshipman for service with the highest sense of honor and integrity

as a commissioned officer; to cultivate the essential elements of military leadership; and to foster the growth of a strong sense of loyalty and dedication to his Service and to the Nation.

(4) To prepare the midshipman to undertake successfully in later periods of his career, advanced/continuing education in a field of application and interest to the Naval Service.

(5) To inject the values of civilian higher education into the Naval Service by utilizing the expertise of civilian faculty instruction where applicable.

The NROTC curriculum has recently been extensively revised as a result of a year and a half of study by professional educators and Naval personnel. The new curriculum will result in an increased number of university taught courses as well as an improvement in the academic quality of the Navy taught courses. The new curriculum, has been partially implemented this academic year and will be fully implemented in academic year 1969-70.

This curriculum requires the midshipmen to complete prescribed courses in mathematics, physical science, computer science, history, and political science. He must also complete Navy taught courses as follows: Principles of Navy Management, Introduction to Naval Ships Systems, Navigation and Naval Operations, and Naval Weapons Systems. Marine oriented courses are pursued in the junior and senior years for students destined for the Marine Corps (16½ per cent of the annual graduates may elect commissions in the Marine Corps).

The funds involved in the subsidized portions of this Program are:

Direct:	Amount
Tuition	\$189,000.00
Books	10,250.00
Flight indoctrination program	8,520.00
Clothing (alteration and repair)	2,000.00
Clothing (uniform purchase)	25,350.00
Subsistence for regular midshipmen	50,400.00
Subsistence for contract midshipmen	16,800.00

The above figures are based on allocations for this school year.

NATIONAL GALLERY OF ART OFFERS INTERESTING CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call to the attention of the U.S. Congress and the American people the excellent schedule of exhibits, tours, lectures, and concerts which the National Gallery of Art offers free of charge to all interested visitors during the month of May.

We in Pittsburgh are especially proud of the imagination and drive of Mr. John Walker, who will soon retire after 13 years of excellent service from the high post of the Director of the National Gallery of Art.

The calendar of events for the month of May follows:

CALENDAR OF EVENTS, NATIONAL GALLERY OF ART, MAY 1969

Recent acquisition: After having been lost sight of for 200 years, a major painting by the French master Claude Lorraine (1600-

1682) has been acquired by the National Gallery of Art. *The Judgment of Paris*, a large (44 1/4" x 58 3/8") canvas, has been purchased through the Ailsa Mellon Bruce Fund. It is on view in Lobby D.

Claude Lorrain has always been considered one of the greatest landscape painters in western art. Of this picture, Marcel R othlisberger, the Claude authority, writes: "No longer derivative or exploring new areas of illusion . . . on the other hand not yet obsessed by the idea of monumentality, heroic grandeur, or literary classicism, which in the following decades were occasionally to lead to certain more extreme solutions in size, design, and character; this painting is an accomplished masterpiece of a golden middle way."

Apparently painted in 1645/46 for the Marquis de Fontenay, then French Ambassador in Rome, *The Judgment of Paris* was recorded in France around 1720 and again in 1748. It later passed to England where it reappeared three years ago. After inspecting it in 1966, R othlisberger wrote, "the handling is of the quality which convinces one immediately of Claude's authorship." He also concluded that the figures in the landscape are by Claude's own hand, unlike those in a number of the artist's earlier works which were added by a specialist. He noted the figures "are larger than in many other paintings and are among his finest."

The National Gallery acquisition corresponds with drawing number 94 in *Liber Veritatis*, a collection of drawings compiled by Claude to establish a permanent record of his work.

John Constable: An exhibition of 66 paintings by Britain's foremost landscape artist is on view in galleries 60A, 63, and 65. Selected from the English collection of Mr. and Mrs. Paul Mellon, it comprises studies of sky and clouds, portraits, and a group of landscapes including the incomparable *Hadleigh Castle*. The fully illustrated catalogue has an introduction by John Walker and notes by Ross Watson. 10" x 7 1/2", 64 pages, 66 black-and-white illustrations. \$2.50 postpaid.

American Music Festival: The 26th festival under the direction of Richard Bales continues through May 25. Music exclusively by American composers is performed in the East Garden Court Sundays at 8 p.m.

Rembrandt tercentenary: Concluding May 11 is the exhibition commemorating the 300th anniversary of Rembrandt's death. Selected from the National Gallery's holdings are 23 paintings, 14 drawings, and 77 prints. An illustrated catalogue is available with introduction by Egbert Haverkamp-Begemann, Kress Professor-in-Residence at the National Gallery of Art and also Professor of the History of Art, Yale University. 10" x 7 1/2", 71 pages, 99 black-and-white illustrations. \$3.00 postpaid.

Daily film program: *The National Gallery of Art* (52 min.): weekdays, 2 p.m. *The American Vision* (35 min.): weekdays, 4 p.m., Sundays, 1:00 p.m. Auditorium.

Recorded tours: *The Director's Tour*. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director. Portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

Tour of Selected Galleries. A discussion of works of art in 28 galleries. Talks in each room, which may be taken in any order, last approximately 15 minutes. Small radio receivers rent for 25¢.

Gallery hours: Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission is free to the building and to all scheduled programs.

Cafeteria hours: Weekdays, 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 2 p.m. to 7 p.m.

MONDAY, APRIL 28, THROUGH SUNDAY, MAY 4

Painting of the week: Romney. *Mrs. Davenport* (Andrew Mellon Collection), Gallery

59, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Rembrandt's Approach to History*. Rotunda (repeated from March 25-30), Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *John Constable: A Case of Pride versus Prejudice*. Guest Speaker: Jon D. Longaker, Professor of Art History, Randolph-Macon College, Ashland, Virginia, Lecture Hall 4:00.

Sunday concert: 26th American Music Festival: Carolyn Reyer, *Mezzo-Soprano*; James Benner, *Pianist*, assist by Walter Hartley, *Composer-Pianist*, Sandra Hartley, *Flute*. East Garden Court, 8:00.

MONDAY, MAY 5, THROUGH SUNDAY, MAY 11
Painting of the week: Juan de Flandes. *The Temptation of Christ* (Ailsa Mellon Bruce Fund), Gallery 39, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Rembrandt's Approach to Nature*. Rotunda (repeated from March 18-23), Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Leading Hudson River Painters*. Guest Speaker: Gordon Hendricks, Author, New York, Lecture Hall, 4:00.

Sunday concert: 26th American Music Festival: Robert Pritchard, *Pianist* (*Gottschalk Centennial Program*), East Garden Court, 8:00.

MONDAY, MAY 12, THROUGH SUNDAY, MAY 18

Painting of the week: Corot. *Forest of Fontainebleau* (Chester Dale Collection), Gallery 93, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Georgian English Painting*. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Pietro Longhi and the Venetian Conversation Piece*. Guest Speaker: Terisio Pignatti, Vice Director, Museo Correr, Venice, Lecture Hall, 4:00.

Sunday concert: 26th American Music Festival: The Bryn Athyn String Quartet, East Garden Court, 8:00.

MONDAY, MAY 19, THROUGH SUNDAY, MAY 25

Painting of the week: Fragonard. *The Visit to the Nursery* (Samuel H. Kress Collection), Gallery 55, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The John Constable Exhibition*. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *The Englishman's Home Through the Ages*. Guest Speaker: Alec Clifton-Taylor, Author and Lecturer, London, Lecture Hall, 4:00.

Sunday concert: 26th American Music Festival: National Gallery Orchestra, Richard Bales, *Conductor*; Joyce Castle, *Mezzo-Soprano*; William Montgomery, *Flute*, East Garden Court, 8:00.

NEEDED: A POSTAL CORPORATION

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, I have sent the following tele-

gram to both President Nixon and Postmaster General Blount:

I applaud your bold and wise decision establishing Government corporation to operate postal system. This will take politics out of the Post Office through businesslike operation for more efficient, less costly mail service. Most Americans are sick and tired with rapidly rising first class postal rates and subsidized profit-making junk mail which clogs our postal system and swells the postal deficit.

Mr. Speaker, there are two major reasons why a corporation should be set up to operate the U.S. Post Office Department: First, it costs more to mail a letter. Second, it takes longer to receive a letter. In other words, we are paying more for less service.

The fault for deteriorating mail service does not rest with local mail employees. The U.S. Post Office Department is burdened with top-heavy management, handcuffed by a jungle of impossible rules and regulations and the postal rates are determined in a setting where powerful pressure groups operate to protect their own interests.

A letter from Huntington, W. Va., across the bridge to Chesapeake, or South Point, Ohio has to go to Chillicothe or Ironton, Ohio before it is delivered a hop, skip and a jump away. Our church bulletin mailed out of Huntington on Friday sometimes does not get across the bridge over the Ohio River to a Chesapeake parishioner until Monday.

POSTAL REFORM: SUPPORT FOR A POSTAL CORPORATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article pointing up some of the reasons why we should charter a postal corporation based on the recommendations of the Kappel Commission.

Having cosponsored introduction of legislation to create a postal corporation, I am pleased to note Transportation & Distribution Management encourages the present administration to seriously consider the recommendations of the Kappel Commission to eliminate the postal deficit which has been running at \$1 billion a year and to eliminate increasing postal charges without a corresponding increase in postal service.

The article, by Robert H. Haskell, associate editor, Transportation & Distribution Management, appears in the May copy, as follows:

PLAYING POST OFFICE

No matter where you live, no one needs to tell you about the decaying postal service. We've all experienced delayed letters, erroneous deliveries, damaged parcels and lost magazines. What's more, most volume mail users, according to surveys, are convinced that postal service continues to deteriorate from year to year.

Bad mail service, as every businessman knows, is not a recent phenomenon. Like the weather, people have been talking about

it for years, but no one seems to be able to do anything about it.

That is, until recently. One of the legacies left by the Johnson Administration is a report drafted by The President's Commission on Postal Organization, headed up by Frederick R. Kappel, retired chairman of the Board of directors of American Telephone & Telegraph.

The Kappel Commission, after a year-long study, warned darkly that a complete collapse in postal service could occur at any time in any part of the country. In fact, the Commission pointed out, such breakdowns already have occurred in Chicago and other cities.

"The United States Post Office," the Commission declared, "faces a crisis. Each year it slips further behind the rest of the economy in service, in efficiency and in meeting its responsibilities as an employer. Each year it operates at a huge financial loss. No one realizes the magnitude of this crisis more than the postal managers and employees who daily bear the staggering burden of moving the nation's mail. The remedy lies beyond their control."

The main reason that the Post Office has failed to do its job, the Commission said, is that under its present organization the nominal managers of the postal service—particularly the district directors and postmasters—just do not have the authority they need to do their job. Managers are bound by a hodge-podge of postal laws, some dating back 200 years. These laws go so far as to specify what material the Postmaster General may dispose of as waste paper ("unnecessary files") and how a file clerk should maintain his files ("in an up-to-date condition").

The Post Office, the Commission pointed out, is operated as if it were an ordinary government agency, with Congress making most of its managerial decisions, including where new post offices will be built.

In what it does, however, the Post Office is a business: Its customers purchase its services, its employees work in a service-industry environment, and it is a means by which much of the nation's business is conducted.

If the Post Office is a business, then why not run it like one? To do this, the Post Office's present organizational structure would have to be altered. And that's just what the Commission recommended.

It proposed that the government set up and operate a Postal Corporation that would support itself completely from its revenues. Operating efficiencies and a "sound" rate structure would be expected, in time, to eliminate the postal deficit, which has been running at \$1 billion a year.

The Postal Corporation, not Congress, would establish postal rates (but subject to congressional veto) and wage levels, choose postmasters (on a non-partisan basis) and generally make its own management decisions.

Responsibility for managing the Postal Corporation would be vested with a board of directors. These directors "would be charged with providing the nation with a superb mail system, offering universal service at fair rates, paying fair wages to postal employees and giving full consideration to the public welfare."

In recommending the Postal Corporation, the Kappel Commission has come up with a pretty good idea . . . one that could end the spiral of increased postal charges without an increase in service.

A corporate structure just might give the Post Office the flexibility it needs to provide better mail service and to enable it to respond quickly to customer and employee needs.

Although the Kappel Commission report was a product of a Democratic Administra-

tion, we hope the present Administration will seriously consider its recommendations.

PESSIMISTIC INSIGHTS OF AN EXILED GREEK LEADER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. FRASER. Mr. Speaker, earlier this month Andreas Papandreou visited the United States and spent a few days in Washington. Papandreou, who now lives in exile, is a leader of the Greek Center Union Party and head of the Panhellenic Liberation Movement, an organization dedicated to overthrowing the military junta that has ruled Greece since the coup of April 1967.

While in Washington, Mr. Papandreou was a guest of Metromedia's "Evans-Novak Report" on WTTG-TV. Mr. Papandreou's answers to the questions of journalists Rowland Evans and Robert Novak produced many insightful comments about recent developments inside and outside Greece. Of particular interest, I thought, were his remarks concerning U.S. relations with the regime and his pessimistic projections of what the future might hold for the Greek people unless the present American policy is altered.

I include the transcript of the program in its entirety:

Mr. NOVAK. A month ago in Athens there was a celebration marking the second anniversary of the military coup of April 21, 1967. Two years after that event the Greek military dictatorship seems firmly entrenched in power, with no foreseeable return to parliamentary democracy. The attitude of the United States is ambivalent toward the Greek military regime. But, U.S. military aid to the Greek government as shown in these films has been resumed, an attitude sharply criticized by Greek exile leaders. Best known of these leaders is Andreas Papandreou, formerly a naturalized U.S. citizen and economics professor at the University of California, who several years ago returned to his native Greece and became one of its most tempestuous left-of-center politicians.

Mr. PAPANDREOU, now fighting the military junta from exile in Europe, is here on a visit.

Mr. PAPANDREOU, do you see any change in the U.S. government's attitude towards Greece with the change in Administration in Washington?

Mr. PAPANDREOU. There is a possibility of a change, since this Administration does not share in any of the responsibilities of the Johnson Administration. Secretary Rogers did make a statement in answering a question of Senator Pell which suggests that there is some kind of review. But how far this review will go or what the direction it may take will be, we do not know.

Mr. EVANS. Mr. Papandreou, a very eminent American citizen, the Vice President of the United States, Spiro Agnew, said last fall during the campaign that you were "totally identified with the Communist movement." Is this a fair statement?

Mr. PAPANDREOU. Well, not only is it not fair, it is entirely incorrect, and I would say beyond the expectation that a Vice President of the United States could be so badly briefed.

Mr. EVANS. He was campaigning, he was not

the Vice President. He was the nominee. But does this not indicate a certain lack of sympathy for the point of view that you, as one of the leading exiles of the country of Greece?

Mr. PAPANDREOU. Well, it does. As a matter of fact, the cause that I represent is fundamentally one of freedom, human dignity, democracy. If this cause is not understood by a Vice Presidential nominee, then something is very seriously wrong.

Mr. EVANS. Let me ask you this, Mr. Papandreou. The Greek Embassy, here, with which you, of course, have no affiliation of any kind, today—it represents the junta in Athens—made a statement a few days ago saying that the coup by the junta, the take-over by the military regime "avoided a third communist round."

Is that statement accurate?

Mr. PAPANDREOU. No. This is part of a myth that by now is obviously shot to pieces, for the Communist party of Greece has no more than ten or eleven percent popular support, as the last elections in Greece proved. We represent the Center Party, which had 53 percent, and the balance of this is the right, with about 35 percent.

Now, the only way the Communists could have really won in Greece is through arms, but not a single arms cache was found by the Greek junta in two years of effort. So an unarmed, divided and small Communist Party posed a challenge to stability in Greece? And should democracy have died for this mythical challenge? When I remind you that in 1947-48 when the Truman Doctrine was proclaimed and a military mission went to Greece, the Communists really were a danger in Greece, then. They were practically outside Athens, and yet democracy functioned, parliament functioned, and the Americans supported that.

Mr. NOVAK. Mr. Papandreou, I think the point my partner was making was that if the Vice President of the United States, even as a campaigner was that antagonistic toward you, is it very realistic to expect an improvement in the attitude of his Administration toward your cause?

Mr. PAPANDREOU. Well, allow me to say that I do not believe that the policy of the United States depends on one man. There is Congress, there is the Administration, there is the President, there are the Secretaries.

As for Vice President Agnew, it is well known that he has associated intimately with Tom Pappas, Easo Pappas in Greece, a businessman who has been behind the junta all along, and who by his own statement to a Greek paper in 1968 admitted that he had been working for the CIA.

Mr. NOVAK. You say Tom Pappas has been working for the CIA?

Mr. PAPANDREOU. Tom Pappas has said, in an interview, a very well known interview, in 1968 in the month of July in Greece, that he is proud to have been working for the CIA.

Mr. NOVAK. Mr. Papandreou, in this visit to Washington, have you visited any officials of the Administration, in the White House, in the Pentagon, in the State Department?

Mr. PAPANDREOU. I am sorry to say I did not, but not because I did not wish to.

Mr. NOVAK. You attempted to?

Mr. PAPANDREOU. My representative in Washington did raise the question, and there was no favorable response. In sharp contrast, Congressional leaders did see me.

Mr. NOVAK. What was the reason given for refusing to see you?

Mr. PAPANDREOU. No reason was given.

Mr. EVANS. Mr. Papandreou, following up Mr. Novak on that, supposing President Nixon had invited you into the oval office for a little chat and asked you for your opinion on what the United States should do. What would your answer have been?

Mr. PAPANDREOU. It is a very good question.

About a year ago I had the opportunity to meet with Senator Robert Kennedy. He asked me exactly that question, and I did give him an answer: To cut off military aid to Greece, because it is the one thing that holds the junta together. It has no popular support. It does not even command the loyalty of the Army, for Papadopoulos is no Greek Eisenhower. He is a desk man without a record. The only thing that holds it together is the notion that the Greek Army has—unfortunately a valid one—that the U.S. military and the Pentagon are willing to back it up as the instrument of security and stability in that part of the country. So my request would be very simple: Cut off aid.

Mr. EVANS. Mr. Papandreou, supposing Mr. Nixon agreed with you on that and cut off aid. What would the junta do to replace the vanished American military aid?

Mr. PAPANDREOU. The junta would do nothing. It would be deposed by the Greek Army, and the military aid would be resumed thereafter under a new, hopefully democratic government.

Mr. EVANS. Deposed by the Greek Army? Mr. PAPANDREOU. By the Greek Army.

Mr. EVANS. I thought the junta, though, in effect, was a representative, or came out of the Army.

Mr. PAPANDREOU. It does come out of the Army, but it comes out of the Army and has today the loyalty of the Army for only one reason, that the Greek officers believe the junta to be the chosen instrument of NATO and the Pentagon. If for a moment they didn't think so, they would depose them. Papadopoulos has no more than 300 officers that are loyal to him. He has had to fight 2,000 senior officers in order to maintain stability within the Greek Army.

Mr. NOVAK. If that is so, Mr. Papandreou, why is it that the Army did not depose the junta in the first days, after the coup, when we had cut off aid to the Greek government?

Mr. PAPANDREOU. You never cut off aid to the Greek junta. You cut off—you reduced the heavy equipment stuff, but the pipeline, which is the fundamental thing for internal purposes, which means gasoline of a certain kind, spare parts, instruction, all of this went on.

To them it didn't matter if you cut off the tanks or the airplanes for purposes of internal occupation of the country.

Mr. NOVAK. Now the Greek government recently put out a statement saying it was "making essential preparations for a parliamentary democracy."

Do you think that the junta will ever transform itself into a parliamentary democracy with free elections?

Mr. PAPANDREOU. No, I think not. And not only do they not intend it now, but I believe even in the future, if they are not interfered with, either by the Greek people or from abroad in one fashion or another, that they intend to do so.

Of course, they have a constitution. They imposed the constitution last September, September '68, and it is a constitution which is as totalitarian as any that exists in the world today. It makes out of the Army a fourth constitutional force, quite independent of civilian control. So that, under no circumstances, can be called a democracy.

Mr. EVANS. Isn't there, however, Mr. Papandreou, a definite limit to the extent of American influence in a country such as yours? We certainly discovered there is a limit to our influence in Vietnam; and can't you understand perhaps the thinking of the Johnson and Nixon Administrations, they do not want to get involved to that degree in the internal affairs of Greece?

Mr. PAPANDREOU. You know, it is exactly the opposite. We are asking, in fact, the Pentagon and the CIA to stop intervening, for, in fact, this regime would never have taken place in Greece were it not for a green light that was received from appropriate quarters;

were it not for the fact that the NATO elaborated plan called Prometheus was used in the take-over of the country; were it not for the fact that the whole public atmosphere of the U.S. Embassy had been hostile to the Center Party when in government.

Mr. EVANS. Let me pose what you might regard as a kind of hobgoblin question. Suppose we did reduce or cut off all our aid? Is there any chance at all that the junta would approach Moscow and the Soviet Union?

Mr. PAPANDREOU. It is a good question, because it has been asked of me by many European politicians. And the answer is no, it is not; because the Greek Army has been selected over the years, the officers, from families who have had personal history in the civil war. That have lost a father, or a mother, or a brother in the civil war against the Communists. If there is an ideological commitment of this junta, or of the Greek Army, in fact, as a whole, it is anti-Communism, anti-Slavism and anti-Communism. It is inconceivable that the Greek officers would ever put up with a pro-Russian tendency on the part of the political leadership in Greece.

Mr. NOVAK. Mr. Papandreou, State Department officials have told me on a background basis that they feel that the junta has brought stability to Greece, and to prove their point, they say there has been no uprising, there have been no demonstrations. How do you explain that?

Mr. PAPANDREOU. Two points: Stability in totalitarian regimes is rather characteristic and standard. The more totalitarian the regime, the more stability it has. But there has been a very spectacular one which has not been noted adequately. On November 3rd, the funeral of my father took place, George Papandreou. On that occasion, by American reports, American accounts, better than 300,000 Athenians poured through the streets of Athens and demonstrated openly against the government, when the penalties for them could have been life sentence, or even life, itself. This was a very spectacular demonstration, a very spontaneous and explosive thing, which must have finished the myth, I think, forever, that the Greek people are with the junta or apathetic to the question of freedom and democracy.

Mr. NOVAK. Mr. Papandreou, as an exiled leader what are you doing? Are you trying to establish an insurrection, or have a sabotage, or to drum up support abroad, or just what?

Mr. PAPANDREOU. Since I am abroad, my activities are primarily oriented to the political activities abroad. And it is my daily work and nightly work to inform public opinion, to point out, especially to Western governments, including the United States, that democracy in Greece died as a result of the rising militarism of this period, the security orientation which cannot put up with dissent in democratic procedures, especially in small allies that have not a full voice in the Alliance.

I am trying to create, in other words, an understanding of the implications of the death of democracy in Greece for the West, hoping that I can move the West toward an isolation of the junta military and moral isolation of the junta, which would lead to a very early and decisive collapse of this regime, and would open the way to democratic life, again.

Mr. EVANS. In view of what you have already said, and in view of the Vice President's point of view and the fact that you haven't been able to see anybody in the Administration, the United States does not appear to be lending itself to that program.

Let's take Europe. You spoke of NATO. I understand that \$55 million worth of loans were cut off from European banks, European bank loans for Greece, under the Treaty of Association with the Common Market. Could you go from there to the Council of Europe

and get some kind of a blackball of the present regime in Greece?

Mr. PAPANDREOU. Yes. But allow me to make only one comment, that the American position is not monolithic. I was invited yesterday by Senator Kennedy to lunch in a bipartisan meeting. I saw Senator Fulbright. Today I met with Don Fraser in Congress. It is not a united view nor a monolithic one, and I am still hopeful. But with respect to Europe, which is your question, I would say yes, there is hope. There are a number of countries in Europe, in the European Council, and I mention them: Sweden, Norway, Denmark, Holland, Italy, Belgium, possibly Switzerland, possibly some other countries that are very active on this question of Greece.

Mr. EVANS. Now, just following that up, Mr. Papandreou, if that doesn't happen, however, is it possible that strains within Greece under the regime of the junta—for instance, the growth rate was down to 4½ percent in 1968, which was, I think 3½ percentage points under what was anticipated, is there any chance of an economic situation that could develop here that would make it difficult for the junta?

Mr. PAPANDREOU. I think so. Actually, I think it is below 4½. My information—and it is quite good—is that it is around 3 percent in 1968. And so it was approximately—in '67.

I believe that the combination of economic failure, which is now quite clear, and a resistance on the part of the Greek people, a rejection of it, of the regime, creates very clear problems for the junta.

The one thing we hope to avoid is an open confrontation which would cost a great deal to the Greek people and maybe to European stability.

Mr. EVANS. Do you mean a military confrontation?

Mr. PAPANDREOU. An armed confrontation, which is not inconceivable, utterly, in the long pull.

Mr. NOVAK. Since the last time you were in Washington about a year ago, sir, there have been a number of charges made against you by the Greek government, and I want to ask you about a couple of them.

The Greek government has said that you signed an agreement with a gentleman named Antonios Brilliakis of the Greek Communist Party. Is that correct?

Mr. PAPANDREOU. No, not the way it is put. I have two capacities. One capacity is that of representing, being the spokesman abroad of a party, the Center Union Party, whose leader was my father. The other capacity is to head up an organization called the Panhellenic Liberation Movement, which has no political targets other than the overthrow of the junta and the establishment of democratic procedure, constitutional procedures.

This organization not being a party, is coordinating its activities with all other resistance organizations that have the same objectives: namely, the overthrow of the junta and the establishment in Greece of democratic procedures thereafter. The free arena.

Mr. NOVAK. Including Communists?

Mr. PAPANDREOU. Well, not including—there is not Communist organization, in fact, resistance organization. There is an organization called The Patriotic Front, which is heavily weighted by leftists.

Mr. NOVAK. Do you think that is wise?

Mr. PAPANDREOU. What is wise?

Mr. NOVAK. Letting the far left into the Popular Front for Liberation?

Mr. PAPANDREOU. We are not letting it in politically, but we have, in matters of resistance, it is essential, as actions take place in Greece that there be minimum coordination, lest the wrong acts take place.

Mr. NOVAK. The other charge made by the Greek government was that you met in Paris with Alecos Panagoulis, who was the attempted assassin of General Papadopoulos,

and the suggestion is that you took a part in this assassination plot. Is that correct?

Mr. PAPANDEOU. It is correct that Alecos Panagoulis is a very close friend of mine, political and personal, and I am very proud of that relationship. It is not true that I had anything to do with the attempt on Papadopoulos' life. As a matter of fact, I am glad you asked me this question. I just received an S.O.S. from Panagoulis. He has been 264 days in darkness, in water. His hands are tied in handcuffs. He has not seen the sun, and he is going practically insane. It is an S.O.S. to the world.

Mr. EVANS. Mr. Papandreou, you confuse me slightly, though. You said that you hoped very much there would not be a confrontation. That is a civil war, in effect. But you also said that under this regime, with its totalitarian military methods that stability is the easiest thing for the regime to control; so that, in fact, there is no chance of a civil war, is there?

Mr. PAPANDEOU. No, no. No, no. I am quite sorry. You misunderstood my point.

There is surface stability, superficial stability, but there is a volcano in Greece which is going to erupt.

We are hoping, very honestly, we are hoping that the Western community of nations will cease supporting, either through economic deals or military arrangements, this junta, so we can avoid a confrontation. But we have to get ready for it at the same time.

Mr. EVANS. Let me ask you this, sir: Do you have any precise knowledge of how many of your compatriots are now in jail in Greece?

Mr. PAPANDEOU. Not precise, because this fluctuates, but I can give you the order of magnitude: between 7 and 10 thousand, in concentration camps and jails, today. Approximately 50,000 have gone through this routine and have been subjected also, a good many of them, to torture of which, so to say, I have knowledge, since I was at Strasbourg last November when there was an investigation into this.

Mr. NOVAK. There have been some reports sporadically in the last year, sir, that there were attempts made between you and the conservative exiles, supporters of King Constantine, to create a truly United Front against the junta. Have they been unsuccessful?

Mr. PAPANDEOU. I would not say in general this is a problem, today. We are making a tremendous effort to coordinate the political world at large. In fact, I have made a proposal that the Greek political parties join in a declaration of what they want in the transition period to democracy, so we can finally present the West with what is called a viable alternative to chaos. We can do that, and we will do it.

Mr. EVANS. Mr. Papandreou, we just have a few seconds left.

Do you think the Nixon Administration should or should not send an ambassador, a U.S. ambassador to Athens?

Mr. PAPANDEOU. I will answer this way: An ambassador who is committed to democratic principle and Western values, yes. Otherwise, better not.

Mr. EVANS. Well, who is to determine that? I mean, you don't think we would send an ambassador there who wasn't committed to democratic principles?

Mr. PAPANDEOU. If you send a militarist, yes. If you send a militarist, yes.

Mr. NOVAK. Thank you, Mr. Papandreou. We will be back in a moment with a comment. (Announcements).

Mr. NOVAK. Rowland, I thought Mr. Papandreou eschewed the usual policy followed by exile leaders of fomenting insurrection in their homeland. Instead he is advocating a quarantine policy whereby the rest of the world kind of ropes off the Greek military government. The trouble with that I think is, unless the U.S. participates in it, it is a failure.

Mr. EVANS. Two things on that, Bob.

I agree, No. 1, Mr. Papandreou knows serious insurrection is impossible today in Greece because of the military power of the regime. And No. 2, from what I have learned from him tonight and from what I know, I don't think there is any chance, any serious chance, that Mr. Nixon will do what Mr. Papandreou hopes he will do.

Mr. NOVAK. Well, I don't know that I fully agree that there is no chance, but certainly the conditions this week were not very auspicious, when he couldn't even get an interview with the leading figures in the Executive—with anybody in the Executive Branch of the government.

Mr. EVANS. Not only that, but he took rather sharp issue with the Vice President of the United States, who, one presumes, has some small influence in this Administration, who has made it very clear that he strongly backs the military junta.

Mr. NOVAK. I don't know how much Mr. Agnew was making military policy. I was fascinated by some of the implications of Mr. Papandreou's remarks, though, that Tom Pappas, the prominent Republican financier—or businessman, rather—is a CIA agent, and was the reason for Vice President Agnew's support of the junta.

Mr. EVANS. "Financier" is not a bad word, because he did finance, as I understand, part, at least, of the Republican Presidential election. He did contribute to the Republican Party.

I think that the junta, obviously, from what Mr. Papandreou says, is having serious economic problems. Conceivably there will be the kind of a situation develop which could lead to serious insurrection.

Mr. NOVAK. I think anyone who listens to Mr. Papandreou can realize how ridiculous are these charges that he is a Communist. He may be making a mistake, however, when he allows all elements, including the far left, into the government. Into the anti-junta movement.

BANNING POISON GAS AND GERM WARFARE: SHOULD THE UNITED STATES AGREE?

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. KASTENMEIER. Mr. Speaker, I would like to call the attention of my colleagues today to a particularly valuable contribution to the increasing public discussion of the Nation's chemical and biological warfare programs and policies. George Bunn, currently a visiting professor at the University of Wisconsin Law School, has prepared a well reasoned and painstakingly researched article soon to be published in the Wisconsin Law Review, entitled: "Banning Poison Gas and Germ Warfare: Should the United States Agree?"

Professor Bunn who served as general counsel to the Arms Control and Disarmament Agency from 1961 to January 1969, also has represented our country at various sessions of the Eighteen Nation Disarmament Committee—ENDC—with the personal rank of Ambassador. I should add that among his numerous efforts on behalf of the quest for world peace, George Bunn did yeoman work in the creation of the nuclear non-proliferation treaty and has also written on the subject. The author's unique qualifications lend added weight to his

arguments that the United States should ratify the 1925 Geneva protocol banning the use of poison gas and bacteriological warfare.

Mr. Speaker, ratification of this treaty by the other body will make official what should have been this Nation's policy if in fact it has not been, since the end of World War I.

Today, more than 60 nations adhered to this protocol. The list includes all of our NATO allies, all of the Warsaw Pact nations, including the Soviet Union and, surprisingly, the Peoples Republic of China. I have been heartened by reports that the other body led by Senator FULBRIGHT, might once more take up the question of our Nation's ratification of the Geneva protocol.

Mr. Speaker, the arguments advanced by Professor Bunn for our adherence to the protocol are extremely compelling, and some of them parallel the reasoning behind the resolution I introduced almost 10 years ago in this House, calling for a public declaration by the United States of our non-first use of chemical and biological weapons. The reason for ratification at this point in our Nation's history have been succinctly summarized by Professor Bunn in his conclusions that:

We have little to lose and considerable to gain by ratifying the protocol. We can increase the strength of the protocol as a barrier to poison gas and germ warfare; help to clear up a few ambiguities and, in doing so, achieve wider support for United States interpretations; and enhance our standing for influential participation in the forthcoming discussions of proposals for additional limitations. On the other hand, if we insist on waiting until the protocol is revised, we will probably have to wait a long time and then have little influence in the revision. Finally, we give up no option which is now open to us by ratifying. In my view, the protocol is the best instrument likely to be achieved in the foreseeable future. The United States would be well advised to join it.

In order to shed greater light on what has too long been an obscure subject, shielded from public view, I include the text of Professor Bunn's article in the RECORD at this time:

BANNING POISON GAS AND GERM WARFARE: SHOULD THE UNITED STATES AGREE?

(By George Bunn) *

The United States Army Field Manual on the Law of Land Warfare states flatly that "the United States is not a party to any treaty, now in force, that prohibits or restricts the use in warfare of toxic or non-toxic gases . . . or of bacteriological warfare. . . . The Geneva Protocol for the prohibition in war of asphyxiating, poisonous, or other gases, and of bacteriological means of warfare . . . is . . . not binding on this country."¹

This article will consider whether the principles of the Geneva Protocol have become so widely accepted that they apply to the United States even though it is not a party. It will analyze the effect of existing reservations to the Protocol, discuss the United States use of tear gases and herbicides in Vietnam in light of its provisions, and recommend that the Protocol be approved by the Senate. The article will first describe the international agreements dealing with poison gas and germ warfare, and the reasons which prevented the United States from becoming a party to them.

Footnotes at end of article.

I. INTERNATIONAL AGREEMENTS DEALING SPECIFICALLY WITH POISON GAS OR GERM WARFARE

A. The Hague Gas Declaration of 1899

The first treaty dealing specifically with poison gas was the 1899 Hague Gas Declaration which contained an agreement "to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases."² Twenty-seven states became parties to this declaration, including all participants in the conference except the United States.³ The American representative, Navy Captain Alfred T. Mahan, refused to agree because gas projectiles were not yet in practical use or fully developed, and because he thought gas warfare was just as humane as other forms of warfare.⁴

The language of this declaration was so limited that it had little if any effect on gas warfare during the First World War. In the first major poison gas attack of the War, at Ypres in 1915, the chlorine gas used by the Germans came from large cylinders, not the "projectiles" described in the declaration.⁵ The French used projectiles containing tear gas which they said was not an "asphyxiating or deleterious" gas within the meaning of the declaration.⁶ Similarly, a projectile used by Germany did not have "as its sole object" the diffusion of poison gas because, the Germans argued, it was also used for shrapnel.⁷ With these and other arguments, the existing limitations on poison gas were brushed aside in the First World War.

B. The 1919 Versailles Treaty

This treaty contained the following provision:

"The use of asphyxiating, poisonous, or other gases and of analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany."⁸

While the United States failed to give its consent to the ratification of the Versailles Treaty primarily because of its provisions establishing a League of Nations,⁹ the quoted language was incorporated by reference in the 1921 Treaty of Berlin between the United States and Germany.¹⁰ But the United States regarded it as only applicable to Germany.¹¹ World War I treaties of peace applicable to Austria, Bulgaria, and Hungary contained similar provisions.¹²

C. The 1922 Washington Treaty on Submarines and Noxious Gases

Drawing on the language of the peace treaties, the Washington Treaty stated:

"The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties,

"The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, and agree to be bound thereby between themselves, and invite all other civilized nations to adhere thereto."¹³

This provision was based upon a United States proposal and was adopted at the urging of Secretary of State Hughes.¹⁴ Perhaps to help achieve later Senate consent, Senator Elihu Root was asked to represent the United States at the conference. In addition Secretary Hughes took pains to have an advisory committee of prominent citizens appointed by President Harding and attempted to mobilize popular opinion behind the treaty.¹⁵ As a result, the Senate gave its consent without a dissenting vote.¹⁶ French ratification was necessary, however, and the treaty failed because of French objections to its provisions on submarines.

D. The 1925 Geneva Protocol

This protocol added to the poison gas prohibition of the Washington Treaty a ban on bacteriological warfare. It provided in pertinent part:

"Whereas the use of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and

"Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

"To the end that this prohibition shall be universally accepted as part of International Law, binding alike the conscience and the practice of nations:

"Declare:

"That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration."¹⁷

The Geneva Protocol was adopted at the insistence of the United States.¹⁸ However, probably because of the ease with which the Washington Treaty had sailed through the Senate, Secretary of State Kellogg did not make the effort to gain support for the Geneva Protocol that Secretary Hughes had made earlier for the Washington Treaty.¹⁹ Although Congressman Burton was the head of the United States delegation, no Senator was included.²⁰ No advisory committee was enlisted. The Army's Chemical Warfare Service was not prevented from mobilizing opposition to the protocol.²¹ It enlisted the American Legion, the Veterans of Foreign Wars, the American Chemical Society, and the chemical industry.²² Senator Wadsworth, Chairman of the Military Affairs Committee, led the Senate opponents of the protocol.²³ He argued that it would be torn up in time of war, and that poison gas was in any event more humane than many other weapons. Senator Borah, Chairman of the Senate Foreign Relations Committee, finally withdrew the treaty from Senate consideration, presumably because he and the Senate majority leader had concluded that they did not have the votes.²⁴

The protocol came into force, however, without the United States. It now has over 60 adherents.²⁵ All members of NATO except the United States, and all Warsaw Pact members, including the Soviet Union, are parties. Indeed, all European states except Albania have joined the protocol. Of the major industrial countries, only Japan and the United States have failed to become parties. Of the nuclear weapon powers, only the United States remains outside the protocol.

Many persons credit the protocol with a major role in preventing gas warfare in Europe during World War II.²⁶ It symbolized the abhorrence for gas which even military men had after World War I. This abhorrence contributed to restraints imposed by both civilian and military leaders.²⁷ If retaliation was the primary sanction acting to deter the use of poison gas and germs, the protocol established the norm of conduct.²⁸ Unlike World War I, no gas warfare occurred among the industrial states of Europe.

II. INTERNATIONAL LIMITATIONS ESTABLISHED BY CUSTOM

The foregoing brief history has shown that the United States is not a party to any treaty which expressly prohibits it from engaging in gas or bacteriological warfare. To this extent, the *Army Field Manual's* statement is correct. However the principles of the protocol appear to form a rule of customary international law applicable even to the United States:

"Custom is the older and the original source of international law. . . . International jurists

speak of a *custom* when a clear and continuous habit of doing certain actions has grown up under the aegis of the conviction that these actions are, according to international law, obligatory and right."²⁹

To determine the existence of a customary rule of international law, state practice with respect to the use of poison gas and biological weapons in war should be examined. Where that practice indicates nonuse, the question must still be answered whether this was based on a belief that a rule of international law existed even for those not parties to the protocol. The recent practice and official views of the United States and Japan appear to be most relevant as they are the only major industrial states which have not ratified the protocol.

A. Practice and Belief of States on Gas and Germ Warfare Since the Geneva Protocol of 1925

1. United States

The United States did not engage in gas warfare during World War II although it could have been to our military advantage in the Pacific in 1945. At the beginning of United States participation in World War II, the State Department became concerned that the Japanese, not being parties to the German Protocol, would engage in chemical warfare.³⁰ The British, French, Italian, and German Governments had exchanged pledges to observe the protocol; the British had made the same offer to Japan, but it replied evasively.³¹ The State Department proposed that a declaration be made to Japan that the United States would comply with the protocol if others did. Secretary of War Stimson, however, opposed any acceptance of the protocol by declaration. In February of 1942 he urged that we "keep our mouths shut," apparently because he was concerned about our preparedness to retaliate if the Japanese used gas.³²

In June 1942, President Roosevelt was importuned by the Chinese to issue a statement concerning reported Japanese use of noxious gases in China.³³ Without referring to the protocol, Roosevelt threatened "retaliation in kind and in full measure" if Japan persisted "in this inhumane form of warfare" against China or any other American ally.³⁴

A year later the United States was better prepared to retaliate, if necessary, and Roosevelt issued a more comprehensive statement. Again, however, he did not refer to the protocol:

"From time to time since the present war began there have been reports that one or more of the Axis powers were seriously contemplating use of poisonous or noxious gases or other inhumane devices of warfare.

"Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them, and I hope that we never will be compelled to use them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

"As President of the United States and as Commander in Chief of the American armed forces, I want to make clear beyond all doubt to any of our enemies contemplating a resort to such desperate and barbarous methods that acts of this nature committed against any one of the United Nations will be regarded as having been committed against the United States itself and will be treated accordingly. We promise to any perpetrators of such crimes full and swift retaliation in kind. . . ."³⁵

After Germany was defeated, some consideration was given to using poisonous gas on Japanese forces in the Pacific in order to bring the war swiftly to an end.³⁶ However, the joint chiefs never recommended its use to the President. Personal and institutional distaste for chemical warfare among military men probably played a major role.³⁷ The military view that gas was an insidious and

Footnotes at end of article.

dishonorable weapon did not necessarily mean that all military decisionmakers agreed with President Roosevelt that the use of gas had been "outlawed by the general opinion of civilized mankind." But some did.³⁸ President Roosevelt's statement would, in any event, have been a hurdle to overcome even though his death left any final decision to President Truman.

The United States did not use gas warfare in Korea although authority to do so was requested by some of our commanders in the field.³⁹ Our preparedness was greater than that of the North Koreans or mainland Chinese, and the gas might have been useful in flushing the enemy out of entrenched positions.⁴⁰ When the North Koreans accused United States forces in Korea of germ warfare, American representatives denied the charges, maintaining that such warfare was abhorrent.⁴¹ Although not decisive, our failure to use gas in Korea and our defense against the germ warfare charge are evidence that we believed the use of poison gas and germ warfare to be wrong.

During the period between the Korean and Vietnam conflicts, Congressman Kastenmeier (D. Wis.) precipitated a debate on the use of chemical and biological warfare by introducing a draft concurrent resolution which would have reaffirmed, "the longstanding policy of the United States that in the event of war the United States shall under no circumstances resort to the use of biological weapons or the use of poisonous or obnoxious gases unless they are first used by our enemies."⁴²

Congressman Kastenmeier deduced from public statements and articles that the Defense Department was attempted to relax policy strictures on chemical and biological warfare.⁴³ When asked whether his administration was contemplating changing United States policy against initial use of chemical and biological weapons, President Eisenhower said that "no official suggestion has been concerned, it is not to start such a thing first."⁴⁴ Officials of the Eisenhower administration later opposed the Kastenmeier resolution, however, and it was never brought to a vote.⁴⁵

Assuming that our use of tear gases and herbicides in Vietnam does not violate the Geneva Protocol, we have observed its principles in that war. Moreover, in replying to Communist charges of violation, United States representatives excepted tear gases and herbicides from the provisions of the protocol, thereby implying a conviction that we had to observe those provisions.⁴⁶ Similarly, Secretary Rusk insisted that we were not "embarking upon gas warfare in Vietnam. . . . We are not talking about gas that is prohibited by the Geneva Convention of 1925 or any other understandings about the use of gas."⁴⁷

In 1966, the United States sponsored and voted for a United Nations General Assembly resolution which called for "strict observance by all states of the principles and objectives of the Protocol" and condemned "all actions contrary to those objectives."⁴⁸ A United States delegate stated that "while the United States is not a party to the Protocol, we support the worthy objectives which it seeks to achieve."⁴⁹ Following this resolution, the State Department took the view that, by voting for the resolution, "the United States reaffirmed its long-standing support for the principles and objectives of the Protocol."⁵⁰ In this view, the "basic rule" set forth in the protocol "has been so widely accepted over a long period of time that it is now considered to form a part of customary international law."⁵¹

2. Japan

During World War II the Japanese did use poison gas and replied evasively to a proposal that they observe the Geneva Protocol.⁵² In 1944, however, they used neutral diplomatic

channels to communicate to the United States a denial of the use of gas "during the present conflict." They further declared that they had "decided not to make use of it in the future on [the] supposition that troops of [the] United Nations also abstain from using it."⁵³ Japanese internal records state that this decision was based upon a recognition of a legal obligation not to use gas, upon Japan's small stockpile as compared with that of the United States, and upon the vulnerability of Japanese islands to Allied retaliation.⁵⁴ After the war, a Japanese court said, by way of dicta, that the use of poison gas and bacteria in war violated international law.⁵⁵

Japan voted for the 1966 United Nations resolution calling for "strict observance by all states of the principles and objectives" of the Geneva Protocol. During the debate, the Japanese representative stated the belief of his delegation "that in any circumstances of war the use of chemical and bacteriological weapons should be most strictly avoided."⁵⁶

Japan's wartime actions up to 1944 revealed a conviction that it was not bound by any rule of international law prohibiting the use of poison gas in war. Its conduct since then, although not free from ambiguity, tends toward recognition of a prohibition on such warfare applicable to Japan.

B. The effect of customary limitations

The practices and convictions of states before the 1966 United Nations resolution have been described by other writers in some detail.⁵⁷ There is no general agreement among these commentators on a rule of customary international law applicable to those not party to the Geneva Protocol. One major stumbling block for some scholars was that the United States, the strongest military power, had not ratified the protocol.⁵⁸ Nor had we, before 1966, issued any general declaration indicating an intent to observe its principles. Even the Roosevelt statement of 1943 failed to refer to the protocol.⁵⁹

In 1966, however, we sponsored and voted for language in a United Nations resolution calling for "strict observance by all States of the principles and objectives of the Protocol" and condemning "all actions contrary to those objectives."⁶⁰ Ninety other countries voted for this resolution.⁶¹ Having, in effect, agreed to observe the principles of the protocol, the United States, Japan, and other nonparties which supported the resolution supplied significant evidence of the existence of a customary rule. Added to the other evidence about which the commentators have argued, these actions strongly indicate a customary rule banning the first use of poison gas and germ weapons in accordance with the principles of the protocol.⁶²

This may be an unexpected conclusion for many. To say that the United States must observe the principles of a treaty which was never ratified by the Senate is unusual. There are, however, a few precedents in United States practice.⁶³ In addition German defendants in the Nuremberg trials were convicted of violating treaty standards under circumstances in which Germany had no treaty obligation.⁶⁴ The evidence of a customary rule in the case of the Geneva Protocol is at least as strong as that relied upon at Nuremberg.

III. RESERVATIONS TO THE GENEVA PROTOCOL

France, the first nation to ratify the protocol, affixed a statement to her ratification, the first paragraph of which reads: "The said Protocol is only binding on the Government of the French Republic as regards States which have signed or ratified it or which may accede to it."⁶⁵ This statement appears to have been made out of an abundance of caution because the protocol itself said that parties "agreed to be bound as between themselves."⁶⁶ Since this "reservation" does not change the treaty's legal effect, it probably does not constitute a true reserva-

tion to the protocol requiring acceptance by other parties.⁶⁷ In any event, the records disclose no formal objection to it.

A number of later adherents to the treaty followed the French example. However, since the principles of the protocol appear now to have become a rule of general application by custom, the French first paragraph and others like it are probably no longer meaningful.⁶⁸ Thus, if all states must observe the principles of the protocol, France would appear to be obligated not to initiate the use of poison gas or germ warfare against any state even though the reservation said France was bound only to parties.⁶⁹

The French statement has a second paragraph which reads: "The said Protocol shall *ipso facto* cease to be binding on the Government of the French Republic in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol."⁷⁰ The main purpose of this paragraph was probably to make clear that France would be free to retaliate against an enemy who violated the protocol to the injury of France. As far as this purpose is concerned, the statement may not be a true reservation since it reflects a general rule of treaty interpretation: material breach by one of the parties to a multilateral treaty permits an aggrieved party to suspend performance of its obligations toward the violator.⁷¹

Paragraph two is, however, broader than this rule. It would suspend the obligations of the protocol for France when an ally of an enemy of France, whether or not the ally was a party, failed to observe the protocol, even though France was not itself aggrieved. For example, if before the fall of France in World War II, Japan (a nonparty) had used gas against China, France would have been free to use gas against Hitler, Japan's ally.⁷² Without the reservation, France would still have had an obligation not to use gas on Germany.

The necessary conclusion is that paragraph two is broader than the interpretation which would have been given to the protocol without the reservation. It is in this respect a true reservation. The question arises whether other parties have accepted it as a limitation on the obligations of France under the protocol. Since the French were the first to ratify, all later parties had notice of their reservation and are bound by it because they did not object when they became parties.⁷³ The Soviet Union and several of its East European allies, Great Britain and several of the members of the Commonwealth, Belgium, and the Netherlands, ratified the protocol after France did with reservations like the French paragraph two.⁷⁴ But are states which adhered to the protocol *before* one of these later reservations was entered bound by it? For example, is Italy, which ratified without reservation after France but before the Soviet Union, bound by the Soviet paragraph two?

In the presence of objection to a reservation, the traditional rule is that there are no treaty relations between the reserving party and a party which objects because the reservation amounts to a "counter offer" which has not been accepted.⁷⁵ As already indicated, Italy is bound by the French reservation because she had notice of it *before* becoming a party. However, she did not receive notice of the Soviet reservation until after she had adhered to the treaty and is not bound by it unless her silence can be construed as acquiescence.⁷⁶ Since she did not object to the French paragraph two before becoming a party, she would appear to have had little reason to object to the similar Soviet paragraph two. Common sense and modern practice say she is bound by the Soviet reservation.⁷⁷

Since no objections have been found to any reservations, all adherents to the protocol appear to have treaty relations with all other adherents. Moreover, the differences in obligations between those with reservations and those without appear to be relatively un-

important. As already stated, reservations of the paragraph one variety are no longer meaningful since the principles of the protocol appear to have become applicable to all states through custom. Paragraph two reservations, on the other hand, are probably as important now as they were when drafted because of the alliance arrangements formed during and after World War II. The position of the United States with respect to chemical warfare during this war was clearly influenced by the alliance of the Axis Powers against the Allies. President Roosevelt's famous 1943 declaration said that the use of poison gas by "any of our enemies . . . against any one of the United Nations [the Allies] will be regarded as having been committed against the United States itself and will be treated accordingly. We promise any perpetrators of such crimes full and swift retaliation in kind . . ." 78 If the protocol had been binding on the United States subject to such a reservation, its obligations would have been suspended "in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol." President Roosevelt promised retribution against the "perpetrator," the state using gas. Paragraph two is not by its terms so limited. More importantly, perhaps, President Roosevelt did not condition United States retaliation upon injury to the United States itself. Neither would paragraph two.

The alliances formed since the war seem quite consistent with the policy behind paragraph two. Article five of the North Atlantic Treaty provides that an armed attack against one or more of the allies in Europe or North America "shall be considered an attack against them all. . . ." 79 Somewhat similar provisions appear in our agreements with our Latin American and Asian allies.⁸⁰ The Soviet Union has made comparable promises to its East European allies in the Warsaw Pact.⁸¹ These provisions anticipate that major war, if it comes, will be fought by military alliances, and that all those within an alliance will cooperate to repulse an attack. States on one side are likely to regard all allies on the other side as enemies—at least those which participate in or support an attack. Once poison gas or germs are used in a war of alliances, both the victim and its allies will be under pressure to retaliate or threaten retaliation in kind, not only against the wrongdoer but also against the wrongdoer's important allies. For example, if East Germany attacked West Germany with gas, the United States might be expected by its allies to retaliate against the Soviet Union unless that country took immediate steps to prevent a recurrence of the attack.⁸² President Kennedy's threat of retaliation upon the discovery of Soviet missiles in Cuba is illustrative. He declared:

"It shall be the policy of this nation to regard any nuclear missile launched from Cuba against any nation in the Western Hemisphere as an attack by the Soviet Union on the United States, requiring a full retaliatory response upon the Soviet Union."⁸³

Most protocol parties having paragraph two reservations are now members of alliances with military responsibilities. In any future European war involving chemical or biological agents, the allies on one side are likely to regard the use of such weapons by an ally on the other as suspending their protocol obligations toward all members of the other side. Under these circumstances, paragraph two reservations would probably be regarded as being in effect for each of the allies on both sides even though some NATO allies and some Warsaw Pact members had not in fact entered such a reservation. This result would equalize the duties of states under the protocol, thereby producing that mutuality of obligation which states customarily desire. Thus, Italy, which did not object to a Soviet paragraph two but did not enter such a reservation herself, would be on the same

footing with regard to the protocol as the Soviet Union.⁸⁴ Finally, a significant result of paragraph two is to influence allies toward a common policy of observing the protocol for, if one does not, the others may be subject to retaliation.⁸⁵ For all these reasons, the leeway given by paragraph two will probably be regarded as acceptable at least in cases where any of the allies on either side of a future conflict have entered paragraph two reservations. Thus, in any war involving existing alliances, the obligations of all those participating will likely be limited by paragraph two. Differences in the obligations involved in different treaty relationships resulting from the nonuniversality of paragraph two do not therefore seem too important to the United States under all the circumstances.⁸⁶

IV. INTERPRETATION OF THE PROTOCOL IN LIGHT OF U.S. PRACTICES IN VIETNAM

A. Tear gases

The United States, South Vietnam, and Australia have used tear gases in the war in Vietnam.⁸⁷ The North Vietnamese and Viet Cong have used such gases also,⁸⁸ but were not the first to do so. Whether the Geneva Protocol prohibits the use of tear gases in war is an unsettled question. The United States' view is that the protocol "was framed to meet the horrors of poison gas warfare in the First World War and was intended to reduce suffering by prohibiting the use of poisonous gases such as mustard gas and phosgene. It does not apply to all gases. It would be unreasonable to contend that any rule of international law prohibits the use in combat against an enemy, for humanitarian purposes, of agents that Governments around the world commonly use to control riots by their own people."⁸⁹

The Soviet Union and its allies take the position that the use of tear gases in war is prohibited by the Geneva Protocol.⁹⁰ The issue has been in contention for a long time, and no consensus exists on its resolution.

The Geneva Protocol prohibits "the use in war of asphyxiating, poisonous or other gases. . . ." "Other" must include gases not properly described as "asphyxiating" or "poisonous." It certainly includes mustard gas which was not regarded as "asphyxiating" or "poisonous" by experts at the time the protocol was negotiated.⁹¹ Whether it also includes tear gases—which are neither "asphyxiating" nor "poisonous"—is unclear.

The principle of *ejusdem generis* suggests that the word "other" should draw some meaning from "asphyxiating" or "poisonous" and that, therefore, the "other gases" prohibited must be similarly deleterious to man.⁹² This is consistent with the apparent meaning of the French text of the protocol which is equally authentic.⁹³ That text proscribes the use in war of "gases asphyxiants, toxiques or similaires." "Similaires" or "similar gases" presumably include those which are not asphyxiating or poisonous but which have similar effect.⁹⁴ But whether "other" and "similaires" include only gases causing death or serious injury, or whether they include tear gas also, is still not clear.

Some commentators have argued that the English text's use of "other" included tear gases even though the French text used "similaires."⁹⁵ Others have reached the contrary view.⁹⁶ None has presented a detailed analysis of the negotiating history to buttress his case.

The pertinent language of the protocol is derived from the Washington Treaty on Submarines and Noxious Gas of 1922, which was in turn derived from the Treaty of Versailles of 1919. The history of each, the Geneva Protocol, the Washington Treaty, and the Versailles Treaty, must therefore be examined.

1. The Treaty of Versailles

The French were using tear gases for domestic police purposes as early as 1912.⁹⁷ Tear gas was used in World War I to a limited extent by both the French and the Germans. After the war the fear of the kinds of gases

the Germans had used for major attacks (*e.g.*, chlorine, phosgene, and mustard gas) produced the widespread international concern about all chemical warfare.⁹⁸

During consideration of provisions limiting German rearmament in the Treaty of Versailles, a commission of military experts suggested a provision which read: "Production or use of asphyxiating, poisonous or similar gases . . . are forbidden."⁹⁹ This draft was approved in principle by the heads of government and foreign ministers and turned over to a drafting committee.¹⁰⁰ That committee produced a draft which read: "The use of asphyxiating, poisonous or other gases . . . being prohibited, their manufacture and importation are strictly forbidden in Germany."¹⁰¹ The French text contained the same word, "similaires" for "other," as does the Geneva Protocol.

The drafting committee's text shows recognition that there were existing prohibitions ("being prohibited") against the use of poison gases in war, but none against their "manufacture or importation" in Germany. There is no record that the draftsmen discussed tear gas or regarded their change of "similar" to "other" as significant. The drafting committee's text was accepted by Wilson, Lloyd George, Clemenceau, and other leaders without any indication that they were aware that the committee had in any way changed the meaning of the text they had approved earlier. Later, just before the text was submitted to the Germans, it was presented to a preliminary conference by a French rapporteur who, in analyzing the provisions of the treaty, said that "poison gas" was what was to be denied to the Germans.¹⁰²

The records of the conference do not disclose what earlier prohibitions the draftsmen relied upon when they produced a draft saying "asphyxiating, poisonous or other gases . . . being prohibited . . ." They may have been referring to the Hague Gas Declaration of 1899 which prohibited "the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases."¹⁰³ However, both the British and the French believed that this language did not include tear gas.¹⁰⁴ The Versailles "being prohibited" language most likely referred to the 1907 Hague Convention rules against "poison or poisoned weapons," against killing or wounding "treacherously," and against employing war material calculated to cause "unnecessary suffering."¹⁰⁵ These rules probably apply to gases that inflict suffering disproportionate to their military value and, perhaps, to gases which can be assimilated with traditional poisons because they are deadly, painful, and treacherous.¹⁰⁶ However, no authority has been found for the proposition that they prohibit the use of tear gases in war.¹⁰⁷ Quite likely no prohibition on such use was recognized as in "being" in 1919 when the language of the Treaty of Versailles was drafted. Therefore, that treaty probably did not prohibit tear gases to Germany.

2. The 1922 Washington Treaty

This treaty also prohibits the use in war of "asphyxiating, poisonous or other gases." Its French text contains the same word "similaires" for "other."¹⁰⁸ The negotiating history indicates that the Versailles language was offered by the American delegation because many countries had already agreed to it. The language appears to have represented a compromise between conflicting points of view. The technical experts of the negotiating countries were unable to agree on any general prohibition on chemical warfare. The United States experts contended, with their French and British colleagues, that poison gas was similar as a weapon to shrapnel, machine guns, and bombs.¹⁰⁹ The Italians and Japanese disagreed.¹¹⁰ Finally, the experts concluded that the only limitation "practicable" was to "prohibit the use of gases against cities and other bodies of non-

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combatants. . . .¹¹¹ This result was not accepted by the Advisory Committee to the United States delegation even though the American expert had agreed to it. "Whatever may be the arguments of the technical experts," said the Advisory Committee, the "conscience" of the American people insists "upon the total abolition of chemical warfare, whether in the Army or Navy, whether against combatant or noncombatant."¹¹²

The Advisory Committee clearly wished to prohibit the use of tear gases in war, saying that "there can be no actual restraint of the use by combatants of this new agency of warfare, if it is permitted in any guise."¹¹³ Agreeing with this view was a report of the Navy General Board which specifically referred to "tear gases." The board said that "there will be great difficulty in a clear and definite demarcation between the lethal gases and those which produce unnecessary suffering as distinguished from those gases which simply disable temporarily."¹¹⁴ The American Advisory Committee recommended that the conference bar all of these kinds of gases. It proposed a resolution to be adopted by the conference recommending that "[c]hemical warfare, including uses of gases whether toxic or nontoxic, should be prohibited by international agreement. . . ."¹¹⁵

Secretary of State Hughes did not put this resolution to the conference. Nor did he base his proposal on the views of the technical experts. While he quoted from both reports in his statement to the conference, the resolution offered by the United States delegation and accepted by the conference was based on the language of the Treaty of Versailles.

Hughes did not refer to tear gases. He said that, "in light of the advice of the American Advisory Committee" and "the specific recommendation of the General Board of the Navy," the American delegation "felt that it should present the recommendation that the use of *asphyxiating or poison gas be absolutely prohibited*."¹¹⁶ Senator Elihu Root, who submitted the text to the conference, said it was drafted in the language of the Treaty of Versailles and other peace treaties because "between thirty and forty powers" had already agreed to that language, "so that there was not much further to go in securing . . . general consent . . ."¹¹⁷ Root understood the Versailles Treaty's "declaration against the use of poison gases to be a statement of the previous rules which had been adopted during the course of the Hague Conferences."¹¹⁸ As we have seen, these probably were never intended to apply to tear gases.

3. The Geneva Protocol of 1925

In 1924, a committee of experts under the auspices of the League of Nations considered the effects of chemical and bacteriological warfare. The evil of greatest concern of these experts, and to participants at the later conference, appeared to be the use of poison and mustard gases against large cities.¹¹⁹ The experts also discussed tear gases, calling them "lachrymatory" agents:

"The efficacy of lachrymatory gas, coupled with its property of not causing permanent disablement, has led to its adoption by police organizations. By its means criminals may be apprehended without loss of life."¹²⁰

The 1925 Geneva conference adopted as the scope of the protocol's prohibition the Versailles phrase "asphyxiating, poisonous or other gases" proposed by the United States. In making this proposal, Congressman Burton, the American representative, expressed a strong desire for a provision "relating to the use of asphyxiating, poisonous and deleterious gases."¹²¹ The report of the legal committee characterized the American proposal as one dealing with "asphyxiating, poisonous or other similar gases."¹²² Another committee described the class as "asphyxi-

ating, poisonous and other deleterious gases."¹²³ There is no recorded discussion of tear gases by the delegates. If they had been determined to prohibit gases the experts had said were in use by police departments to prevent loss of life, they might have been expected to do so more explicitly, or at least to have discussed the point.¹²⁴

4. The 1930 Attempt To Resolve the Question

In 1930, the United Kingdom addressed itself to the difference between the French and English texts, a difference which created "a serious ambiguity in the Geneva Gas Protocol of 1925 as well as in all Treaties and Conventions regulating gas warfare signed since the War."¹²⁵ The United Kingdom solicited the views of other governments in order to obtain a uniform interpretation on whether or not the use of tear gases was prohibited by the protocol. The British considered that "the use in war of 'other gases,' including lachrymatory gases was prohibited."¹²⁶

The French shared this view. Their reply stated that the English and French texts were identical in meaning and that tear gases were prohibited in war notwithstanding their use domestically by police departments.¹²⁷ The delegates of 10 other states concurred, several saying that they did so because of the difficulty in distinguishing between lethal and nonlethal gases.¹²⁸ A majority remained silent.

Only the United States delegate openly disagreed with the British view.¹²⁹ The American representative noted the technical difficulties of classifying gases and suggested that the question be considered by the Geneva Disarmament Conference. He added:

"[W]e seek a maximum prohibition of inhumane agencies, but, at the same time, we should not be led to bring into disrepute the employment of agencies which not only are free from the reproach of causing unnecessary suffering, but which achieve definite military or civil purposes by means in themselves more humane than those in use before their adoption. I think there would be considerable hesitation on the part of many governments to bind themselves to refrain from the use in war, against any enemy, of agencies which they have adopted for peacetime use against their own population, agencies adopted on the ground that, while causing temporary inconvenience, they cause no real suffering or permanent disability, and are thereby more clearly humane than the use of weapons to which they were formerly obliged to resort in time of emergency."¹³⁰

The preparatory commission's report noted that "the Commission felt itself unable to express a definite opinion on this question of interpretation. Very many delegations, however, stated that they were prepared to approve the interpretation suggested in the British Government's memorandum."¹³¹ The committee recognized, however, that the question remained open.¹³²

5. Current Interpretation

While in 1930 discussions were not conclusive of the Geneva Protocol's meaning, the then British view was widely accepted. One basis for that view, however, has since disappeared. The British were concerned that, unless tear gases were prohibited, many countries would build up their arsenals and manufacturing capabilities. But many countries have done this anyway for deleterious gases clearly prohibited by the protocol in order to be prepared to retaliate against use of gas by another country.¹³³

Another concern was the difficulty of drawing a line and the danger, if the line were fuzzy, of escalation from tear gases to more harmful substances. This remains a critical problem. The United States has attempted to draw the line by restricting the permitted gases to "agents that Governments around the world commonly use to control riots by their own people."¹³⁴ This test is at least reasonably precise. It would probably legitimize only common tear gases such as

CN and CS. CN, and to a lesser extent CS, are used by over 50 countries to quell domestic riots, and to capture criminals resisting arrest.¹³⁵

In the 1966, 1967, and 1968 debates in the United Nations General Assembly and the Geneva Disarmament Conference, only the Soviet Union and its allies actively opposed the United States position that tear gases in war did not violate the protocol.¹³⁶ Belgium agreed with the American view.¹³⁷ The French, without mentioning tear gases, hinted that they no longer believed in giving the protocol the broad interpretation they had given it in the 1930's.¹³⁸ The United Kingdom and Kenya referred to the opposing views on tear gas without taking sides.¹³⁹ Most countries, however, remained silent.

6. Application of Standards to Use of Gases in Vietnam

The principal gases used by United States forces in Vietnam are the tear gases, CS and CN.¹⁴⁰ However, a vomit-inducing gas, adam-site, has also been used against the enemy.¹⁴¹ Adamsite appears no longer to be authorized.¹⁴² It is clearly not an agent that "[g]overnments around the world commonly use to control riots by their own people."¹⁴³ Its use represents an escalation of the kind feared by the proponents of encompassing all gases, including tear gases, within the protocol.¹⁴⁴

The use of tear gas was justified by the United States on "humanitarian" grounds—that it would reduce the number of people killed, both combatants and noncombatants, and that its use would be analogous to riot control.¹⁴⁵ In situations where Viet Cong were protected by human shields, or by tunnels or caves, the alternatives were rifles, machine guns, napalm, flame throwers, high explosives or fragmentation grenades. Tear gas certainly seemed a more humanitarian weapon. But reports from Vietnam reveal that large numbers of tear gas grenades have been dropped on Viet Cong strongholds from helicopters which were followed by B-52's dropping high-explosive or anti-personnel-fragmentation bombs.¹⁴⁶ The purpose of such an attack would appear to be to flush out those hiding in tunnels, to incapacitate them with gas, and then to wound or kill them with bombs. This seems wholly inconsistent with the humanitarian justification given by the United States. Moreover, if combatants have been incapacitated by tear gas and are thereby placed out of combat, they are entitled to be "humanely treated" under the 1949 Geneva Conventions.¹⁴⁷ Indiscriminate bombing of an area just saturated with tear gas is hardly humane.

B. Herbicides

Another unsettled issue is whether the use of modern chemical herbicides or defoliants in war is a violation of the protocol. Except for their use by the United States in Vietnam, these chemicals have not been used in war. Indeed they were not discovered until the end of World War II.¹⁴⁸

The United States has taken a position on these chemicals quite similar to its position on tear gases. This is that "the Protocol does not apply to herbicides, which involve the same chemicals and have the same effects as those used domestically in the United States, the Soviet Union and many other countries to control weeds and other unwanted vegetation."¹⁴⁹ The Soviet view is that the use of "chemical substances in Vietnam to include destruction of the rice crop, which as everyone knows, provides the Vietnamese people with their staple diet" is prohibited by the Geneva Protocol.¹⁵⁰ Other countries, except for allies of the Soviet Union,¹⁵¹ have generally remained silent.¹⁵²

1. The Negotiating History

The scope of the ban on chemical warfare in the protocol is broad enough to cover herbicides, but there is real doubt that that was intended. Included within the chemical ban are not only the asphyxiating, poisonous and other gases but "all analogous liquids, ma-

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terials or devices . . .¹⁵³ Taken literally, this is broad enough to include chemical agents which kill plants. It has been argued, however, that the protocol should only be applied to antipersonnel weapons.¹⁵⁴ At least as far as its prohibition on chemicals is concerned, the negotiating history gives some support to this conclusion. As we have seen, the scope clause was derived from the 1922 Treaty of Washington and the 1919 Treaty of Versailles. At neither conference was there any recorded discussion of anticrop weapons. Certainly they were not the principal evil about which negotiators were concerned immediately after the First World War.

Before the 1925 Geneva Conference, however, a League of Nations committee asked a number of experts for a statement on the effect which would be produced on human life, animal life, and "vegetable life" by "chemical warfare"—or "bacteriological warfare."¹⁵⁵ The experts were not aware of any danger to plants from chemical warfare. "It would not appear that vegetation is affected by gas," they said.¹⁵⁶ On chemicals, the report concluded that "no agent is at present known which could produce a chemical destruction of sources of wealth except through its action on the human elements . . ."¹⁵⁷ Most of the experts were also of the view that bacteriology was not then able to produce infective substances "capable of destroying a country's . . . crops."¹⁵⁸ But Professor Cannon of Harvard's Medical School did "not entirely concur in this latter opinion since he admits the possibility of aeroplanes disseminating over wide areas parasites capable of ravaging the crops."¹⁵⁹

During the 1925 Geneva Conference, the Versailles-Washington language on chemicals was supplemented by a broad ban on "the use of bacteriological methods of warfare." This resulted from a Polish proposal aimed primarily at antipersonnel weapons.¹⁶⁰ However, the Polish delegate also expressed concern about the possible use of bacteria on crops. He said: "Bacteriological warfare can also be waged against the vegetable world, and not only may corn, fruit and vegetables suffer, but also vineyards, orchards and fields."¹⁶¹ The acceptance of the Polish delegate's broad language prohibiting bacteriological means of warfare would seem to mean that bacteriological anticrop warfare was condemned by the protocol. At the same time, as shown above, the history of the protocol's ban on chemical warfare indicates doubt whether chemical anticrop agents were to be prohibited.

2. Herbicide Usage in Vietnam

As we have seen, the United States explained that herbicides did not violate the protocol because they involve the same elements used in domestic weed control.¹⁶² The initial military use of herbicides appears to have been reasonably consistent with this justification. Herbicides were used to destroy jungle trees and plants, particularly along roads, because this vegetation was used as a cover by enemy troops from which to attack American and allied soldiers.¹⁶³ This use was not unlike the common use of herbicides to kill weeds along highways in this and other countries. Gradually, however, the South Vietnamese and then the Americans began using herbicides to kill rice crops in Viet Cong held areas.¹⁶⁴ Although the chemicals remained the same as those used for certain domestic weed killers, the use was no longer "to control weeds and other unwanted vegetation", the justification given by the United States to the United Nations. As with tear gases, the political rationale given by the United States for making an exception to the protocol has been eroded by the military practice.

V. SHOULD THE UNITED STATES RATIFY THE GENEVA PROTOCOL?

The 1966 General Assembly resolution deal-

ing with poison gas and germ warfare contained an invitation to "all States to accede to the Geneva Protocol . . ."¹⁶⁵ The United States voted for this resolution. In explaining its position with respect to this invitation, the United States representatives stated:

"[W]hether, or by what procedure, States that have not yet done so should adhere to the Geneva Protocol is for each of them to decide in the light of constitutional and other considerations that may determine their adherence to any international instruments, and particularly one which dates from 1925."¹⁶⁶

The vigorous attacks¹⁶⁷ against American use of tear gas and herbicides in Vietnam have probably not produced a healthy climate for reconsideration of the Geneva Protocol by the United States Senate at the present time. However, if the Paris negotiations make progress toward reducing the level of hostilities in Vietnam, thought should be given to resubmitting the protocol to the Senate.

A. Reasons supporting ratification

On the assumption that the use of poison gas or germs in warfare by any country continues to be inconsistent with our national interests, ratification of the protocol is to our advantage for a number of reasons.

1. Effect on Reducing Likelihood of Gas and Germ Warfare

The best reason for United States ratification is the increased attention and effectiveness it would give to the protocol as a barrier to the first use of chemical and biological weapons.

Our failure to adhere to the protocol has repeatedly been called to the attention of other nations by the Soviet Union and its allies.¹⁶⁸ All other nuclear powers, including China, and all other major industrial nations, except for Japan, are parties.¹⁶⁹ For these reasons, our accession would be regarded as important by other countries.

The 1966 United Nations resolution dealing with the protocol renewed interest in it as an instrument for maintaining continued restraint on poison gas and germ warfare. Probably as a direct result, some 12 developing countries have become parties since 1966.¹⁷⁰ Our ratification would give further impetus to the effort to secure adherences.

As indicated earlier, the basic prohibition of the protocol appears to apply to non-adhering states. But many of the emerging African and Asian nations do not regard themselves as bound by rules developed as the result of practices of "colonialist" powers.¹⁷¹ Only adherence to the protocol is likely to be regarded by them as producing a serious inhibition upon their first use of gas or germ warfare. Yet these same states could acquire chemical and biological agents with much less difficulty than they could acquire nuclear weapons. Indeed chemical and biological weapons have sometimes been called the poor man's atomic bomb.¹⁷² The most recent use of poison gas was, after all, in Yemen.¹⁷³ Neither that country nor Israel and Jordan are parties to the protocol. Among the emerging countries of Sub-Saharan Africa, only nine have joined, all within the last five years.¹⁷⁴ Mainland China and India are parties, but Japan and many less developed Asian countries are not. Latin America currently has the fewest number of parties of any major region of the world. In my view, United States adherence to the protocol would stimulate wider acceptance of it by countries in these areas, and would enhance its credibility as a deterrent to the first use of poison gas and germs in war.

2. Aid in Achieving a Uniform Interpretation of the Protocol

The problems of interpretation arising from the differences over tear gas and herbicides, as well as from the existing reservations, have been described above. United States ratification with a statement of interpretation to be circulated in the normal course to

all parties would offer a useful opportunity to clear up the meaning of the protocol.¹⁷⁵

While the ambiguity of the protocol in the case of tear gases has been recognized by several other countries, only one has publicly defended our position.¹⁷⁶ Because of the unpopularity of the war in Vietnam and because we are not party to the protocol, our government has had little success in gaining acceptance of our interpretations. However, if we ratified with an interpretative statement after hostilities in Vietnam had subsided, most parties would probably acquiesce in our interpretation and say nothing, assuming there had been an earlier diplomatic effort to achieve this result. Given the ambiguities in the text of the protocol, the statement would most likely be accepted as an interpretation of an ambiguous provision, rather than a reservation which changed the substance of the agreement and therefore really constituted a proposal to enter into a different agreement.¹⁷⁷ Thus we would become a party to the protocol with a clear understanding on tear gas and herbicides as far as most parties were concerned.

Assuming that China and the Soviet Union objected, they would probably aim their objection at our interpretation rather than at our becoming party to the protocol. Unless they treated the interpretation as a reservation going to the heart of the protocol, which it clearly is not, they would, in effect, accept our adherence to the protocol while continuing their differences of view with us as to its treatment of tear gas and herbicides.¹⁷⁸

3. Improved United States Standing in Forthcoming Discussions of Poison Gas and Germ Warfare

Starting with the 1966 discussion in the General Assembly, there has been renewed international interest in arms control agreements dealing with chemical and biological agents. In the summer of 1968, the British proposed a major addition to the Geneva Protocol which would ban the use, production, and possession of "microbiological" weapons. A British working paper submitted to the Geneva Disarmament Conference criticized the protocol for a number of reasons, including its ambiguity concerning "non-lethal gases," the failure of many states to become parties, the existence of reservations by some parties, and the limited scope of its prohibition on "bacteriological warfare" which the paper contended did not "include the whole range of microbiological agents that might be used in hostilities."¹⁷⁹ On this last point, the British working paper appears to be incorrect in light of the negotiating history of the treaty.¹⁸⁰ On the others, the difficulties can be alleviated in large measure in the ways already described without amending the protocol.

The British working paper also pointed out that, even with universal adherence to the protocol, there would still be a risk of large-scale use of gas and germ warfare "as long as states have the right to manufacture them and to use them against violators and their allies." The paper therefore proposed supplementing the protocol with a ban on the possession and production of microbiological agents. The United States representative pointed out that the most important question this proposal raised was how parties could verify the fact that other parties did not possess and were not making biological agents.¹⁸¹ He recommended that, if the British proposal received wide support in principle, a working group be formed to deal particularly with the verification problem.¹⁸² The Soviet Union attacked the British proposal as an attempt to subvert the Geneva Protocol. The Soviet representative said that if the conference were to follow the course suggested by the British, "we might destroy an existing, useful and important international document on the prohibition of chemical and bacteriological weapons without having replaced it by a better or indeed by any other international instrument. . . ."¹⁸³

The United Kingdom proposed an expert study under the auspices of the United Nations Secretary General on the effects of the possible use of chemical weapons.¹⁸⁴ Poland proposed such a study for both chemical and bacteriological weapons.¹⁸⁵ The United States was prepared to accept either proposed but a consensus developed around the Polish plan. The conference recommended a study of the effects of both chemical and bacteriological weapons to the General Assembly¹⁸⁶ which recently passed a resolution accepting the recommendations and directing that such a study be made.¹⁸⁷

This study, and the determination of the Geneva Conference to give chemical and bacteriological weapons further attention,¹⁸⁸ indicate that a considerable amount of international effort probably will be devoted to this problem in the years ahead. The United States will no doubt continue to participate in these discussions. However, we would be more influential with the other important participants, all of whom are parties to the protocol, if we ratified it. This is particularly true since some of the proposals which will be discussed involve amendments to it. United States' interests would be better protected during the discussion of possible future agreements in this field if we became a full-fledged party to the protocol. At a minimum, ratification would limit the effect of Soviet propaganda attacks which tend now to reduce our influence with other delegates.

B. Objections to Ratification

1. Imperfections of the Protocol

Given the protocol's various problems, it can be argued that it is an imperfect instrument, that it needs revision, and that we should only adhere to it when it is revised.¹⁸⁹ A procedure for alleviating many of the protocol's imperfections has been described above. The international discussions of the last two years make clear that most other countries regard the protocol as the basic instrument in the field, and some, including the Soviet Union, are adamantly opposed to revising it. Moreover, the problems of inspection involved in the United Kingdom's attempt to halt production and reduce or eliminate stockpiles of germ weapons are considerable.¹⁹⁰ Thus the chances of achieving a broad international consensus on amending the protocol, or on a new agreement, are probably not great.

We have already agreed to observe the principles and objectives of the protocol. Since other industrial states almost unanimously have adhered to it and are therefore sometimes unsympathetic to our reasons for not doing so, our insistence on a revision before we ratify is not likely to be very persuasive. We could not, in any event, promise Senate approval for the ultimate product of any efforts toward revision.

2. Danger of Closing Our Options

A second objection to ratifying the protocol is that in time of war other countries would not observe it while we would. We would thereby give up options to initiate the use of gas or germ warfare.

If other countries should use gas or germ weapons in a future war, we would not give up our option to retaliate in kind by ratifying the protocol.¹⁹¹ Moreover, we no longer have an effective option to use poison gas or germs except in retaliation. Our publicly stated policy is that we will not be the first to use these weapons. We have said we would observe the principles and objectives of the protocol. We are probably bound through custom to its basic prohibitions. Our principal allies would almost certainly restrain any desire we might have to initiate poison gas or germ warfare. The sanctions for violating the protocol, notoriety, retaliation, and war crimes prosecutions, apply even without ratification. Thus, ratification would simply

acknowledge the fact that our options are already closed.

VI. CONCLUSION

The foregoing discussion shows that we have little to lose and considerable to gain by ratifying the protocol. We can increase the strength of the protocol as a barrier to poison gas and germ warfare; help to clear up a few ambiguities and, in doing so, achieve wider support for United States interpretations; and enhance our standing for influential participation in the forthcoming discussions of proposals for additional limitations. On the other hand, if we insist on waiting until the protocol is revised, we will probably have to wait a long time and then have little influence in the revision. Finally, we give up no option which is now open to us by ratifying. In my view, the protocol is the best instrument likely to be achieved in the foreseeable future. The United States would be well advised to join it.

APPENDIX

RESERVATIONS TO THE 1925 GENEVA PROTOCOL AUSTRALIA

Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, do not respect the Protocol.

BELGIUM

(1) The said Protocol is only binding on the Belgium Government as regards States which have signed or ratified it or which may accede to it.

(2) The said Protocol shall *ipso facto* cease to be binding on the Belgian Government in regard to any enemy State whose armed forces or whose Allies fail to respect the prohibitions laid down in the Protocol.

BRITISH EMPIRE

Does not bind India or any British Dominion which is a separate Member of the League of Nations and does not separately sign or adhere to the Protocol.

(1) The said Protocol is only binding on His Britannic Majesty as regards those Powers and States which have both signed and ratified the Protocol, or have finally acceded thereto;

(2) The said Protocol shall cease to be binding on His Britannic Majesty towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol.

BULGARIA

The said Protocol is only binding on the Bulgarian Government as regards States which have signed or ratified it or which may accede to it.

The said Protocol shall *ipso facto* cease to be binding on the Bulgarian Government in regard to an enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol.

CANADA

(1) The said Protocol is only binding on His Britannic Majesty as regards those States which have both signed and ratified it, or have finally acceded thereto;

(2) The said Protocol shall cease to be binding on His Britannic Majesty towards any State at enmity with Him whose armed forces, or whose allies *de jure* or in fact fail to respect the prohibitions laid down in the Protocol.

CHILE

(1) The said Protocol is only binding on the Chilean Government as regards States which have signed or ratified it or which may definitely accede to it.

(2) The said Protocol shall *ipso facto* cease to be binding on the Chilean Government

in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol.

CZECHO-SLOVAKIA

The Czecho-Slovakia Republic shall *ipso facto* cease to be bound by this Protocol towards any State whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol.

ESTONIA

(1) The said Protocol is only binding on the Estonian Government as regards States which have signed or ratified it or which may accede to it.

(2) The said Protocol shall *ipso facto* cease to be binding on the Estonian Government in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol.

FRANCE

(1) The said Protocol is only binding on the Government of the French Republic as regards States which have signed or ratified it or which may accede to it.

(2) The said Protocol shall *ipso facto* cease to be binding on the Government of the French Republic in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol.

INDIA

(1) The said Protocol is only binding on His Britannic Majesty as regards those States which have both signed and ratified it, or have finally acceded thereto;

(2) The said Protocol shall cease to be binding on His Britannic Majesty towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol.

IRAQ

On condition that the Iraq Government shall be bound by the provisions of the Protocol only towards those States which have both signed and ratified it or have acceded thereto; and that they shall not be bound by the Protocol towards any State at enmity with them whose armed forces, or the forces of whose allies, do not respect the dispositions of the Protocol.

IRELAND

The Government of Ireland does not intend to assume, by this accession, any obligation except towards the States having signed and ratified this Protocol or which shall have finally acceded thereto, and

Should the armed forces of an enemy State or of the allies of such State fail to respect the said Protocol, the Government of Ireland would cease to be bound by the said Protocol in regard to such State.

THE NETHERLANDS (INCLUDING NETHERLANDS, INDIES, SURINAM AND CURACAO)

Subject to the reservation that, as regards the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, this Protocol shall *ipso facto* cease to be binding on the Royal Netherlands Government in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol.

NEW ZEALAND

Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces or the armed forces of whose allies, do not respect the Protocol.

PORTUGAL

(1) The said Protocol is only binding on the Government of the Portuguese Republic as

Footnotes at end of article.

regards States which have signed or ratified it or which may accede to it.

(2) The said Protocol shall *ipso facto* cease to be binding on the Government of the Portuguese Republic in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol.

ROMANIA

Subject to the reservation:

(1) That the said Protocol only binds the Roumanian Government in relation to States which have signed and ratified or which have definitely acceded to the Protocol.

(2) That the said Protocol shall cease to be binding on the Roumanian Government in regard to all enemy States whose armed forces or whose allies *de jure* or in fact do not respect the restrictions which are the object of this Protocol.

SPAIN

Declares this Protocol as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting and executing the same obligation, that is to say, on condition of reciprocity.

UNION OF SOUTH AFRICA

Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, do not respect the Protocol.

UNION OF SOVIET SOCIALIST REPUBLICS

(1) That the said Protocol only binds the Government of the Union of the Soviet Socialist Republics in relation to the States which have signed and ratified or which have definitely acceded to the Protocol.

(2) That the said Protocol shall cease to be binding on the Government of the Union of Soviet Socialist Republics in regard to all enemy states whose armed forces or whose allies *de jure* or in fact do not respect the restrictions which are the object of this Protocol.

FOOTNOTES

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¹ The Law of Land Warfare, Department of the Army Field Manual FM 27-10, ¶ 38, at 18-19 (1956).

² Declaration (IV 2) Concerning Asphyxiating Gases reprinted in J.B. Scott, *The Hague Conventions and Declarations of 1899 and 1907*, at 225-26 (3d ed. 1918).

³ *Id.* at 226.

⁴ J.B. Scott, *The Peace Conferences: American Instructions and Reports*: 36 (1916).

⁵ See E. Castren, *The Present Law of War and Neutrality* 195 (1954); M. Greenspan, *The Modern Law of Land Warfare* 360 (1959); J. Spaight, *Air Power and War Rights* 189 (3rd ed. 1947). See also V. Lefebure, *The Riddle of the Rhine* 33-34 (1921).

⁶ Bernstein, *The Law of Chemical Warfare*, 10 Geo. Wash. L. Rev. 889, 905-06 (1942).

⁷ E. Castren, *supra* note 5, at 195; Bernstein, *supra* note 6, at 907. This argument was not, however, the basic justification given by Germany for the use of gas. See Kelly, *Gas Warfare in International Law*, 9 Military L. Rev. 1, 39-40 (1960).

⁸ Treaty of Versailles, June 28, 1919, § 171, reprinted in 3 *Treaties, Convention International Acts, Protocols and Agreements* 3331, 3402 (Redmond ed.); 2 A. Toynbee, *Major Peace Treaties of Modern History* 1265, 1367 (1968).

⁹ W. S. Holt, *Treaties Defeated by the Senate* 249-307 (1933).

¹⁰ 42 Stat. 1939, 1943 (1921). T.S. No. 658, at 14.

¹¹ The United States' view is necessarily implied by the quotation from the *Army Field Manual* set forth at the beginning of this article. It is based upon the language of article 171 itself, and of the 1921 Treaty of Berlin which incorporated article 171 by reference for the benefit of the United States. See Kelly, *supra* note 7, at 24 § n.113.

¹² See 5 H. Temperly, *A History of the Peace Conference of Paris 209* (1920-24).

¹³ Treaty relative to the protection of the lives of neutrals and noncombatants at sea in time of war and to prevent the use of noxious gases and chemicals, February 6, 1922, § V, reprinted in 3 *Treaties, Conventions and International Acts*, *supra* note 8, at 3116, 3118.

¹⁴ See text at note 116 *infra*.

¹⁵ See R. Buell, *The Washington Conference 206 n.9* (1922); F. J. Brown, *Chemical Warfare, A Study in Restraints* 64 (1968). Among the members of the advisory committee were Samuel Gompers, Herbert Hoover (then Secretary of Commerce), John L. Lewis, General Pershing, Rear Admiral Rodgers, Franklin Roosevelt (then Assistant Secretary of the Navy), and J. Mayhew Wainright (Assistant Secretary of War).

¹⁶ 62 Cong. Rev. 4723-30 (1922).

¹⁷ Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, June 17, 1925; 94 L.N.T.S. No. 2138, at 67 (1929).

¹⁸ See text at note 121 *infra*.

¹⁹ See F. J. Brown, *supra* note 15, at 99.

²⁰ *Id.*

²¹ For a history of the activities of the opponents and proponents of the protocol, see *id.* at 102-08.

²² *Id.*; see also 68 Cong. Rec. 152-54 (1926).

²³ See 68 Cong. Rec. 144-46 (1926).

²⁴ *Id.* at 368.

²⁵ The following states have ratified or acceded to the Geneva Protocol on the dates set opposite their names according to the files of the Department of State: Australia, January 22, 1930; Austria, May 9, 1928; Belgium, December 4, 1928; Bulgaria, March 7, 1934; Canada, May 6, 1930; Ceylon, January 20, 1954; Chile, July 2, 1935; China, August 7, 1929; (On July 13, 1952, the People's Republic of China issued a statement recognizing as binding upon it the accession to the Protocol "in the name of China" on August 7, 1929.); Cuba, June 24, 1966; Cyprus, December 12, 1966; Czechoslovakia, August 16, 1938; Denmark, May 5, 1930; Estonia, August 28, 1931; Ethiopia, September 18, 1935; Finland, June 26, 1929; France, May 9, 1926; Gambia, November 16, 1966; Germany, April 26, 1929; (In 1959 Czechoslovakia transmitted to France the depositary government, an instrument of adherence from the German Democratic Republic.); Ghana, May 3, 1967; Greece, May 30, 1931; Holy See (Vatican), October 18, 1966; Hungary, October 11, 1952; Iceland, November 2, 1967; India, April 9, 1930; Indonesia, October 31, 1930; Iran, July 4, 1929; Iraq, September 8, 1931; Ireland, August 18, 1930; Italy, April 3, 1928; Latvia, June 3, 1931; Liberia, April 2, 1927; Lithuania, June 15, 1933; Luxembourg, September 1, 1936; Madagascar, August 12, 1967; Maldives Islands, January 6, 1967; Mexico, March 15, 1932; Monaco, January 6, 1967; Netherlands, October 31, 1930; (Accession by the Netherlands included Surinam, the Netherlands Antilles, and the Netherlands Indies [Indonesia]). On December 27, 1949, sovereignty over Indonesia was transferred from the Netherlands to the Republic of Indonesia. The Agreement on Transitional Measures adopted by the Round Table Conference at The Hague on November 2, 1949, provides that treaties and other international agreements concluded by the Netherlands are in

force for the Republic of Indonesia.); New Zealand, January 22, 1930; Niger, April 19, 1967; Norway, July 27, 1932; Pakistan, 1947; (Pakistan is a party by reason of paragraph 4 of the annex to the Indian Independence Act.); Paraguay, 1933; (In 1933 Paraguay sent to France a note of accession to the Protocol, but there is no record that France notified the other signatories of the accession.); Poland, February 4, 1929; Portugal, July 1, 1930; Rumania, August 23, 1929; Rwanda, June 25, 1964; Sierre Leone, March 20, 1967; Spain, August 22, 1929; Sweden, April 25, 1930; Switzerland, July 12, 1932; Tanzania, April 22, 1963; (Tanganyika acceded to the Protocol on April 22, 1963. In a note dated May 6, 1964, the United Republic of Tanganyika and Zanzibar informed the U.N. Secretary-General that all international agreements formerly in force between either country and other States would continue in force for the United Republic.); Thailand, June 6, 1931; Tunisia, July 12, 1967; Turkey, October 5, 1929; Uganda, May 24, 1965; Union of South Africa, January 22, 1930; United Kingdom, April 9, 1930; U.S.S.R., April 5, 1928; U.A.R., December 6, 1928; (All international agreements concluded with Egypt remain in force for the United Arab Republic.); Venezuela, February 8, 1928; Yugoslavia, April 12, 1929; (Yugoslavia is a party by virtue of the ratification in the name of the Kingdom of Serbs, Croats and Slovenes on April 12, 1929. The Kingdom changed its official title to "Kingdom of Yugoslavia" in 1929 and in 1954 to the "Federal People's Republic of Yugoslavia"). The following countries have signed the Protocol but have not ratified it to date: United States, Brazil, El Salvador, Japan, Nicaragua, Uruguay.

²⁶ At the beginning of the war, Britain and France reaffirmed their "intent to abide by the terms of the Geneva Protocol . . ." assuming Germany did the same. See F. T. Brown, *supra*, note 15, at 210. Britain apparently considered using gas should all other weapons fail to prevent invasion. *Id.* at 227-29. The protocol, and the revulsion against poison gas which it symbolized, constituted a restraint. But, in the opinion of Major Brown who has examined many of the British internal papers, the fear of German retaliation was the primary deterrent. *Id.* at 230.

In response to the British and French declaration of intention to abide by the Geneva Protocol, Germany stated it would "observe during the war the prohibitions which form the subject of the Geneva Protocol . . ." *Id.* at 230-31. Germany also considered using poison gas. Major Brown concludes that the three factors which prevented German use of gas were fear of retaliation, the initial abhorrence of gas by key military and civilian decision makers, and a lack of readiness resulting in part from this abhorrence and in part from the ban on manufacture and importation of poison gas in the Versailles Treaty. *Id.* at 231, 235-245, 293.

In his summary of the restraints in effect on belligerents during World War II, Major Brown concludes that the legal restraints were "moderately effective, but in an unanticipated sense." *Id.* at 291-294. He believes that the interwar conferences and treaties served to focus renewed public and elite group attention on chemical warfare. This resulted even in military distaste for it, insufficient training and preparation to use it, and strong aversion towards it by high civilian and some military leaders.

"[T]he primary value of the legal restraint rests in its tendency to reinforce other restraints. Treaty prohibition, though imperfect, reinforced both public and military dislike and fear of chemical warfare and provided a ready excuse for lack of substantive preparation."

Id. at 293.

For views giving greater weight to the effect of the protocol in preventing poison gas warfare in World War II, see *e.g.*, A. Enock,

This War Business 95-96 (1951); O'Brien, *Biological Chemical Warfare and the International Law of War*, 51 Geo. L.J. 1, 35-36 (1962). But see, e.g., Kelly, *supra* note 7, at 42 (public opinion and the fear of retaliation were the only effective restraints in World War II).

The official Soviet view is that the protocol greatly contributed to the nonuse of poison gas during World War II. See U.N.G.A. Statement of Soviet Representative Tsarapkin, United States Arms Control and Disarmament Agency, 1961 Documents on Disarmament 577 [hereinafter cited as Documents on Disarmament with the appropriate year designated]. Soviet ENDC Representative Roshchin stated in 1968:

"The Geneva Protocol set a legal barrier to the use of such [gas and bacteriological] means of mass destruction, and this was of great importance in the Second World War. The warning given by the Powers of the anti-Hitler coalition that the use of gases and bacteriological means of warfare was inadmissible and that a violator would not go unpunished had its effect on fascist Germany. In giving that warning the Powers of the anti-Hitler coalition based themselves on that important international agreement, the Geneva Protocol of 1925."

ENDC/PV, 389, at 25 (Aug. 13, 1968).

The official U.S. view puts considerable weight on the effect of the declaration threatening retaliation against any use of gas by enemies of the United States, a declaration which was made by President Roosevelt in 1943. See U.N.G.A. Statement of U.S. Representative Nabrit, in 1966 Documents on Disarmament 800-01; U.N.G.A. First Comm. Statement of U.S. Representative Foster, in 1963 Documents on Disarmament 600.

²⁷ See note 26 *supra*.

²⁸ *Id.*

²⁹ 1 L. Oppenheim, *International Law* § 17 (8th ed., H. Lauterpacht, 1955).

³⁰ F. J. Brown, *supra* note 15, at 198.

³¹ *Id.*

³² *Id.* at 199.

³³ *Id.* at 200.

³⁴ *Id.* at 201.

³⁵ 8 Dep't State Bull. 507 (1943) (emphasis added).

³⁶ F. J. Brown, *supra* note 15, at 262, *et seq.*

³⁷ *Id.* at 282.

³⁸ See *id.* at 284-85, 288; W. Leahy, I Was There 439-40 (1950).

³⁹ See Kelly, *supra* note 7, at 14; J. Rothschild, *Tomorrow's Weapons* 5 (1964).

⁴⁰ See Kelly, *supra* note 7, at 14; J. Rothschild, *supra* note 39, at 5.

⁴¹ See B. Bechofer, *Postwar Negotiations for Arms Control 196-201* (1961). The North Korean and Communist Chinese authorities refused to let a U.N. investigating commission enter their territories to determine the truth of the charges against the United States.

⁴² H. Res. No. 433, 86th Cong., 1st Sess. (Sept. 3, 1959).

⁴³ See 105 Cong. Rec. 18016-18 (1959).

⁴⁴ 1960-61 Public Papers of the President of the United States, Dwight D. Eisenhower 29.

⁴⁵ See *Chemical-Biological-Radiological (CBR) Warfare and Its Disarmament Aspects, A Study Prepared by the Subcommittee on Disarmament of the Senate Committee on Foreign Relations*, 86th Cong., 2d Sess. 21 (1960) for reactions to the Kastenmeier proposal.

The Defense department responded: "Similar declarations might apply with equal pertinency across the entire weapons spectrum, and no reason is perceived why biological and chemical weapons should be singled out for this special attention." The State Department added: "As a member of the United Nations, the United States, as are all other members, is committed to refrain from the use, not only of biological and chemical weapons, but the use of force of any kind in a manner contrary to that organization's charter." *Id.* at 22.

⁴⁶ See U.N.G.A. Statement of U.S. Representative Nabrit, *supra* note 27, at 801; U.N.G.A. First Comm. Statement of ACDA Director Foster, 1966 Documents on Disarmament 740-42.

⁴⁷ 51 Dep't State Bull. 528 (1965).

⁴⁸ G. A. Res. 2162(b) (XXI), reprinted in 1966 Documents of Disarmament 798. On December 20, 1968, the General Assembly adopted a resolution reiterating "its call for strict observance by all States of the principles and objectives of the Geneva Protocol of 17 June 1925 . . ." G. A. Res. 2454A XXIII. The United States voted for this resolution.

⁴⁹ U.N.G.A. Statement by U.S. Representative Nabrit, *supra* note 26, at 801.

⁵⁰ Letter from Assistant Secretary of State William B. Macomber to Congressman Rosenthal (D. N.Y.), Dec. 22, 1967. Deputy Secretary of Defense Vance testified in 1967 that the Department of Defense supported "the United States' affirmative vote in the United Nations General Assembly last December on a resolution calling on all nations to observe the principles and objectives of the Geneva Protocol of 1925. We have observed these principles consistently since 1925, although the United States . . . did not ratify the Geneva Protocol. We have consistently continued our *de facto* limitations on the use of chemical and biological weapons."

Hearings on United States Armament and Disarmament Problems before the Subcomm. on Disarmament of the Senate Comm. on Foreign Relations, 90th Cong., 1st Sess., 55 (1967) (emphasis added). See also Deputy Secretary Vance's letter to Congressman Kastenmeier (D. Wis.) of Mar. 31, 1965 in which he said, among other things, that "national policy does proscribe the first use of lethal gas by American forces. . . ."

⁵¹ Letter of William B. Macomber, *supra* note 50. In a letter to Congressman Wolff (D. N.Y.), July 24, 1967, U.S. Ambassador to the U.N., Arthur J. Goldberg stated:

"The United States position on this matter [poison gas] is quite clear and corresponds to the stated policy of almost all other governments throughout the world as reflected in the voting (91 in favor and 4 abstentions) on U.N.G.A. Resolution 2162B of 1966 which condemned the use of poison gas in warfare. *The use of poison gases is clearly contrary to international law . . .* (Emphasis added)."

⁵² F. J. Brown, *supra* note 15, at 247-48.

⁵³ *Id.* at 249.

⁵⁴ *Id.* at 260.

⁵⁵ *Shimonda v. State*, (Tokyo Dist. Ct., Dec. 7, 1963), reprinted in 8 JAPANESE ANNUAL OF INTERNATIONAL LAW 241-42 (1964).

⁵⁶ 21 U.N. GAOR, 1st Comm. 201 (1966). Japan also voted for the 1968 General Assembly resolution referring to in note 48 *supra*.

⁵⁷ Professor William O'Brien of Georgetown University made a lengthy survey of state practices and convictions before the 1966 U.N. resolution. He believed the failure of any belligerent, even those not party to the protocol, to use chemical warfare during World War II, was remarkable. The conclusions of his survey are:

"(1) Customary international law and the Geneva Protocol to which most states adhere prohibit the first use of chemical weapons but permit retaliation in kind. (2) While there is no customary international law prohibiting biological warfare, its first use is denied to adherents to the Geneva Protocol."

Biological Chemical Warfare and The International Law of War, 51 Geo. L.J. 1, 59 (1962) (emphasis added). A respected British authority reached a similar result; H. Lauterpacht concluded that the cumulative effect of "customary law and of the existing instruments having binding force . . . is probably to render such prohibition [on chemical warfare] legally effective upon practically all States." 2 L. Oppenheim, *International Law* 344 (7th ed., H. Lauterpacht, ed. 1952). A French expert reached similar

conclusions, see Meyrowitz, note 62 *infra*. Robert Tucker, Johns Hopkins School of Advanced International Studies and a consultant to the Naval War College, concluded that a customary rule existed against "poisonous or asphyxiating gases" but not against other gases or chemical agents. *The Law of War and Neutrality at Sea*, in 1955 *International Law Studies* 52-53 & n.16 (U.S. Naval War College 1957).

Even before the 1966 U.N. resolution, some authorities believed custom prohibited both chemical and bacteriological warfare. George Schwarzenberger, Director of Studies at the London Institute of World Affairs, wrote in 1958:

"The prohibition of chemical and bacteriological warfare contained in the Protocol must be taken to be merely declaratory of international customary law and equally binding on all states. It then becomes irrelevant whether any particular State is a party to the Geneva Protocol of 1925."

"The Legality of Nuclear Weapons 39 (1958). Morris Greenspan concluded that the Geneva Protocol, although by its terms binding only between contracting powers, is now so "universally recognized" that it "must be regarded as binding the community of nations independently of treaty obligation." *The Modern Law of Land Warfare* 354 (1959).

Other authorities writing before the 1966 U.N. resolution doubted the existence of a broad customary rule prohibiting chemical or bacteriological warfare. Professor Joseph L. Kunz of University of Toledo Law School believed that chemical and bacteriological warfare could only be banned by agreement to which "at least all militarily important states are parties." *The new U.S. Army Field Manual on the Law of the Land Warfare*, 51 Am. J. Int'l L. 388, 396 (1957). Professor Myres McDougal of Yale concluded that "it remains controversial whether a general prescription has emerged that is operative not only as against the . . . nations which have ratified the Protocol but also as against those which have not, such as the United States." M. McDougal & Feliciano, *Law and Minimum World Public Order* 637 (1961). Julius Stone, Challis Professor of International Law and Jurisprudence, University of Sidney, concluded in 1954 that whether toxic gases were then prohibited in war by international law was debatable. In the case of bacteriological warfare, he said that the only prohibition was upon parties to the Geneva Protocol:

"Since, moreover, the United States is not a party to the Geneva Gas Protocol, and it is unlikely that that state will be neutral in any major war, it is apparent that whether the prohibition on bacteriological warfare operates in such a war will depend upon the willingness of that State to accept voluntarily the self-denying ordinance of the Protocol."

LEGAL CONTROLS ON INTERNATIONAL CONFLICT 556-57 (1954) (emphasis added).

Three U.S. Army officers surveyed the practices and convictions of states on chemical or bacteriological warfare shortly before the 1966 U.N. resolution: Colonel Bernard Brungs, Major Joseph Kelly, and Major William Neinst. None concluded that there was a customary international rule broadly prohibiting the first use of chemical or biological weapons in war. Kelly, however, concluded that customary law prohibited the United States from using poison gas directly against noncombatants or in situations where the pain and suffering caused by such agents would be disproportionate to the military gain. *Gas Warfare in International Law*, *supra* note 7, at 64. Brungs found a customary international law rule prohibiting the first use in war of toxins—poisonous products of micro-organisms. *The Status of Biological Warfare in International Law*, 24 MILITARY L. REV. 47, 90 (1964). Neinst found no customary rule whatever in the biological area. *The Status of Biological Warfare in In-*

ternational Law, 24 MILITARY L. REV. 1, 43 (1964).

⁵⁸ See Kunz, McDougal, and Stone, *supra* note 57.

⁵⁹ See note 35 *supra* and accompanying text.

⁶⁰ G. A. RES. 2162(B), *supra* note 48.

⁶¹ See 1966 DOCUMENTS ON DISARMAMENT 798 n.1. Albania, Cuba, France, and Gabon abstained. Of these, only France is a party to the protocol. The French representative stated that a "condemnation of chemical weapons in general" could not be "predicated upon the text of the Geneva Protocol." He added that it was difficult to demand "that states which have not signed and ratified a treaty or convention comply with its principles or norms." In his belief, the proposal of the U.S. and others that the resolution call for observance of the "principles and objectives" of the protocol did not eliminate all objections and might "alter the letter, and certainly, the spirit of the Protocol." 21 U.N. GAOR, 1st Comm., P.V. 201, at 204 (1966).

⁶² It would be difficult to consider this document [the resolution] as meaning less than it says. What it says is the affirmation of the validity of the precept enunciated in the Geneva Protocol as an obligation having force of law over all countries—the prohibition of the use of chemical and/or biological instruments of warfare. We are forced to conclude that the rule of international customary law prohibiting CW [chemical warfare], a rule which existed already aside from the Protocol, must now be considered as extending to BW [bacteriological warfare].

From an unpublished paper prepared for the Swedish Institute of Peace Research and Conflict Resolution by the French authority Henri Meyrowitz, Biological Weapons and International Law, Prohibition of the Use of Biological Weapons and Proposals for Banning the Production of Such Weapons (April 1967).

⁶³ There is no doubt that, when all or most of the Great Powers have deliberately agreed to certain rules of general applicability, the rules approved by them have very great weight in practice among States which have never consented to them. . . . A striking proof of this tendency was given in the war of 1898 between Spain and the United States. Neither belligerent was a party to the article of the Declaration of Paris of 1856 against privateering; the United States had in fact refused to join in it. . . . Nevertheless, when the war of 1898 broke out, the United States proclaimed its intention of adhering to the Declaration of Paris, and the rules laid down were in fact observed by both belligerents. . . .

Pollock, *Sources of International Law*, 18 L.Q. Rev. 418, 419 (1902).

The United States regards a number of almost universal, treaty-originated rules as applicable to other states which are not parties to the treaty in question. In an opinion of March 4, 1966, the legal adviser of the Department of State said that "much of the substantive law of the [U.N.] charter has become part of the general law of nations through wide acceptance by nations the world over." 54 Dep't State Bull. 474, 476 n.3 (1966). The *Army Field Manual* on the law of land warfare states that even though States may not be parties to, or strictly bound by, the 1907 Hague Conventions and the 1929 Geneva Convention relative to the Treatment of Prisoners of War, the general principles of these conventions have been held declaratory of the customary law of war to which all States are subject. For this reason, the United States has adopted the policy of observing and enforcing the terms of these conventions in so far as they have not been superseded by the 1949 Geneva Conventions. . . .

The Law of Land Warfare, *supra* note 1, at 1. See also ¶¶ 6-7, at 6-7.

⁶⁴ See *United States v. Goering*, in *Opinions*

and Judgment of the International Military Tribunal 48-49, 82-83 (1947). A Soviet military tribunal sitting in Khabarovsk in December 1949 convicted a number of Japanese for engaging in bacteriological warfare against the Mongolian People's Republic in 1939 and against the Chinese in 1940-42. 2 L. Oppenheim, *supra* note 57, at 343 n.2. A British military manual notes that inasmuch as "Japan was not a party to the Protocol, the Russian Military Tribunal at Khabarovsk . . . would therefore seem to have assumed that the prohibition of bacteriological warfare derived from the customary law of war prevailing among civilized nations. . . ." Quoted in O'Brien, *supra* note 57, at 34 n.90.

Part of the indictment brought against Japan by the Tokyo War Crimes Tribunal was "[e]mploying poison contrary to the international Declaration respecting Asphyxiating Gases, signed by (*inter alia*) Japan and China at the Hague on the 29th of July 1899 . . . and Article 171 of the Treaty of Versailles. In the wars of Japan against the Republic of China, poison gas was used. . . ." Japan was a party to the Treaty of Versailles but article 171 was directed at Germany. See note 11 *supra* and accompanying text. The judgment does not deal with this charge. See O'Brien, *supra* note 57, at 34 n.90.

⁶⁵ The list of parties to the Protocol together with their dates of adherence appears at note 25 *supra*. The texts of the reservations, as they appear in the files of the Department of State, appear in the Appendix following the article.

⁶⁶ The relevant language of the protocol is quoted in the text at note 17 *supra*. The French reservation, however, implies that France intended to be bound "as regards States which have signed or ratified" the protocol. In this respect the reservation appears to go beyond the actual obligation of the protocol. France, as the first of the signatories to ratify, probably intended this only as a gesture toward those signatories which had not yet ratified but were expected soon to do so.

⁶⁷ A reservation is a formal declaration made by a signatory before it becomes bound by an international agreement that the agreement will not be binding upon it except upon terms that it regards as changing the effect of the agreement under international law.

RESTATEMENT (SECOND) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 124 (1965). See also *id.* comment c and illustrations 2 and 3.

⁶⁸ See notes 29-64 *supra* and accompanying text. In the Nuremberg trials, the court held that custom had rendered ineffective an article from the Hague Convention of 1907 which was somewhat similar to the French paragraph 1 reservation. The court said that "by 1939 these rules laid down in the convention were recognized by all civilized nations. . . ." *United States v. Goering supra* note 64, at 83.

⁶⁹ "To the extent to which the Protocol should be considered as stating or constituting a rule of customary law . . . the first of the two clauses [i.e., French first paragraph] has lost its significance." Meyrowitz, *supra* note 62, at 5.

⁷⁰ See Appendix.

⁷¹ RESTATEMENT, *supra* note 67, at § 158; see Opinion of the Legal Adviser of the Department of State, in *Hearings on Executive M before the Senate Foreign Relations Comm.* 88th Cong., 1st Sess. 37-40 (1963).

⁷² Meyrowitz, *Les Armes Psychochimiques et le Droit International*, 100 *Annuaire Francais de Droit International* 81, 100 n.51 (1964).

⁷³ RESTATEMENT, *supra* note 67, at § 128, comments d and f.

⁷⁴ See Appendix for the language of all the reservations. There are variations in these reservations but none appears to be significantly broader than the French reservation. The Soviet reservation, for example, states

that the protocol shall cease to be binding on the U.S.S.R. in regard to all enemy states "whose armed forces or those Allies *de jure* or in fact do not respect" the protocol. The phrase "*de jure* or in fact" does not appear in the French reservation. However, the phrase apparently means "Allies *de jure* or in fact" rather than "*de jure* in fact do not respect." A translation from the Russian by experts on Soviet treaty practices confirms this view. See J. TRISKA N. R. SLUSSER, *THE THEORY, LAW AND POLICY OF SOVIET TREATIES* 82 (1962) ("the formal or factual allies of which"). If this translation correctly reflects the Soviet intention, its scope does not appear broader than the French reservation.

The Dutch reservation applies only to chemical warfare but is otherwise like the French reservation. There are other minor variations, but none seem to be of great significance.

⁷⁵ RESTATEMENT, *supra* note 67 at § 128, comment f, illustration 2. In the case of treaties (such as the protocol) which are intended to have the widest possible application for humanitarian reasons, the International Court of Justice has said that this traditional rule should be modified somewhat. If the reservation, although the subject of an objection, is "compatible with the purpose and object" of the treaty, the reserving party may be regarded as a party despite the objection. *Reservations to Genocide Convention*, [1951] I.C.J. 29-30.

⁷⁶ See RESTATEMENT, *supra* note 67, at § 128, commented.

⁷⁷ *Id.* at § 128, comments d and h; *Reservations to Genocide Convention*, [1951] I.C.J. 24-26; International Law Comm'n, Report, 21 U.N. GAOR, Supp. 9, art. 17(5) (1966) ("a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later.") But see 5 G. HACKWORTH, *DIGEST OF INTERNATIONAL LAW* § 482 (1943); quoted in A. McNAIR, *THE LAW OF TREATIES* 159 (1961).

⁷⁸ See text at note 35 *supra* (emphasis added).

⁷⁹ 62 Stat. 2241 (1949), 2244, T.I.A.S. No. 1964.

⁸⁰ See, e.g., Inter-American Treaty of Reciprocal Assistance, Sept. 2, 1947, 62 Stat. 1681, T.I.A.S. No. 1838; Security Treaty between Australia, New Zealand, and the United States, Sept. 1, 1951, [1952] 3 U.S.T. 3420, T.I.A.S. No. 2493; Mutual Defense Treaty between the United States and the Philippines, Aug. 30, 1951, [1952] 3 U.S.T. 3947, Mutual Defense Treaty between the United States and the Republic of Korea, Oct. 1, 1953, [1954] 3 U.S.T. 2368, T.I.A.S. No. 3097; South East Asia Collective Defense Treaty, Sept. 8, 1954, [1955] 1 U.S.T. 81, T.I.A.S. No. 3170; Mutual Defense Treaty between the United States and the Republic of China, Dec. 2, 1954, [1955] 1 U.S.T. 433, T.I.A.S. No. 3178; Treaty of Mutual Cooperation and Security between the United States and Japan, Jan. 19, 1960, [1960] 2 U.S.T. 1633, T.I.A.S. No. 4509.

⁸¹ Treaty of Friendship, Cooperation and Mutual Assistance, May 14, 1955, in 1955 DOCUMENTS ON INTERNATIONAL AFFAIRS 193-97.

⁸² The rules of war limiting the right of reprisal contemplate that certain preliminary steps will be taken before retaliation even if the obligations of the protocol are suspended by the terms of paragraph two. O'Brien lists the following rules on reprisals which he believes should be applicable in the event of use of poison gas or germs in war:

"(1) There must be an antecedent international delinquency by an enemy.

"(2) The victim of the delinquency having made a conclusive determination that the violation has occurred, must use all lawful

means at his disposal to induce the delinquent to desist from his illegal behavior.

"(3) If there appears to be no reasonable hope for cessation of the illegal behavior of the enemy, the injured belligerent may retaliate with means that would normally be denied it by the law.

"(4) The reprisal should be proportionate to the illegal act or acts which engendered the right of reprisal."

O'Brien, *supra* note 57, at 45. See also THE LAW OF LAND WARFARE, *supra* note 1, ¶ 497, at 177-78.

⁸³ 47 DEP'T STATE BULL. 718 (1962).

⁸⁴ In the view of the International Law Commission, a reservation which is accepted by silence by a state already a party to the treaty not only modifies the relevant treaty provisions to the extent of the reservation for the reserving party, but "[m]odifies those provisions to the same extent for such other party in its relations with the reserving State." International Law Comm'n, Report, *supra* note 77, art. 19(1)(6).

⁸⁵ The second clause . . . takes on a deterrent character which is far from negligible in a war involving a coalition. In fact, its effect is to create between belligerents who are members of a coalition, whether or not they signed the Protocol, a common position in regard to the prohibitions laid down on the document. If belligerents who are obligated, but also protected, by the Protocol learn that this protection is jeopardized by a possible course of action on the part of an ally who is not very vulnerable to reprisals himself, it is natural that their destiny and their desire should weigh heavily against a decision of that ally to use weapons prohibited by the Protocol.

Supra note 62, at 5.

⁸⁶ Cf. Meyrowitz, *supra* note 72, at 100. Meyrowitz here expresses concern about the lack of clarity resulting from the different "regimes" of treaty relationships, the differences depending on whether paragraph two reservations have been entered or not. The reconciliation attempted in the text would help remove the lack of clarity as well as equalize obligations.

⁸⁷ S. Hersh, Chemical and Biological Warfare 167-86 (1968).

⁸⁸ F. J. Brown, *supra* note 15, at 309.

⁸⁹ U.N.G.A. Statement of U.S. Representative Nabrit, *supra* note 26, at 800.

⁹⁰ See, e.g., U.N.G.A. First Comm. Statement of Soviet Representative Shevchenko, in 1967 Documents on Disarmament 663-66; U.N.G.A. First Comm. Statement of Hungarian Representative Csatorday, in 1966 Documents on Disarmament 734-38.

⁹¹ Mustard gas was designed by Germany to bypass the gas masks used effectively by the Allies. It attacked a man's whole body, creating large but relatively painless blisters on his skin. While it produced eight times as many Allied casualties as all other gases utilized, it caused few deaths. Kelly, *supra* note 7, at 10.

In response to a League of Nations request, experts from a number of countries provided information from which a report on the effects of chemical and bacteriological weapons was compiled in 1924. The experts divided the then known chemical "noxious substances" used in war into three classes apparently corresponding to "poisonous," "asphyxiating" and "all other." These classes were:

"Toxic agents which affect the nervous system (e.g., derivatives of prussic acid).

"Suffocating or asphyxiating agents which cause fatal damage to the lungs (e.g., chlorine and phosgene) or which directly affect the blood (e.g., carbon monoxide).

"Irritant (lachrymatory [tear producing], sneeze-producing and blistering) agents."

The report based on the experts advice goes on:

"Effects of Irritant Agents: These bodies possess the property of putting a man out of action without killing him.

"(a) Lachrymatory Agents deprive a man of one of his essential senses—sight. They produce intolerable pain in the neighborhood of the external organs of sight and render a man practically blind as long as he remains in the gas-impregnated atmosphere. But, contrary to public popular opinion, says Professor Zanetti [of Columbia University], the blinding effects of these gases is purely temporary, being caused only by irritation of the membrane of the eyelids and not by any deep-seated effect on the eyeball or optic nerve. The effect usually passes in a few hours, or a few days at the most, and although the victim is as completely put out of action as if his eyes were gouged out, there is no record of permanently serious effect being produced thereby.

"The efficacy of lachrymatory gas, coupled with its property of not causing permanent disablement, has led to its adoption by police organizations. By its means criminals may be captured without loss of life.

"(b) Sneezing-producing Agents are arsenical compounds . . . they cause constant and uncontrolled sneezing attacks of suffocation and intolerable headaches. They drive men to get rid of their protecting masks, thus exposing them to toxic products which may be fired concurrently or immediately after the sneeze-producing gas.

"(c) Blistering Agents. Certain products such as dichlorethyl sulphide, also called "mustard gas" or "yperite," cause lesions to the skin and mucous membranes which may be of a very serious character. Whenever the skin is exposed even to the vapour exhaled from the slow evaporation of yperite, blisters appear within two to eight hours. . . . In short . . . this action is . . . capable of producing most serious effects on the health of the men who have been subject to it.

"Moreover—and this is the principal effect—soil which is saturated with yperite contaminates by contact persons who pass over or are posted on it. The yperite penetrates the fabric of clothing and turns it into an actual blistering plaster. . . . The ground and any articles which have been impregnated with the gas remain dangerous for a number of days.

"In discussing the combined effects of irritants, suffocating or asphyxiating, and toxic agents, Professor Mayer of France said:

"All the lachrymatory and suffocating gases are fatal if taken in large quantities. If the blistering substances, instead of affecting the skin penetrate the lungs, they produce fatal lesions. Thus the effect to which we refer when we speak of a lachrymatory or blistering substance is only the predominant effect. . . . It would, therefore, be a mistake to classify chemical compounds according to the gravity of the symptoms to which they give rise. (Emphasis added.)

"Professor Zanetti remarked that "the dropping of a few aeroplane bombs filled with a high-power lachrymatory gas would as effectively shut down a factory, say, a steel mill, for as long as a month without causing any considerable destruction of life or property such as would ensue by long-range shelling or bombing with high explosive."

League of Nations Off. J. Spec. Supp. 26, at 122-24 (1924). See V. Lefebure, *supra* note 5, at 25-28.

⁹² Cf. *McBoyle v. United States*, 28 U.S. 25 (1931) (phrase "any other self-propelled vehicle not designed for running on rails" does not include aircraft because it is preceded by "automobile, automobile truck, automobile wagon, motor cycle" all of which are land vehicles).

⁹³ See note 17 *supra* and accompanying text.

⁹⁴ See Meyrowitz, *supra* note 72, at 94. Meyrowitz interprets "toxiques" in the French text to include gases which do not more than injure health. In his view, "similaires" therefore must encompass gases, such as tear gases, which do something less. However,

this definition of "toxiques" seems inconsistent with the view of the technical experts in 1924. See note 91 *supra*.

⁹⁵ See, e.g., J. Spaight, *supra* note 5, at 190; A. Waltzog, *Recht der Landkriegsführung* 37 (1942, Dep't State translation of 1951); Meyrowitz, *supra* note 72, at 94-95. Cf. Stone *supra* note 57, at 555; O'Brien, *supra* note 57, at 57, 60; notes 104, 118, 124 *infra*.

⁹⁶ See, e.g., Greenspan, *supra* note 57, at 359 n.186. Cf. Kunz, *Gaskrieg und Volkerrecht* 36, 51, 70-71 (1927); M. Mc Dougal & F. Feliciano, *supra* note 57, at 636-37; Kelly, *supra* note 7, at 51-52, 60; notes 104, 107 *infra*.

⁹⁷ A.M. Prentiss, *Chemicals in War* 688 (1937).

⁹⁸ See notes 89, 91 *supra* and 119 *infra* and accompanying texts.

⁹⁹ 4 Foreign Relations of the United States, the Paris Peace Conference 1919, at 232 (1943).

¹⁰⁰ *Id.*, at 362. Balfour for the United Kingdom referred to the prohibition as being on the manufacture of "asphyxiating gases." *Id.*

¹⁰¹ *Id.*, at 388.

¹⁰² *Id.*, at 377.

¹⁰³ See text at note 2 *supra*.

¹⁰⁴ For the French view, see text at note 6 *supra*. In 1913, the British considered that a "lachrymatory [tear causing] substance without asphyxiating or deleterious effect" was permitted by the wording of the declaration, "although contrary to its spirit," F. J. Brown, *supra* note 15, at 7-8.

Some German writers have concluded that the declaration prohibited tear gas. This would support the German contention that chlorine was used at Ypres in retaliation to French first use of tear gas. See, e.g., at 6-7 n.6; E. CASTREN, *supra* note 5, at 195; Bernstein, *supra* note 6, at 905-06. (Such a French first use may have occurred but it finds no proof in available archives of the governments concerned. See F. J. Brown, *supra* note 15, at 6 n.6; Kelly, *supra* note 7, at 8 n.28.) Other German writers reach the opposite conclusion. Their views are described in Meyrowitz, *supra* note 72, at 92 n.31.

An American technical expert says there are grounds for supposing that by a strict technical interpretation, the French use of tear gas grenades violated the 1899 Declaration. "The opinion, however, proceeds from toxicological knowledge not available at the outset of World War I. No government can be criticized for using against an invading enemy, weapons employed against its own unruly nationals." A. M. PRENTISS, *supra* note 97, at 688. Other writers conclude that the 1899 Declaration did not prohibit tear gas. See, e.g., E. CASTREN, *supra* note 5, at 193; T. J. LAWRENCE, THE PRINCIPLES OF INTERNATIONAL LAW 531 (Winfield ed. 1923).

¹⁰⁵ Regulations Respecting the Law and Customs of War on Land, Hague Convention No. IV, Oct. 18, 1907, art. 23 (a), (b), (e) (1907), represented in 2 TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS AND AGREEMENTS, 2269, 2285 (Malloy ed.); J. B. SCOTT, *supra* note 2, at 116. The United States adhered to this convention.

¹⁰⁶ See, e.g., E. CASTREN, *supra* note 5, at 194.

¹⁰⁷ Lawrence concludes that tear gases did not violate the Hague Regulations. T. J. LAWRENCE, *supra* note 104, at 531. Castren points out that the prohibition on poison and poisoned weapons did not even "extend to asphyxiating gases." E. CASTREN, *supra* note 5, at 194. See also NAVAL WAR COLLEGE, 1935 INTERNATIONAL LAW SITUATIONS 102, 1936.

¹⁰⁸ For the language of the treaty, see text at note 13 *supra*.

¹⁰⁹ See CONFERENCE ON THE LIMITATION OF ARMAMENT 730 (Washington, 1921-1922); *Conference on the Limitation of Armament* S. Doc. No. 126, 67th Cong., 2d Sess. 384-88 (1922). The chairman of the experts committee was the president of the American Chemical Society and the American expert

was the head of the Army's Chemical Warfare Service.

¹¹⁰ CONFERENCE ON THE LIMITATION OF ARMAMENT, *supra* note 109, at 730.

¹¹¹ *Id.*

¹¹² *Id.* at 732.

¹¹³ *Id.*

¹¹⁴ *Id.* at 734-36.

¹¹⁵ *Id.* at 732.

¹¹⁶ *Id.* at 736.

¹¹⁷ *Id.* at 738.

¹¹⁸ *Id.* The memoranda prepared for the American Delegation before the conference summarized earlier League of Nations considerations of this subject. These reported that the League's Council had decided to "condemn the use of poison gas" based upon a report submitted by the French president of a League armaments commission. He said he thought it "impossible in this matter for the Council to go further than the Hague Conference and the Treaty of Versailles, which . . . includes provisions forbidding the use of asphyxiating gas." (Emphasis added.) His reference to the Hague Conference was to the 1907 regulations concerning the laws and customs of land warfare, including "Article 23 [in which] certain prohibitions have been laid down in particular on the employment of poison and poisoned weapons." Memoranda for the Members of the American Delegation to the Conference on Limitation of Armaments (Including the Private Manufacture of Arms), the Economic Weapon of Article 16, and the Control of Traffic in Arms, at the Paris Peace Conference and Under the League of Nations 8, 10, 98-99 (GPO 1921). Neither the Treaty of Versailles nor the Hague regulations are thought to prohibit tear gas. See notes 97-107 *supra* and accompanying text.

During Senate consideration of the Washington Treaty of 1922, the one Senator who criticized the treaty said, among other things, that the phrase "other cases" was "all inclusive." 62 Cong. Rec. 4729 (1922) (remarks of Senator Wadsworth, Chairman of the Senate's Military Affairs Committee). He added that the French text used the word "similaires" but that "other gases" in the English text seemed to have a different meaning. However, he concluded, this was "a point of comparatively small importance." The debate contains no other reference to the point, and no reference at all to tear gases.

¹¹⁹ The gas to be employed would not necessarily be one which only disables human beings for a time, since the object would be to hamper or destroy some continuous activity aimed at by the attack. Mustard gas, for instance, dropped in large quantities would be likely to hang about the cities and slowly penetrate the houses. . . . [H]eavy poison gases linger, even in the open country, for quite a long time. In a city it is difficult to say how long they might remain, and during all that time the danger would continue.

[I]t may well be that an unscrupulous belligerent may not see much difference between the use of poison gas against troops in the field and its use against the centers from which those troops draw the sinews of war.

7 League of Nations Off. J., *supra* note 91, at 126; See also Proceedings *infra* note 121, at 313.

A similar concern was expressed by the American Advisory Committee to the 1922 Washington Conference. They stated:

"The frightful consequences of the use of toxic gases, if dropped from airplanes on cities, stagger the imagination. . . . If lethal gases were used in such bombs [high explosive bombs as those used to attack cities in the First World War], it might well be that such permanent and serious damage would be done, not only of a material character but in the depopulation of large sections of the country, as to threaten, if not destroy, all that has been gained during the painful centuries of the past."

Conference on the Limitation of Armaments, *supra* note 109, at 732.

¹²⁰ 7 League of Nations Off. J., *supra* note 91, at 122.

¹²¹ League of Nations, Proceedings of the Conference for the Supervision of the International Trade in Arms and Ammunition and in the Implements of War 155 (1925) (emphasis added). An argument can be made that the conference intended a more sweeping ban on use of gas than it did on export of gas. An American proposal dealing with export had as its scope "asphyxiating, toxic or deleterious gases." *Id.* at 161 (emphasis added). The export proposal was rejected as impractical because a distinction between lawful and unlawful exports would present great technical difficulty. A prohibition on the use in war of agents which also had various domestic peacetime uses did not present the same difficulties. But nothing in the debates indicates that the export proposal was designed to exclude tear gases while the use-in-war proposal was not. And as indicated, the scope of the American proposal for a ban on use was described by the American delegate as "asphyxiating, poisonous, and deleterious gases."

¹²² *Id.* at 745 (emphasis added).

¹²³ *Id.* at 596 (emphasis added).

¹²⁴ As indicated earlier, the Senate failed to give its consent to the Geneva Protocol. During the Senate debate, an opponent of the protocol said that it "undertakes to protect us against all gases. The language of the treaty is not 'fatal gases,' or 'deadly gases.' It is 'asphyxiating, poisonous, or other gases.'" 68 Cong. Rec. 148 (1926) (remarks of Senator Reed). Later he added that this language would embrace "tear gas" which is used by police. *Id.* at 150. To this, the floor manager of the treaty replied: "This treaty would not interfere with that." *Id.* (remarks of Senator Borah). The protocol's opponent answered that it would "stop us from using that gas against the next savage race with which we find ourselves in war." *Id.* (remarks of Senator Reed).

¹²⁵ Preparatory Commission for the Disarmament Conference, League of Nations Doc. c.4.M, Series X, Minutes of the 6th Sess., pt. 2, at 311 (1931).

¹²⁶ *Id.*

¹²⁷ *Id.* at 311-14.

¹²⁸ *Id.* Canada, China, Czechoslovakia, Italy, Japan, Romania, Spain, Turkey, Yugoslavia and the U.S.S.R. agreed with France and the U.K.

¹²⁹ Twenty-seven governments participated. Dep't State, Report of the Preparatory Commission for the Disarmament Conference 8-9 (1931).

¹³⁰ League of Nations Doc. c.4.M, *supra* note 125, at 312.

¹³¹ Dep't State, Report, *supra* note 127, at 45.

¹³² *Id.* No. resolution of it has ever been achieved. In subsequent League discussions of "qualitative disarmament," tear gases were examined, the American delegate insisting that their use by police was legitimate. In 1932, a special committee on chemical and bacteriological weapons accepted this point of view "although it was still of the opinion that lachrymatory gases should not be considered separately from the point of view of their use in warfare, since there were serious practical objections to any discrimination between gases." 1 Conference for the Reduction and Limitation of Armaments 210-12 (1932); *id.*, vol. 2, 452-56 (1932); *id.*, vol. 2, series B, Minutes of the General Commission 569 (1933). The discussions were not directed at the Geneva Protocol but at devising new agreements to ban chemical and bacterial agents, and to regulate their production, importation and stockpiling. No agreement was reached.

¹³³ See Stone, *supra* note 57, at 566-57. For this reason, in Stone's view, the British reasoning has been "destroyed by the facts." *Id.*

¹³⁴ See note 89 *supra* and accompanying text.

¹³⁵ See U.N.G.A. First Comm. Statement of ACDA Director Foster, *supra* note 46, at 742; Press conference of Secretary of Defense McNamara in Washington, March 23, 1965; Letter from Deputy Secretary of Defense Vance to Congressman Kastenmeier (D. Wis.), March 31, 1965. These gases were used for similar purposes by the British in Cyprus in 1958 and in British dependent territories on a number of occasions. See Press conference of Secretary of Defense McNamara, *supra*; 709 Parl. Deb., H.C. (5th ser.) 1823-26 (1965).

¹³⁶ See note 90 *supra* and accompanying text.

¹³⁷ See U.N.G.A. First Comm. statement of Belgian Representative Fourdin, PV.1608, at 17 (Nov. 14, 1968).

¹³⁸ See note 61 *supra*.

¹³⁹ See U.K. Working Paper on Microbiological Warfare, E.N.D.C. Doc. ENDC/231, at 1-2 (1968); U.N. First Committee Statement of Kenyan Representative Odhiambo, 21 U.N. Gaor, First Comm. 2 (1966).

¹⁴⁰ Letter from John S. Foster, Director of Defense, to Senator Brooke (R. Mass.), November 9, 1967.

¹⁴¹ Letter from Deputy Secretary of Defense Vance, *supra* note 135; S. Hersh, *supra* note 87, at 168, 170, 177, 179.

¹⁴² Letter from John S. Foster, *supra* note 140.

¹⁴³ S. Hersh, *supra* note 87, at 168, 183-85, 61-62; 709 Parl. Deb., H. C. (5th ser.) 1823 (1965).

¹⁴⁴ See notes 113, 114, 128 *supra* and accompanying text.

¹⁴⁵ When, for example, civil authorities must enforce law and order in the face of an unruly mob, they must often decide, when other means of persuasion have been exhausted, whether to use brute force and lethal weapons, and thus risk injury and death perhaps even to innocent bystanders, or to disperse the mob by recourse to riot control agents such as tear gas, which have no harmful after-effects. And in Viet Nam, when the Viet Cong takes refuge in a village and uses innocent civilians and prisoners as shields, would it be more humane to use rifle and machinegun fire and explosive grenades to dislodge and destroy the Viet Cong and in so doing risk the lives of the innocent and wounded hostages?

U.N.G.A. First Comm. Statement of ACDA Director Foster, *supra* note 46, at 743.

We do not expect that gas will be used in ordinary military operations. Police-type weapons were used in riot control in South Viet Nam—as in many other countries over the past 20 years—and in situations analogous to riot control, where the Viet Cong, for example, was using civilians as screens for their own operations. Press Statement of Secretary of State Rusk, 52 Dep't State Bull. 529 (1965) (emphasis added).

¹⁴⁶ S. Hersh, *supra* note 87, at 178-79.

¹⁴⁷ Persons who take "no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause shall in all circumstances be humanely treated. . . ." (Emphasis added.) Geneva Convention for the Amelioration of the Conditions of the Wounded and Sick in the Armed Forces in the Field, Aug. 12, 1949, § 3(1), [1955] 3 U.S.T. 3114, T.I.A.S. 3362. See also *id.* § 12. The same provision appears in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, § 3(1), [1955] 3 U.S.T. 3516, T.I.A.S. 3365. Under the earlier Hague regulations, it is prohibited to kill or wound an enemy who has laid down his arms; or, having no longer any means of defense, has surrendered or offered no resistance to being taken prisoner. Regulations respecting the Law and Customs of Warfare, *supra* note 105,

at art. 23(c). See 2 L. OPPENHEIM, *supra* note 57, at 338; Pictet, *Commentary*, 1 GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN THE ARMED FORCES IN THE FIELD 52-53, 135-36 (1952).

¹⁴⁸ The anticrop and antifoliage agents in use in Vietnam are "a mixture of the butyl esters of 2, 4-dichloro-phenoxyacetic acid and 2, 4, 5-trichlorophenoxy-acetic acid, cocodylic acid and a mixture of 2, 4 D and Tordon (4-amino-3, 5, 6-trichloropicolinic acid). All have been widely used for agricultural purposes in this and other countries." Letter from John S. Foster, *supra* note 140.

¹⁴⁹ U.N.G.A. Statement of U.S. Representative Nabrit, *supra* note 26, at 801.

¹⁵⁰ See, e.g., U.N.G.A. First Comm. Statement of Soviet Representative Shevchenko, *supra* note 90, at 664.

¹⁵¹ See, e.g., U.N.G.A. First Comm. Statement of Hungarian Representative Csatorday, in 1967 DOCUMENTS ON DISARMAMENT 659-60.

¹⁵² See, however, U.N.G.A. First Comm. Statement of Maltese Representative Pardo, in 1967 DOCUMENTS ON DISARMAMENT 635. Pardo concluded that the protocol did not apply to herbicides.

¹⁵³ For the language of the protocol see text at note 17 *supra* (emphasis added).

¹⁵⁴ Meyrowitz is of the view that the chemical warfare provisions of the protocol should be interpreted as "applying only to methods used directly against human beings." Meyrowitz, *supra* note 62, at 4. Later he says that "it is not clear whether or not the Protocol applies to the use of CW or BW against . . . plant life." *Id.* at 6. The 1924 experts found no chemical agent which was effective except on "human elements." See text at note 157 *infra*. The Army Field Manual states that the Hague regulation banning "poison or poisoned weapons" does "not prohibit measures being taken . . . to destroy, through chemical or bacterial agents harmless to man, crops intended solely for consumption by the armed forces (if that fact can be determined)." THE LAW OF LAND WARFARE, *supra* note 1, ¶ 37, at 18 (emphasis added). As indicated in the text at note 105, this Hague regulation was probably subsumed in the Versailles Treaty and therefore in the anti-chemical warfare language of the protocol.

Brungs, *supra* note 57, at 79-81, and Mc Dougal, *supra* note 57, at 638 suggest that anticrop agents may be justifiable because food blockades are acceptable under international law.

¹⁵⁵ 7 LEAGUE OF NATIONS OFF. J., *supra* note 91, at 121.

¹⁵⁶ *Id.* at 124.

¹⁵⁷ *Id.* (emphasis added). The Chinese delegate to the 1925 Geneva Conference read to the other delegates from a brochure prepared by the Womens International League for Peace and Freedom. This described the anticipated horrors of using bombs containing heavy gases to kill people in bombing large cities. The pamphlet went on: "Vegetation itself is destroyed . . ." LEAGUE OF NATIONS, PROCEEDINGS, *supra* note 121, at 313.

¹⁵⁸ 7 League of Nations Off. J., *supra* note 91, at 126.

¹⁵⁹ *Id.*

¹⁶⁰ League of Nations, Proceedings, *supra* note 121, at 340.

¹⁶¹ *Id.*

¹⁶² See note 149 *supra* and accompanying text.

¹⁶³ S. Hersh, *supra* note 87, at 144-46.

¹⁶⁴ *Id.* at 147.

¹⁶⁵ See G.A. Res. 2162(B), *supra* note 48. This invitation was repeated in the 1968 resolution; G.A. Res. 2454 (Dec. 20, 1968).

¹⁶⁶ U.N.G.A. Statement of U.S. Representative Nabrit, *supra* note 26, at 801.

¹⁶⁷ See note 150-51 *supra* and accompanying text; See also the petition of 5,000 U.S. scientists reported in S. Hersh, *supra* note 87, at

147; Mayer & Sidel, *Crop Destruction in South Vietnam*, Christian Century (June 29, 1966); Letter of Dr. Alje Vennema to Dr. E. W. Pfeiffer, November 23, 1967, quoted in S. Hersh, *supra* note 87, at 183-84.

¹⁶⁸ See, e.g., the statements cited in notes 90, 150, 151 *supra*.

¹⁶⁹ The parties and their dates of adherence are listed in note 25 *supra*.

¹⁷⁰ *Id.*

¹⁷¹ See, O. Iissitzyn, *International Law in a Divided World*, 1963, International Conciliation No. 542, at 37-62; Pal, *International Law in a Changing World*, in *International Law in a Changing World* 89, 95-96 (Symposium-Oceana ed. 1963).

¹⁷² In my view, the development of the biological and chemical warfare materials is in a way far more serious than the development of nuclear weapons. When I say "in a way" I have in mind the fact that the nuclear weapons are a rich man's property or a rich country's property—only the very rich and the super-rich can develop, manufacture and maintain them. As far as biological and chemical warfare materials are concerned . . . they are easily accessible to the poor countries also. That is why it is far more dangerous.

Press statement of U.N. Secretary-General U Thant, July 10, 1968, in U.N. Information Service Note, No. 43, at 10.

¹⁷³ See 113 Cong. Rec. A3362-3363; Letter from U.S. Representative to the U.N. Arthur Goldberg to Congressman Wolf (D. N.Y.) July 24, 1967.

¹⁷⁴ For the list of parties with dates of adherence, see note 25 *supra*.

¹⁷⁵ See Restatement *supra* note 67, at § 128, commented. The United States adopted a similar course of action recently to make clear its interpretation of the 1967 Treaty on the Prohibition of Nuclear Weapons in Latin America. For the text of the treaty see 1967 Documents on Disarmament 69. For the interpretive statement, see 58 Dep't State Bull. 555-56 (1968). The interpretive statement which accompanied U.S. signature to a protocol to the treaty was circulated by the depository government, Mexico, to other interested governments.

¹⁷⁶ See *supra* notes 125, 127-28, 137, 139 *supra* and accompanying text.

¹⁷⁷ See Restatement *supra* note 67, at § 124 & comment c.

¹⁷⁸ The Soviet Union would move much closer to its longstanding goal of achieving widespread adherence to the protocol by accepting the United States as a party. While it would almost certainly continue its objection to our interpretation, it would appear to have little to gain by preventing our adherence to the basic prohibitions of the protocol. Even if the Soviets regarded our interpretation as a reservation, their practice with respect to reservations would permit them to accept treaty relations despite disagreement over the matters covered by our interpretation. According to Triska and Slusser, the Soviet practice is:

"A treaty should be considered 'valid between the state that has made the reservation and all other parties with the sole exception of that part to which the reservation pertains, unless the member opposing the reservation states directly that he is opposed to the employment of the entire convention [as] changed by the reservation in the relations between this member and the state that has made the reservation.'"

J. Triska & R. Slusser, *supra* note 74, at 85. As to Mainland China, a student of her post-1949 treaty practices has little doubt that she would disagree with our tear gas interpretation. He adds:

"It is far from clear, however, whether the P.R.C. [People's Republic of China] will also claim that such an interpretation or reservation denies the basic objective of the Protocol and therefore entirely invalidates the Protocol's applicability to relations between the U.S. and the P.R.C."

After summarizing the evidence, he states his belief that it is very probable that the P.R.C. will decide to reject our interpretation or reservation but that it is unlikely to declare the entire Protocol inapplicable on this ground.

Letter from Professor Jerome A. Cohen, Harvard Law School, to George Bunn, May 3, 1968.

¹⁷⁹ See U.K. Working Paper on Microbiological Warfare, E.N.D.C. Doc. ENDC/231 (1968). See also U.N.G.A. First Comm. Statement of Maltese Representative Pardo, *supra* note 152, at 635; U.N.G.A. First Comm. Statement of Italian Representative Carraciolo, PV.1606, at 33-35 (Nov. 12, 1968); but see U.N.G.A. First Comm. Statement of Soviet Representative Malik, PV.1606, at 18-20 (Nov. 12, 1968); First Comm. Statement of U.S. Representative Foster, PV.1630, at 22-23 (Dec. 5, 1968).

¹⁸⁰ The prohibition on "bacteriological warfare" was proposed in 1925 by Poland. At that time, many micro-organisms which are known to exist today had not been discovered. Since then, for example, viruses have been discovered, and they are not regarded as bacteria today. In 1925, however, the Polish delegate who proposed the ban on "bacteriological warfare" apparently intended to include all germ warfare within it. At the Geneva Conference, he explained that "bacteriological warfare" would include the use as weapons of "cultures of microbes [which] may easily occasion epidemics . . ." League of Nations, Proceedings, *supra* note 121, at 340. His statement, and the adoption of his proposal, were preceded by an experts' report. In 1924, a Temporary Mixed Commission of the League asked technical experts from several countries what the possible effect would be of an attack by "bacteriological warfare by means of microbes or any other agent . . ." 7 League of Nations Off. J., *supra* note 91, at 121 (emphasis added). The examples of bacteriological warfare given by the experts included pollution of drinking water "by cultures of typhus or cholera germs," "propagation of plague by pest infected rats," projectiles containing "streptococci, staphylococci, anthrax spores, glanders bacilli." *Id.* at 125. These various germs include some (e.g., typhus) which are not regarded as "bacteria" today. But, it appears that the experts, the mixed commission and the Polish delegate all regarded "bacteriological" as including all germs or other agents for the spread of disease. There is thus no justification for limiting the scope of the ban on "bacteriological warfare" because some new diseases have been discovered since 1925 which we do not classify as bacteriological. It is for this reason that U.S. Representative Foster opposed the British view. He said that "bacteriological warfare" was also "referred to as microbial warfare, bacterial warfare, microbiological warfare, or germ warfare. We should all understand that it means disease-causing living micro-organisms, be they bacteria, or viruses or whatever they might be, used as deliberate weapons of war." U.N.G.A. First Comm. Statement of U.S. Representative Foster, *supra* note 179, at 22-23. Note that the terms of reference for a forthcoming U.N. experts study in this area use the terms "bacteriological" and "biological" interchangeably. See note 187 *infra*.

¹⁸¹ ENDC Statement of U.S. Representative George Bunn, ENDC/PV. 389, at 34 (1968). The British working paper recognized that "strict processes of verification are not possible." It suggested that "consideration might be given *inter alia* to the possibility that a competent body of experts, established under the auspices of the United Nations, might investigate allegations made by a party to the Convention which appeared to establish a *prima facie* case that another party had acted in breach of the obligations established in the [proposed new] Convention." See U.K. Working Paper, *supra* note 179.

¹⁸² ENDC Statement of U.S. Representative George Bunn, *supra* note 181.

¹⁸³ ENDC Statement of Soviet Representative Roshchin *supra* note 26, at 26.

¹⁸⁴ ENDC Statement of U.K. Representative Mulley, PV. 387, at 6 (1968).

¹⁸⁵ ENDC Statement of Polish Representative Jaroszek, PV. 385, at 23 (1968).

¹⁸⁶ Report to the United Nations General Assembly and the United Nations Disarmament Commission, E.N.D.C. Doc. ENDC/236 (1968).

¹⁸⁷ G.A. Res. 2454 (Dec. 20, 1968). The terms of reference for this study are as follows:

"The aim of the report is to provide a scientifically sound appraisal of the effects of chemical and bacteriological (biological) weapons. At the same, the report should serve to inform governments of the consequences of the possible use in war of chemical and bacteriological (biological) weapons, taking into account Resolution 2162B (XXI) of the UNGA of 5 December 1966, and should contribute to the consideration by the ENDC of the problems connected with these weapons. Chemical and bacteriological (biological) weapons should be treated by experts with experience in the respective technical fields."

The report should include the following data:

(1) The basic characteristics of chemical and bacteriological (biological) means of warfare.

(2) * * * (biological) weapons on military and civilian personnel, both protected and unprotected.

(3) Possible long-term effects on human health and ecology.

(4) Environmental and other factors affecting the employment of chemical and bacteriological (biological) means of warfare.

(5) Economic and security implications of the development, acquisition and possible use of chemical and bacteriological (biological) weapons and of systems for their delivery."

¹⁸⁸ See Report, *supra* note 186.

¹⁸⁹ Cf. U.N.G.A. First Comm. Statement of Maltese Representative Pardo, *supra* note 152.

¹⁹⁰ See note 181 *supra*. Verification problems have haunted international discussions of this subject since at least the experts consideration in 1924. 7 League of Nations Off. J., *supra* note 91.

¹⁹¹ See notes 71, 79-86 *supra* and accompanying text.

FORTY-FIVE YEARS OF SERVICE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. STUCKEY. Mr. Speaker, a great American and an outstanding public servant recently observed his 45th anniversary as the head of one of our Nation's most important agencies. I speak of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, whose record is unsurpassed.

Like many Americans, I was disturbed by scattered reports that Mr. Hoover would announce his retirement on his 45th anniversary, which he observed on May 10, 1969. I certainly shared the relief of most Americans when Mr. Hoover announced earlier this month he has many plans for the future "but none of them includes retirement."

I wish for Mr. Hoover many years of continued good health and strength so he may continue to provide the type of leadership needed in the law enforcement profession.

Mr. Speaker, I would like to include some editorial tributes which have been paid to Mr. Hoover in recent days by various newspapers around the country:

[From the Tampa (Fla.) Times, May 10, 1969]

FORTY-FIVE YEARS OF SERVICE

Today J. Edgar Hoover celebrates his 45th anniversary as director of the Federal Bureau of Investigation.

Despite rumors that his resignation is pending, he has announced that he intends to remain on the job and is looking forward to many more years of service in the fight to overcome the crisis of "lawlessness" in America.

At 74, Mr. Hoover must sense that those "many more years" will be fewer than the years behind him. But we rather hope they are numerous enough to permit an outstanding American to continue serving his country as positively as he has in the past.

The FBI has enjoyed an excellent record of service under Mr. Hoover. It is a highly respected, well administered law enforcement agency and has remained remarkably free from the taint of scandal.

While fighting to keep his agency strong, Mr. Hoover has firmly insisted that it not become a national police force. No police state psychology has ever penetrated the FBI's inner sanctum.

We congratulate him on a highly successful 45 years of service and wish for him additional years just as successful.

[From the Rockford (Ill.) Morning Star, May 11, 1969]

HOOVER HALTS RUMORS

On the eve of his 45th anniversary as director of the Federal Bureau of Investigation, J. Edgar Hoover has firmly laid to rest any rumors of his impending retirement.

Hoover said Friday he has many plans for the future "but none of them includes retirement." That is good news for all Americans.

Hoover also warned that the Communist party is planning a new drive aimed at American youth and that the Communists have "succeeded in penetrating and influencing a number of militant youth organizations—particularly those of the so-called new left. The largest and best known of these is the Students for a Democratic Society."

The FBI chief said, "The Communist Party of the United States considers the field so fertile at this time, in fact, that it is making plans to start a new youth organization this fall."

It comes as no surprise that the Communists are endeavoring to take full advantage of foment and dissent, particularly on the nation's campuses where disorders are spreading.

The Communists stand ready to move in wherever there is a threat to law and order and a breakdown of the principles on which this nation was founded. It is here they can infiltrate and fan the flames of rebellion.

Hoover emphasized that "the Communist party is as fully dedicated to the destruction of our democracy as at any time in its 50-year history."

Hoover's words cannot be taken lightly. They serve as a reminder that the nation faces a constant danger of peril within as well as outside its borders.

[From the Florida Times Union, Jacksonville, Fla., May 10, 1969]

HOOVER'S ANNIVERSARY WARNING

J. Edgar Hoover is a man with vast investigative resources at his call. He is also in a position where he must be able, when

called upon to do so, to prove what he says.

The director of the Federal Bureau of Investigation says the Communist Party remains a threat to the internal security of the United States and that the Communists are planning a new drive aimed at American youth after already having succeeded in influencing and penetrating some militant youth organizations.

Hoover, who marks his 45th anniversary as head of the FBI today, should be heard and heeded because he is a man who knows whereof he speaks.

There have been many attempts to brush up the Communist Party of the United States in recent years and to make it respectable in the eyes of Americans. It holds conventions and even posted candidates in last year's presidential elections.

Largely through rulings of the U.S. Supreme Court, the Communist party has cast off the cloak of illegality and has shoved some of its members into the spotlight, although past and proven methods make it certain that many are hidden deeply under cover.

One has only to read the contemptuous preening of Kim Philby, a former higher up in British intelligence, who could not help snickering in print about how successful he was in being a traitor to his own country. He did this, of course, while safe in sanctuary in Moscow.

It has become fashionable in the United States to sneer at any suggestion that the Communists might be intent on doing what they have said they will do. Hoover knows more than those who sneer at the suggestion. He said: "Today, the Communist Party is as fully dedicated to the destruction of our democracy as at any time in its 50-year history."

However, a great deal of brainwashing has gone on since the excesses of the era of the late Sen. Joe McCarthy. In many circles, the idea that the Communists mean what they have said is greeted with scorn.

The extreme right wing is fair game for any politician who wants to take a verbal potshot at it but the extreme left wing is given an aura of humanitarianism.

There are even ready made terms such as Red-baiting which can be pulled out to belabor anyone who suggests that perhaps the Communists do not have the best interests of the United States or the perpetuation of democracy in mind.

It is a marvel the way the entire milieu has been shaped to equate anti-Communism with ignorance and anti-Facism with intellectual ascendancy.

America wants no part of either and when Fascism was the dominant danger in the world, Americans fought and died to keep it from taking over the world. In Korea and Vietnam, the motivating ideology of the enemy is Communist. Again Americans have fought against it.

Basically the two movements are the same. Both are anti-democratic, totalitarian and anti-human because they regard human beings as mere creatures of the state, to be used as the state wills.

The Communists are shrewd enough to pay lip service to democracy while practicing the most ruthless forms of totalitarianism but Stalin and Hitler were brothers under the skin. When they could not subjugate, they killed.

Hoover has been an adamant fighter against both extremes and it is to his credit that he has incurred the enmity of both. No man in the United States has ever had a better opportunity to acquire more and more power and, if he cared to do so, to misuse this power.

Yet Hoover has been the strongest bulwark against a national police force or anything that smacks of excessive concentration of the police power. He has reacted in most un-

bureaucratic fashion when Congress from time to time has tried to expand FBI jurisdiction into areas which he felt were the rightful province of state and local law enforcement agencies. He has warned Congress of the dangers of such a move and he has refused.

Today's iconoclasts will admit of no national heroes. They are, in fact, seeking to destroy the faith of Americans in all of their institutions and all of their public men.

Most Americans will, however, on the 45th anniversary of Hoover's FBI directorship, look upon his service and its results and call the product good.

They will listen to his warnings that the Communist nature or purpose has not changed and that the Communists have "succeeded in penetrating and influencing a number of militant youth organizations—particularly those of the New Left."

He is seeking no favors, running for no political office. And he is speaking from knowledge, not suspicion or prejudice. America owes him a deep debt of gratitude.

[From the San Diego (Calif.) Union, May 10, 1969]

HOOVER AT HELM 45 YEARS—FBI BUILT FOR LASTING STRENGTH

J. Edgar Hoover, observing his 45th anniversary today as the director of the Federal Bureau of Investigation, is the embodiment of law and order in the United States of America.

Guided by a singular dedication and clarity of purpose, Mr. Hoover has become an institution of the federal government, a living tradition.

It is awesome to consider that his span of service to his country dates back to Calvin Coolidge and includes the tenure of eight presidents.

Mr. Hoover set strict professional guidelines for the FBI from the beginning, May 10, 1924. He insisted that "only persons qualified through education would make up the investigative staff; that all employees were to be above reproach in character and reputation."

Under his close guidance, the FBI developed a worldwide reputation for integrity, efficiency, initiative and resourcefulness. Many of today's accepted techniques of crime detection were pioneered by the FBI. It is a respected national institution and Mr. Hoover is the principal architect.

Mr. Hoover says he does not intend to retire, but he will be 75 years old Jan. 1. Even as we honor Mr. Hoover on his 45th anniversary of duty to the nation, we must think hard about a successor who will carry on the same high standards.

Clearly, there are several top-ranking executives in the FBI who could pick up the reins with hardly a pause. Elsewhere in the nation there are many outstanding men among the top law-enforcement officers who might be considered.

But whatever the source, the successor to Mr. Hoover will face a mammoth task. His selection is the awesome responsibility of the President, with approval by Congress.

Let us hope that it will not be necessary to make the selection soon; that Mr. Hoover will continue to apply his prodigious talents and energies to the FBI.

However, when the time does come to select his successor, let us pray that the choice of the President and Congress will be a person of the stature and ability commensurate with the size of the job.

[From the Macon (Ga.) News, May 10, 1969]

THE IMPEACHABLE MR. HOOVER

Federal Bureau of Investigation Director J. Edgar Hoover could have picked no better time to dispel rumors that he will soon step down from his critical job as head of the federal crime fighting force. The legendary

figure celebrated his 45th anniversary as head of the FBI today and, despite his mounting years, remains a volatile force in the direction of the war on crime in this nation.

For years Mr. Hoover has been the object of criticism from those liberals who compose the Far Left in our nation. He has borne the brunt of charges that our law enforcement officials are Nazi orientated and has been called every vile name imaginable. But through it all he has remained a key figure in the cooperative efforts of federal, state and local law enforcement officers to maintain peace and protect the security and stability of this nation.

While Mr. Hoover has been instrumental in the growth of the FBI from a tiny force standing almost alone against organized crime in this nation in 1934, to its present status of an efficient, modern network of crime fighters, spanning the width and breadth of this country, possibly the greatest challenge in his history still lies ahead. President Nixon's announced war on organized crime will require skilled veterans, directed by an individual of unusual ability. Mr. Hoover is probably one of the few men capable of directing this assault. Mounting tension on the campuses and universities of our nation has resulted in a cry for an investigation into the individuals and groups that have ignited a battleground on the home front, too, which soon must be answered.

A number of presidents have shown their faith and reliance on Mr. Hoover by keeping him in this vital post. Despite being well past the mandatory retirement age for federal employees, he has willingly accepted the challenges presented him by this administration.

We salute Mr. Hoover on the anniversary of two and a half decades of service to his country and hope he will continue the good fight against those who would destroy our nation from within.

GETTING THE FACTS TO THE HOUSEWIVES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ROSENTHAL. Mr. Speaker, the American consumer is perfectly able to make judgments in the marketplace when the necessary information is available. But under the present system of product manipulation, saturation advertising, and governmental inattention to the consumer, the housewife—and her husband—have real problems.

The shelves of the supermarket show these problems best, or worst. A multiplicity of brands of the same product face the consumer with a variety of sizes, packages, labels, and net contents. Information on these products comes from two principal sources: pre-point-of-sale advertising and information on the package itself. Neither is adequate and both may be outright deceptive or irrelevant.

To correct the problems at point of sale, Congress passed the Fair Packaging and Labeling Act in 1966. In a drastically weakened form, compared to its sponsor's original intentions, this law tries to establish some order in two areas. First, it set standards in the labeling a consumer must read on packages to judge the product's usefulness. Second, it at-

tempts to improve the packaging of products to reduce the confusion when fractional units of contents—like seven-sixteenth of an ounce—are sold in a variety of pricing arrangements or when the same product is available in a confusing number of sizes.

Industry opposition to this law weakened it to the point of uselessness, especially in its packaging requirements. The Commerce Department, known as an industry ally, was given charge of the law's packaging provisions. It was to negotiate with industry the voluntary agreements to reduce the planned confusion on packaging. If it fails—and it is still trying for these agreements—the Commerce Department will report its experience to Congress with recommendations for new laws.

I remain pessimistic that voluntary agreements will ever aid the consumer to get better packaging. Moreover, the best packaging still leaves an information gap for the consumer to bridge himself: how much does a standard unit, an ounce, for example, cost for the various brands available? This kind of information must now be computed in the head of the careful shopper except for the very few consumer-minded stores which do this calculation for the customer.

I propose, therefore, today an amendment to the Fair Packaging and Labeling Act to require that the retail price and price per unit be placed on the label of consumer products including food, household goods and drugs and cosmetics.

This amendment will provide the beginning of the information which the intelligent consumer needs at the point-of-sale. It will not control prices or price reductions so the consumer will still have calculations to make. But it will give him a new start in the marketplace with some important information he needs but does not have now.

The ideal arrangement would be for the store to post the actual price per unit of contents based on the actual sales price. I hope my amendment will encourage the development of that intelligent approach to merchandising which would respond to the growing disenchantment of the consumer with his treatment in the marketplace.

THE PLOT THICKENS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. ASHBROOK. Mr. Speaker, the Washington Star today added additional fuel to the conflict-of-interest controversy now centering around questionable activities of some Justices of the U.S. Supreme Court. Yesterday the American Bar Association Committee on Ethics ruled that Associate Justice Fortas had violated the ethics code for judges. Today, according to the Star, the same committee was officially requested to look into the activities of Associate Justice William Douglas.

The Associated Press made the whole mess more intriguing by reporting that Justice Douglas had been paid \$500-a-day fees which amounted to about \$5,000 during 1968. Justice Douglas is chairman of the board of directors of the Center for the Study of Democratic Institutions, the source of the added revenue. Curiously enough, the center gets some of its operating capital from the Parvin Foundation which—you guessed it—is headed by none other than Justice Douglas. In fact, according to the press accounts, the center has been the second highest recipient of payments from the Parvin Foundation in recent years. Of course, it is not surprising that the center turns out to be a blatantly liberal think tank whose efforts have coincided with the Justice's liberal views.

I insert the two above-mentioned articles from today's issue of the Washington Star in the RECORD at this point: [From the Washington (D.C.) Evening Star, May 21, 1969]

FORTAS

(By Lyle Denniston)

American Bar Association officials today asked the ABA committee on ethics to consider Sen. John J. Williams' complaint against Supreme Court Justice William O. Douglas.

William T. Gossett of Detroit, ABA president, passed the Delaware Republican senator's complaint about Douglas' role in the Parvin Foundation to the eight-man committee, which only yesterday ruled that former Supreme Court Justice Abe Fortas had violated the ethics code for judges.

Williams' request for a new investigation, this time into the non-court activities of Douglas, was handed to Gossett at midday today. He promptly sent it on to association headquarters in Chicago to be forwarded to the ethics panel.

PANEL SEEN SPLIT

Association sources said it could be some time, at least several days, before the panel made any decision about looking into Douglas' conduct.

The bar association committee on professional ethics is apparently divided about the role the committee should have in publicizing its findings on a specific judge's conduct.

The split emerged when the committee last weekend considered the question of public disclosure of the finding that Fortas had breached the ethical code.

The vote on that conclusion was unanimous. Relying on Fortas' own statement of his financial ties with Louis E. Wolfson and the Wolfson Family Foundation the panel said this "was clearly contrary to the canons of judicial ethics."

The committee said its conclusion might be changed if "any facts that may be subsequently disclosed" differ substantially from the facts as Fortas outlined them a week ago to explain his resignation.

Two members of the ABA panel voted against making the conclusion public—at least at this time.

PREJUDICE FEARED

One of the two dissenting from the release Floyd B. Sperry, a private lawyer in Bismark, N.D., told a reporter:

"As long as this was in the hands of the Justice Department, and not knowing what he (Fortas) would want to do to clear his name, I was against releasing the opinion."

Sperry said, "I didn't want to prejudice anyone against him, and I felt that, it being in the hands of the Justice Department, we couldn't contribute anything."

The other dissenter, Dean Charles W. Joiner

of Wayne University Law School in Detroit, said he felt that since the committee was passing on "past conduct," this should have been given only as "advice" to ABA President Gossett, "and he could do as he wanted."

Joiner said flatly: "I did not want public release."

Fortas resigned from the high court under heavy criticism for his receipt, and later return, of a \$20,000 fee from the Wolfson Foundation at a time that Wolfson himself was in trouble with federal criminal prosecutors.

The ABA committee, in studying the incident, made no attempt to get further explanation from Fortas. It said it "is not and has no means of acting as a fact-finding body," and thus "assumed the essential accuracy" of the facts as Fortas outlined them in an explanatory letter to Chief Justice Earl Warren last Wednesday.

The failure to contact Fortas was cited by committee member Sperry as part of the reason for his dissent from public release. "His views were not solicited, and I felt we should not release the opinion without giving him an opportunity" to make his own attempt, if he wished, to "vindicate himself," Sperry said.

UNANIMOUS FINDING

However, both he and the other dissenter, Joiner, stressed that there was "complete unanimity" in finding that the facts as Fortas stated them amounted to a breach of judicial ethics.

Besides issuing the "informal opinion" about Fortas, the ABA's committee on professional ethics made public a "formal opinion" that spoke generally about judicial ethics "in view of the current public interest in the conduct of judges."

"The public," it concluded, "must have absolute faith in the competence and integrity of the courts and must have complete belief that the places of justice are wholly untainted and untarnished by scandal or suspicion of scandal."

While not referring explicitly to the Fortas incident, the formal opinion made comments clearly prompted by that affair.

"Friendship alone, prior representation alone, acceptance of fees alone might not be enough to make impropriety," it said, "but the canons direct that the total appearance of the transactions be weighed."

It added that "while few single acts of conduct in this area are specifically to be condemned, in each instance the judge is commanded to order his life in such a way that there are no appearances of impropriety and admonished that these can come from a combination of circumstances, some within and some without the judge's control."

The opinion said that "there is nothing wrong with a judge maintaining his friendship with individuals with whom he had had social contact prior to going on the bench or with whom he had done business prior to this time.

"However, he must be careful to avoid action that may reasonably tend to awaken suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct."

While both this opinion and the one dealing directly with Fortas were the work of the professional ethics committee, that panel's chairman—Walter P. Armstrong Jr. of Memphis—took no part in the Fortas opinion, the ABA announced.

It gave no reason for his non-participation other than that Fortas is "a former resident of Memphis."

DOUGLAS

(By James R. Polk)

Justice William O. Douglas has been paid \$500-a-day fees by a California study center which gets part of its money from the controversial foundation he heads.

The payments to Douglas by the Center

for the Study of Democratic Institutions, Santa Barbara, Calif., totaled about \$4,000 for 1968 and this year, a center official said.

Douglas has come under fire for his outside salary as president and only paid official of the Albert Parvin Foundation, which has had stock ties with Las Vegas gambling casinos.

Some congressmen have called for an investigation of Douglas' income in the wake of Justice Abe Fortas' resignation from the Supreme Court in the dispute over a \$20,000 check from the family foundation of jailed financier Louis E. Wolfson.

Douglas is chairman of the board of directors of the Santa Barbara center as well as Parvin Foundation head.

The center has been the second highest recipient of payments from the Parvin Foundation in recent years. However, the contributions represent only a small portion of the center's financing.

The center encourages study of civil liberties and seminars on international politics. Harry S. Ashmore, executive vice president of the center, said Douglas received \$1000 for two days in attendance at a seminar, \$100 for an article and \$132 in travel expenses last year.

Ashmore said Douglas got \$865 in travel expenses for another seminar earlier this year. He said the justice attended for four days and added, "I presume he was compensated again at the rate of \$500 a day."

Ashmore said, however, he found no record that this \$2,000 fee has been paid yet.

Also taking part in the Japanese-American political studies seminar at Santa Barbara in January were four senators, one congressman, and two former ambassadors.

Ashmore said they were Sens. J. William Fulbright, D-Ark.; John Sherman Cooper, R-Ky.; Mark O. Hatfield, R-Ore., and Alan Cranston, D-Calif.; Rep. Don Edwards, D-Calif.; former U.N. Ambassador Arthur J. Goldberg, and former Asian diplomat Edwin O. Reischauer.

Ashmore said he thought the others, who attended from one to three days, also received \$500 daily.

"That's the usual rate," he said. "We bring them here and work them all day. We work their tails off."

The payments to Douglas were made through the Fund for the Republic, Inc., a non-profit foundation which is identical with the center.

The Fund for the Republic's tax returns for 1962 and 1963 also list fees and expenses for Douglas totaling \$4,104 for those two years. Starting in 1964, the tax records stopped listing payments for directors.

Ashmore said the justice does not receive any salary as chairman of the board for the center, a position that Douglas has held for several years.

The Santa Barbara payments have been small compared with the \$12,000-plus salary paid to Douglas by the Parvin Foundation.

Ashmore and the center's president, Dr. Robert Hutchins, are directors of the Parvin Foundation along with Douglas.

Tax records show the Parvin Foundation gave the center \$70,000 in the period from 1965 to 1967. Last year's returns have not been made public yet.

Princeton University received twice that amount at nearly \$142,000 over the three years for foreign fellowships. UCLA got about \$40,000.

The two universities and the center were the only recipients of Parvin Foundation grants in the three years.

In the same period Douglas was paid \$36,765 as Parvin Foundation president. Over a 7-year period, Douglas received more than \$85,000, records show.

Supreme Court justices receive salaries of \$60,000 a year under a pay raise enacted this year.

It was disclosed yesterday that the Parvin Foundation in March sold its stock in a firm owning three Las Vegas gambling casinos for \$2 million.

The firm, Parvin-Dohrmann Co., is now headed by Delbert W. Coleman, a director of the Atlanta Braves. Baseball Commissioner Bowie Kuhn has begun an investigation of stock holdings in the firm by top officials of the Braves and the Oakland Athletics.

Harvey Silbert, secretary and treasurer of the Parvin Foundation, said the foundation's remaining holdings of 21,791 shares were sold in early March.

In a telephone interview Monday from Los Angeles, where the foundation is based, Silbert said the stock was sold through a broker at \$91.75 a share. This would result in a total purchase price of \$1,999,324 for the stock.

Justice Douglas, reached Monday in Bel-lingham, Wash., said he had no comment regarding the foundation's past links with Las Vegas holdings or criticism of his role with the foundation.

The foundation was formed in 1960 by Los Angeles businessman Albert B. Parvin, who sold his stock in Parvin-Dohrmann Co. last fall.

Parvin, named by the government as an alleged coconspirator in stock charges against Wolfson, but never prosecuted, is still listed as vice president of the foundation that bears his name.

MICHIGAN WEEK

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BROWN of Michigan. Mr. Speaker, this week the people of Michigan and those of us in Congress who represent that great State are celebrating Michigan Week. Basically, Michigan Week is Michigan people working together for Michigan. Michigan Week is the old "Let's all pull together" theme personified.

Volunteers in communities, towns, and cities launch programs in which Michigan citizens show their pride in their community and their State; learn more about Michigan so that they can "talk it up" to others, demonstrate to the Nation and the world that Michigan is proud of Michigan—that Michigan has much to be proud about.

Michigan Week includes 8 special days, each with a designation for special emphasis and observance. May 17, the first Saturday of Michigan Week, was Community Park Day. Sunday was Spiritual Foundations Day, marking the part that churches and religion have played, and still play, in Michigan history. Each day's name is more or less self-explanatory. Monday was our Government Day; Tuesday was our Heritage Day; today is our Livelihood Day; Thursday our Education Day; Friday our Hospitality Day; and Saturday, the week closes with our Youth Day. History, culture, agriculture, tourist attractions, natural resources, educational programs all take a turn in the spotlight, and all have a very definite place in Michigan Week.

These features of Michigan did not "just happen." They are the result of individuals, groups, and government ex-

hibiting foresight in judicious use of these blessings, a willingness for hard work in developing them, plus a spirit of cooperation and pride.

This week, I would like to take a few moments each day to share with my distinguished colleagues some of the more significant aspects of our great State and their influences on the lives of its citizens. I would like to relate how some of these programs began and how they are carried out and developed to meet the needs of today's residents and future generations. To do this, I am pleased to insert in the RECORD, a series of articles which appeared in the latest issue of the Michigan Challenge, official publication of the Michigan State Chamber of Commerce. The first four of these articles follow and the remainder will be inserted each day throughout the week. I urge my colleagues to read these reports so that they may come to learn what we in the Great Lake State know—Michigan is a State of which we can all be proud.

The articles follow:

NATURAL RESOURCES

(By Al Balden, waste treatment specialist, Chrysler Corp.)

One of the greatest competitive advantages Michigan has over her sister states lies in an almost unbelievable quantity of accessible, clean, fresh water. A recital of a few of the facts concerning our unique resource is very impressive. For instance, there are 3,131 miles of Michigan shoreline on the Great Lakes, and no place in Michigan is more than 85 miles from one of the Great Lakes. And 11,000 inland lakes.

The most distinctive aspects of the Great Lakes are the many uses to which they can be and have been put. To illustrate, Alaska has more miles of shoreline than does Michigan, but it is salt water, not fresh. In both instances the water is used for commerce, commercial and sport fishing and aquatic sports. In addition to these uses, Great Lakes water may, with a minimum of treatment, be used for domestic water supply.

The quality of the water is excellent for most industrial and farm irrigation uses, and the cost of purification necessary for even the most critical use is considerably less than that necessary in other areas.

Our responsibility is to protect these many uses of this inherited resource, so that it may also be a heritage for our children.

In the fall of 1962, the Chamber of Commerce Water Resources Committee was formed, consisting of technical men from a cross-section of the state's industry. The first self-imposed task of this committee was to develop a Water Resources Policy for the State Chamber. Among these adopted policy statements was an intent to "—develop the optimum use and conservation of all waters for the state—", and to provide guidance whereby "—all beneficial water needs may be most fully and permanently met."

After many meetings and considerable study, it became apparent to the committee that although Michigan was foremost among the leaders of the states in matters of abatement of the pollution of our lakes and streams, the basic water law of the state needed to be strengthened to meet the challenges of the last third of the 20th Century.

One of the serious shortcomings of the law which hampered the competent staff of the Michigan Water Resources Commission was the necessity to prove that downstream use of a river was deleteriously affected by an outfall that was obviously polluted.

It was a basic tenet of the Chamber of Commerce Water Resources Committee that if corrective action was demanded by logic as well as by public demand, such action would

be taken. If it was considered preferable for such action to be taken by the state, and it was so considered, it followed that the state must be given the laws to act effectively. Failing this, the correction would be made by others, perhaps not so knowledgeable concerning details of the state's water resources as one might wish.

Considerable time was spent meeting with joint Senate-House Committees arguing for amendments that would provide to the state agency those tools necessary for the tasks. One of the key amendments passed stated that "—it shall be unlawful for any person—to discharge into the waters of the state any substance which is, or may be, injurious to the public health, safety or welfare." It enumerated the various uses of the waters which were to be protected. These were domestic, commercial, industrial, agricultural and recreational uses. Riparian lands and wildlife were protected from injury. Any discharge of untreated domestic waste was considered prima-facie evidence of violation of the law.

It was no longer necessary to prove injury in long, drawn-out court cases. It was enough to establish that injury might result from the presence of a given pollutant and to establish its presence.

The 1965 amendments to Act 245 of the Public Acts of 1929 gave the State Water Resources Commission authority to act to abate pollution. It was now obvious that some additional hands would be required to use the tools available. An increased budget was requested by the Water Resources Commission to enable it to enlarge its staff. This, too, was strongly supported by the State Chamber and was adopted in the same year.

It was recognized, at this time, by the State Chamber Water Resources Committee, that the biggest impediments to the accomplishment of the law's goals were likely to be, (1) ignorance of the new provisions of the law, as well as, (2) ignorance of the possible technical solutions to the various problems brought to light by the law.

It is recognized by those experts in the earth sciences that as soon as a mountain or lake is formed, the process of degradation begins. As the forces of nature erode and gradually level the mountains, so too, does the flushing action of a rain carry various inorganic and organic solids to the creeks and rivers which move them on to the lakes.

Some of the solid matter will settle to the bottom of the lake and start filling it and some of the minerals will go into solution and serve as food for plant life. Fish and other aquatic biota find their place in the general scheme of things and a balance of life is established.

So long as the balance is maintained, the process by which the lake fills up or dies (eutrophication) takes place over a very long period of time. It is important to recognize that it is just as natural for lakes to die as it is for animal life. However, this process has been greatly accelerated by man.

We are all acquainted with the small inland lake that was so beautiful just a few years ago and is now a weed-clogged insult to our sensitivities. What happened? People came and stayed and misused a resource. In some instances canals were dug to provide more lake frontage. The drainage from the septic tanks with its load of phosphates, nitrates and organics reached the lake and formed an ideal environment for the lush growth of algae and other water plants. These serve as food for fish and for a while the fish manage to maintain the balance, but as the organics are oxidized by bacterial action, the oxygen is depleted to the level at which game fish could no longer thrive. With nothing to consume the plants, they continued to grow at an uncontrolled rate resulting in the present unsightliness.

More information is needed concerning the threshold amounts of the various nutrients

required for this unbalance. However, it is obvious that this limit, whatever its value, has been exceeded in many inland lakes.

To help correct the condition whereby the premature demise of small lakes takes place due to artificial expansion of the lake building frontage, a bill was passed, Act 291 of the Public Acts of 1965, requiring that any new lake subdivision must have its plat approved by the local and state health authorities.

As is the case with many problems involving a highly civilized society, the face of the problem changes even while corrective action is taking place. The new face was there all along, but the original was so dominant, it appeared to be the only face. This has certainly been so in the campaign to alleviate water pollution.

At one time, our attention was focused almost exclusively on the river itself and on what was being done to water entering the river from industries and municipalities. It then became obvious, to those who took the time to consider it, that those solids removed during the treatment of the wastewater still required attention. If, as was too often the case, such sludges were emptied to a worked-out gravel pit, the chances of these pollutants again finding their way to a water table or aquifer were all too real.

The Solid Waste Act, Act 87 of the Public Acts of 1965, was passed to bring some regulation to this uncontrolled activity. The essence of this law is that all landfill operations must be licensed. The responsibility for issuing such licenses was placed with the State Department of Public Health. The intent of the legislation was to eliminate the smoky, odorous, pest infested dumps—the bad breath of our civilization. The regulations also forbid the use of these sites for the disposal of materials which could become water pollutants. Carefully prescribed operation of the landfill is required by the regulations. Open burning is not permitted and specified methods of filling and covering are to be followed. Maybe, in time, we can rid ourselves of these piles of callow youth.

During this period it became increasingly evident that pollution of the air, the water, of the land surface was one problem with many facets. The State Chamber Water Resources Committee, in recognition of this, became the Natural Resources Committee. Considerable work was done at this time with members of the House and Senate to fashion an effective, equitable law to combat air pollution. The law established an Air Pollution Control Commission with the power to establish regulations to control the emission of such things as the particulates and chemical gases from such processes as the burning of coal, the melting of metals, and the making of cement, to name a few. Public hearings were held before the regulations went into effect. The State Chamber Natural Resources Committee participated in the hearings and served as a voice of industry in the discussions leading to final agreement.

It is anticipated that many more problems will become evident as time passes and the area grows in population and the people gain in affluence. The Natural Resources Committee of the Michigan State Chamber of Commerce will continue to speak for industry and to cooperate with the legislative and executive branches of government so that by mutual effort the solution to problems can be undertaken as soon as they are identified and their dimensions defined.

ARTS IN MICHIGAN

(By E. Ray Scott, executive director, Michigan State Council for the Arts)

In our busy, commercialized day-to-day world, it is easy to lose sight of the importance of the arts and their value and influence on our culture.

Fortunately, Michigan has had a number of civic and government leaders who be-

lieve that efforts need to be made and facilities and opportunities provided to expose Michigan's citizens to the various art forms. For they believe that the returns are most worthwhile.

Former Governor George Romney said, "We are concerned about the quality of life in America and Michigan. One factor that can lift the quality is the stimulation of a greater interest in the arts. There is a special need at this time to interest more young people—who have more spare time today than ever before—in cultural and artistic activities in our communities throughout the state."

In response to this recognized need, a Michigan State Council For The Arts was formed in 1966. Its primary purposes are to provide opportunities to expanded Council activity throughout the state in the three-fold manner. First, by making performing groups and exhibits of professional caliber available to Michigan communities at a price they can afford. Second, by providing expert technical assistance to new or established culturally-oriented organizations in order to upgrade the level of their programs. And third by creating * * * which will enable native artists to earn a livelihood in their state.

We feel that indifference to the arts is symptomatic of those who have yet to be properly introduced to cultural experiences. Unending efforts are being made to assure not only pleasurable first time exposure but a continued acquaintanceship. One method of accomplishing these goals is to encourage the creation of local arts councils in as many communities as possible.

Governor William G. Milliken, speaking on the Council, recently asserted, "The well-planned program of the still new Arts Council offers fresh opportunities for Michigan communities and groups to sample Art forms, often for the first time, and to increase their appetites for a wide variety of cultural activities."

"There are many urgent reasons why the Michigan legislature, foundations and organizations should increase support of a stronger arts program. Culturally-developed areas attract business. A thriving symphony or a lively summer theatre can no longer be described as frivolous frills. Arts programs in culturally-deprived areas can change negative behavior and attitudes. Arts programs have holding power over some youths who might have dropped out of school. Good design is good business, with more architects and businessmen agreeing that mediocre buildings are costly to build, offensive in appearance, and have short lives. The arts certainly appeal to local pride.

"And there is no debate that the cultural arts do enrich lives of the entire population spectrum: young children, teenagers, young adults, mature citizens and retirees."

Interest in the arts in Michigan and work of the Council is evidenced by the number of proposals for cultural projects that last year were made to the Council. Budget limitations prohibited the Council from undertaking most of them. In fact, it is estimated that the Council's \$140,000 annual budget would have had to be nine times greater to implement all the suggestions.

Of the Council's \$140,000 budget last year, the state provided a \$109,020. The remainder came from federal grants and the Michigan Fine Arts Foundation. Distressing to the people working in this area is the fact that the Council had a \$150,000 budget during its initial year, had it trimmed to \$142,000 the second year and was cut back again, although former Governor Romney had recommended a substantial increase.

The activities of the Council fall into one of the four categories of operation. They include consultant service, touring attractions, special projects and migrants.

The consultant service program is geared to work closely with many culturally-oriented organizations that find themselves in need of expert technical assistance or advice when chronic problems arise or opportunities present themselves.

The touring attractions program this past year offered 80 Michigan performing groups and exhibits of the highest caliber to community organizations and schools seeking to enrich their cultural programs.

The MSCA Touring Attractions Program has two broad purposes. It creates opportunities for Michigan residents to experience all the Arts more frequently and on a level of excellence never before possible; and it develops larger and more appreciative audiences which in turn will provide employment for more artists in every discipline.

The attractions are reviewed and approved by professionals and knowledgeable laymen to assure uniform standards of excellence in all presentations eligible for MSCA support.

These presentations are available for sponsorship by any community group or organization willing to follow a simplified booking procedure, publicize the attraction, apply to the Council for supplementary funds if a deficit appears likely, and submit a short report, following the presentation.

More than 97 performances were offered in 55 communities.

The Special projects aspect of the Council's program to stimulate cultural growth and to eliminate deficiencies found in many areas of Michigan—rural, innercity and suburban.

More than 70 program proposals seeking Michigan State Council for the Arts support were studied by the Council this past year. Nearly \$1 million would have been required for full implementation. Approved in concept and referred to the Council for final deliberation were 52 projects. Unfortunately, only 13 could be funded within the MSCA budget allocation for this category of cultural programming.

Some of the special projects which were implemented or in process during the last half of the 1967-68 fiscal year and the first half of 1968-69 included:

Arts Sampler Pilot Program, Ambassador Program and Handbook to aid establishment of local arts councils; Cranbrook Writer's Conference; Dance Ambassador Program; Dance Film Brochure; Detroit Summer Cultural Enrichment Program; Directory of Michigan Museums; assist to Keeweenaw Playhouse; "Langston Hughes Looks at Dark America" touring program; Visual Arts Exhibits; Music-Lecture demonstrations to youth in 54 communities.

One of the problems that the Council has had was how to accommodate proposals requiring financing after the funds had been allocated. To solve this, a "mini-grant" program was established. It can help those who need "just a few hundred dollars" to complete a project.

During the last half of 1968, six projects were assisted under this program. They were: Celeste Cole Opera Workshop; Dance Ambassador Survey; High School Music Workshop at Western Michigan University; Manikan and Costume Exhibit for the Manistee Historical Society; Monroe Chamber Singers; and a Detroit Pre-School Violin Program.

Five projects are now being implemented. They include help with a state-wide newsletter, interracial production of the play "Dark of the Moon," assistance with a display for a museum, sponsoring a state-wide dance assembly, and advisory assistance for a summer performing arts center.

Michigan's citizens are interested in the arts and need the assistance that is being provided by the Council. The significance to our lives in this area of our culture cannot be emphasized enough if one believes the statement made by the late President John F. Kennedy, "There is a quality in art which

speaks across the gulf dividing man from man, and nation from nation, and century from century . . . That quality confirms the faith that our common hopes may be more enduring than our conflicting hostilities. Even now men of affairs are struggling to catch up with the insights of great art. The stakes may well be the survival of civilization."

MICHIGAN INDUSTRY

(By Harry R. Hall, president, Michigan State Chamber of Commerce)

For a period of years, Michigan has had the image of a one-industry State. It is true that the one most decisive factor in the economic development of Michigan has been the automotive industry and related durable goods manufacturing. More than many other industrial states, Michigan depends on heavy manufacturing for the expansion of its economy.

The automobile has spawned many subsidiary parts and supplier industries, such as motor vehicle parts and accessories, internal combustion engines, metal-working machinery and equipment, machine shops, hardware for autos, screw machine products, metal stampings, blast furnaces, steel works, rolling mills, iron and steel foundries and hundreds of service industries to, in turn, serve the supplier plants and the employees that they require.

Michigan does have strength and diversity in its industry, however, aside from the broad base provided by the automobile manufacturing and servicing. According to the U.S. Bureau of the Census, Michigan has 352 of the 414 individual type of industries classified into the 20 major industry groups. In 4 of these 20 major categories, Michigan has representation in all sub-classifications. In three major groups, representation exists in all but one sub-classification in each of the twenty groups and in six groupings Michigan is represented in all but two classifications.

Michigan has the seventh largest population in the nation, but ranks sixth in both manufacturing and in value added by manufacturing; that is the amount by which value of shipments exceeds cost of materials and supplies.

These examples are used to illustrate the diversity in industry. This requires a well diversified labor force with special emphasis on specialized skills.

Michigan's industrial future is bright. The geographic location gives superior access to the Great Lakes. No community in Michigan is more than 85 miles from one of the four great lakes. The 3,121 miles of shoreline is greater than that of all states in the nation except Alaska and Hawaii, but it must be remembered that Michigan is in the midst of the concentrated markets of the nation.

The water supply is unexcelled. This is an indispensable prerequisite for expanding industry. There are 11,037 inland lakes and 36,350 miles of streams. No community is more than six miles from such a lake or stream. Michigan's aquifers are unequalled. Over most of the State there is between 100 and 200 feet of porous water-bearing earth and below this there is thick, porous sandstone and limestone rock. Industry can usually find adequate underground water supplies from 25 to 500 feet deep. For these reasons, and with heavy rainfall and snowfall common to the region, but with less evapotranspiration losses, Michigan can claim undisputed title to the largest fresh water supply in the nation, if not the world, for any area of similar size.

The business climate in Michigan is conducive to continued expansion. Confidence of industry is expressed in unmistakable terms by expenditure of \$1.5 billion each year for the past five years for expansion of plants and equipment.

PROTECTING THE CONSUMER

(By B. Dale Ball, director, Michigan Department of Agriculture)

Who can you call for help if your dairy keeps delivering sour milk? If your friendly neighborhood butcher sells you short-weight meats? If your newly-seeded lawn comes up mostly weeds?

It's a surprise to many Michigan residents that these complaints can be directed to the Michigan Department of Agriculture for the necessary corrective action.

These, and other consumer protection services, occupy about 75 per cent of our department's time. Among the department's many responsibilities is safe-guarding meat, dairy and other food supplies for Michigan families. However, the products of the farms throughout our state provide the basis for all these activities. Farm production is, and always has been, the real foundation of the U.S. standard of living.

A recent name change within the department helps to focus attention on consumer services. Our former Regulatory bureau has become the Bureau of Consumer Protection. It has the job of administering more than 200 laws and regulations dealing directly with consumer services.

The change of name was approved by Governor Milliken upon the recommendation of the Michigan Commission of Agriculture, which is the five-member policy-making body for the department.

Divisions operating within the new Bureau of Consumer Protection include, Animal Health, Dairy, Food Inspection, Laboratory, and Plant Industry.

One of the major programs of the Animal Health division is state-wide meat inspection which assures consumers of wholesome meat. Other activities include control and eradication of livestock diseases and pests, many of which are transmissible to humans. Brucellosis, a serious disease of cattle, is known as undulant fever in man. We are pleased that Michigan is presently certified as a brucellosis-free state.

Insuring Michigan residents a safe, wholesome supply of dairy products is the responsibility of the Dairy division. This is accomplished through inspection of dairy herds, bulk haulers and milk plants throughout the state.

Nearly 100 laws and regulations designed to protect consumers are enforced by our Food Inspection division, which checks on sanitary conditions in all types of food establishments; seizes violative products to prevent sale of misbranded, adulterated or decomposed foods, or any foods containing illegal additives; inspects labeling for false, misleading and deceptive advertising.

This division also checks the accuracy of all weighing and measuring devices used in the sale of commodities, to insure that purchasers get full measure. Everything from a pound of butter to a gallon of gasoline comes under scrutiny.

Plant Industry division administers laws, regulations, quarantines and restrictive orders for the purpose of preventing the introduction and spread of plant pests and diseases. Inspection of nursery stock, seeds, economic poison applicators, and Christmas greens are included.

Laws and regulations pertaining to feeds, fertilizers, livestock and poultry remedies, economic poisons and seeds are enforced by the Laboratory division. The laboratory also provides analytical, diagnostic and technical services to all other divisions of the department, and to other state agencies.

Any report of department activities must certainly include a comment about use of pesticides and their effects on the quality of our environment, since this topic has received so much public attention in recent months.

The Michigan Department of Agriculture is the state agency responsible for the administration of pesticide control laws and regu-

lations. This includes registration and enforcement of all labeling requirements. The department also tests economic poisons to assure users that materials meet the guarantees and labeling requirements.

Annually, our department laboratory tests nearly 3,000 samples of various kinds of foods to protect consumers against pesticide residues. Results of the 2,738 food and dairy analyses conducted last year indicated no hazards to consumers.

As chairman of the State Soil Conservation committee, which operates under the Michigan Department of Agriculture, and as a member of both the Water Resources Commission and the Air Pollution Control Commission, I am vitally interested in safeguarding man's environment.

In public meetings and in private conversations with various groups and individuals, I have repeatedly called for further, detailed scientific study of all influences upon the quality of our environment.

The Department of Agriculture has supplied information on pesticide use and controls to the special study of the Michigan State Chamber of Commerce, Natural Resources committee. I believe the Chamber has performed a valuable public service in its careful evaluation of this issue, and I am in accord with its committee report.

Certainly the subject of proper use of pesticides is complex, and it has been further complicated by emotional reactions and some erroneous statements. The reports of former Governor Romney's Pesticide Advisory Panel, and of the Joint Legislative Pesticide Study committee, provide important information and additional source materials for anyone interested in this subject.

Most important of all, effective research upon which to base decisions is absolutely essential if we are to meet the food needs and the environmental quality needs of this and future generations.

Creation of a foreign trade branch within the Marketing division of the Department of Agriculture, by legislative action in 1968, has stimulated growing interest in markets overseas.

Already Michigan's second largest industry, agriculture and its related agri-business must seek new markets abroad if continued healthy growth is to be assured.

While the potential share of this overseas market will increase as consumer incomes rise throughout the world, our success in meeting this challenge will depend upon our ability to anticipate the needs and to supply them efficiently and economically.

The department's international marketing program includes conducting market research abroad, encouraging and assisting expansion of international activities by the various commodity commissions and farm organizations of the state, and cooperating in overseas trade fairs and missions.

Seven industry, education and government representatives are serving as an Agricultural Export Advisory committee to assist with development of plans and projects in this field.

V. I. LENIN—UNESCO IDOL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. RARICK. Mr. Speaker, little publicity has reached the American people that the U.N. education committee known as UNESCO on November 19, 1968, resolved to commemorate the centenary of Vladimir Ilyich Lenin. And the resolution reads that its purpose is to portray Lenin to the world as a humanitarian because of his "humanistic ideas and activities on the development and

realization of economic, social and cultural rights."

What a travesty against history, and so typical in a series of U.N. rebuffs against truth and freedom.

Lenin's own record in word and deed belies the UNESCO strategy to make of him a humanistic idol. Lenin prided himself as a brutal terrorist who obliterated religion and executed a systematic genocidal pogrom against ethnic groups, classes and all who opposed him. After the 1917 Communist coup and subsequent reign of terror, Lenin became absolute dictator over the powerless population of Russia.

That any organization—other than the Communist International—would attempt to prostitute education by peddling Lenin as a humanist is an insult to the civilized world community.

This is but one example of the domineering power of the Communist bloc in the U.N. The vote on the UNESCO resolution, in the subcommittee, was 48 to 7, 12 abstaining, and 47 member states preferring to be absent. Our U.S. delegation feebly protested, but failed to take any further preventive measures.

This latest defeat in the Red-controlled U.N. Organization should enlighten even the most wistful dreamer—that the Communist International is in control, that they are single-purposed, and will use their raw power to advance their own goals.

The budget of the U.S. Government for the fiscal year 1970 allocated \$92,000,000 for the U.N. and specialized agencies, of which \$10,531,000 is assigned to UNESCO. The year 1970 will be the UNESCO "Lenin Year"—and U.S. tax dollars are being contributed to pay \$10.5 million to UNESCO's discretion in its varied projects, one of which is propagandizing the non-Communist free world to venerate the old Communist Lenin.

Mr. Speaker, 3 years ago, I had introduced a bill to repeal the U.N. Participation Act which I have again introduced in the 91st Congress as H.R. 886. I include the resolution from the U.N. Commission on Human Rights, H.R. 886, and newsstories:

[From Human Events, May 17, 1969]

THE U.N. ADOPTS LENIN
(By Eugene Lyons)

The news would be funny if it were not so obscene. I refer to the news that the United Nations, in the words of a press dispatch (New York Post, March 14), "is preparing to honor Lenin" for his contributions to "economic, social and cultural rights."

The U.N. educational division, UNESCO, has authorized a symposium on Lenin next year to greet the centenary of his birth in 1870, and the U.N. Commission on Human Rights, in Geneva, is working on a draft resolution at this writing to hold a special meeting during the centenary as a memorial for "the humanist ideas of Lenin."

In line with the UNESCO action, the commission, again in the words of the dispatch, "was expected to adopt" the resolution. By the time this column is in type it will undoubtedly have been passed. Dozens of free governments, our own among them, will thus have been committed to take part in a global salute to the chief architect of modern totalitarianism—and this under the banners of humanism, progress and human rights!

One has to stop to think for a moment—a moment should suffice—to recognize the grotesqueness of such homage by nations en-

gaged, these 50 years, in warding off the menace of Lenin's Bolshevism.

The Kremlin has only a single hero, Lenin. All the rest of the founding fathers have been executed or posthumously disowned as traitors. Even Stalin, Lenin's successor, was denounced as a monster by his successors. To make the most of their own remaining "father," the Moscow oligarchy is preparing a worldwide spectacular in April 1970 to celebrate his 100th birthday.

The billion human beings in Communist prison-lands because they have to, and millions in free societies because they have been mesmerized by leftist propaganda, will mark the centenary with unlimited glorification of Lenin. And now the United Nations—quite obviously on the initiative and under the pressures of the Communist members—have been eueched into joining the macabre festivities.

Vladimir Ilyich Lenin, of course, is a great historical figure. His impact on mortal affairs has been immense, deeper than that of any other leader in the 20th Century. But the consequences of his influence have been tragically destructive of human rights, democratic institutions and humanist impulses:

To "honor" him for supposedly having served these very values and institutions is therefore pure burlesque. It is an insult to the millions of innocents who died through Leninist terror, to hundreds of millions now living under Leninist dictatorships from Eastern Europe to China, from Russia to Cuba.

The living memorial to Lenin's contributions to human and cultural rights is the Communist world, penned in behind Iron Curtains and Berlin Walls, in which a third of the human race is denied the most elementary freedoms. It was in Lenin's name, in strict conformity with the totalitarian methods he pioneered, that a bid for freedom was crushed in Hungary in 1956, in Czechoslovakia only last August. How, except by the fruits of his life and works, is any leader to be judged?

Since the passing of Stalin there has been a tendency to romanticize Lenin, and certainly he seems humane by contrast. Yet there is little that Stalin did, except in scale, that was not first done by Lenin. Stalin simply carried to fantastic extremes the crimes first committed, or sanctified as doctrine, by his predecessor.

It was Lenin who stamped out all vestiges of free speech and press; set up the first terror machine, the Cheka; organized the first Soviet concentration camps for political dissenters; and devised the technique of "hostages" in which thousands were murdered for the alleged sins of others.

It was Lenin who dispersed the first and only democratically elected legislature, the Constituent Assembly, after he had hijacked absolute power from those who overthrew tsarist absolutism; who crushed the Kronstadt rebellion of his own Red sailors, slaughtering some 20,000 of them.

He had a boundless contempt for the people, this Lenin. He would drive them to the Communist utopia with whips of terror, wielded by a self-chosen revolutionary elite. He despised human rights in theory and suppressed them ruthlessly in practice.

He ridiculed "morality" as a bourgeois superstition. His writings, like his actions, were saturated with scorn of democracy, civil rights and humanist scruples about taking life. In the delusion that he was the destined instrument of History, he set up a totalitarian police-state in which Mussolini, then Hitler, found a ready-made model for their own fanaticisms.

And this is the man whom the United Nations is preparing to "honor," in concert with Moscow, Peking and Havana! By the same logic its Commission on Human Rights should memorialize Stalin and Hitler and their spiritual forebears Caligula and Genghis Khan for their respective contributions to human freedom.

This moral atrocity can still be prevented by democratic public opinion. There are organizations in our country dedicated to support of the United Nations. Will they have the guts to demand a cancellation of the UNESCO decision? Will the free press in free nations expose and denounce this assault on common sense and historic reality? If the Commission on Human Rights proceeds to celebrate "the humanist ideas of Lenin," it will stand convicted of monumental hypocrisy.

QUESTION OF THE REALIZATION OF THE ECONOMIC AND SOCIAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(Resolution adopted by the U.N. Commission on Human Rights, March 1969; U.S. voting against)

The Commission on Human Rights, Having considered item 9 of its agenda on the realization of economic and social rights, contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,

Taking into account the resolution adopted on 19 November 1968 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, according to which the Director-General of that organization was authorized to initiate some arrangements on the occasion of the centenary of V. I. Lenin and in particular, to organize the symposium "V. I. Lenin and the problems of development of science, culture and education",

Noting the significant practical and theoretical contribution of Lenin, prominent humanist, to the development and realization of economic, social and cultural rights,

Bearing in mind the centenary of Lenin, which will occur in 1970,

1. *Welcomes the decision of the General Conference of the United Nations Educational, Scientific and Cultural Organization to make arrangements on the occasion of the centenary of Lenin and notes the historical influence of his humanistic ideas and activity on the development and realization of economic, social and cultural rights.*

2. *Requests the Chairman of the Commission on Human Rights to enter into consultation with the Director General of the United Nations Educational, Scientific and Cultural Organization on the participation, in accordance with the procedure of that Organization, of a representative of the Commission in the symposium to be organized on the occasion of the centenary of V. I. Lenin.*

STATEMENT BY U.S. DELEGATION TO U.N.

(Statement by U.S. Delegation in UNESCO General Conference Subcommittee for Social Sciences, Human Science, and Culture, October 24, 1968, on proposed symposium in recognition of centenary of Lenin's birth under UNESCO program for the commemoration of great personalities and events)

The United States can understand the Soviet desire to celebrate the centennial of the birth of one of its historic figures. But more direct and substantial participation by UNESCO in the celebration of a major historical figure should, we believe, be governed by another consideration. This consideration should be the relationship of that person's life and works to the underlying purposes of peace and international understanding that UNESCO is designed to perpetuate.

Here we enter upon a difficult terrain of judgment, one on which men may reasonably differ. Yet there are historical figures whose lives and works unquestionably fall within the purview of the purposes for which this organization was created. Gandhi and Buddha are such figures; their ideas, indeed

their lives belong to no nation, to no sect, to no ideology. They are transcendently part of the common heritage of mankind. The commemoration of Karl Marx also was an appropriate one for UNESCO to undertake, for he too was a man of no party, no country. (Indeed, toward the end of his life, when he was confronted with some of the perversions to which his ideas has been put, he denied that he was a Marxist.)

My delegation is of the opinion that it is exceedingly difficult to place the draft resolution before us—for a symposium on V. I. Lenin as a "precursor of world science" and to study his relationship to the problems of culture, science and art within the same category. I must confess that as an historian my first reaction to the present proposal was to be overwhelmed by admiration for its audacity. I have no doubt that Lenin was a very great man. But his greatness was of the sort that puts him in the historical company of Bismark or Napoleon, not of Gandhi or Buddha or Marx. Like Napoleon, Lenin led his nation through the later stages of a great revolution; like Napoleon, Lenin turned his revolutionized society to an aggressive international policy; like Napoleon, Lenin came to power promising freedom and became instead an innovator in what might be called the technology of the police state; just as Napoleon became the patron saint of military strategists in the nineteenth century, so has Lenin become the patron saint of advocates of violent revolution in the twentieth century. Certainly these were very great accomplishments, of profound importance to the people who experienced them; but are they the kind of accomplishments to which UNESCO wishes to lend its imprimatur? Do we really wish so to commemorate a man whose whole political philosophy is perhaps best summed up in his statement: "Every man must take either our side or the other?" Is it not in some way inappropriate that on this the even of the fiftieth anniversary of the establishment of the Czechoslovakian Republic, UNESCO considers an appropriation to commemorate the man whose declaration that all communists must "fight against petit-national narrow mindedness" is cited by Pravda to justify the recent unhappy events in that country?

Our purpose here is not to bring politics into the deliberations of UNESCO, but to exclude it: to point out how difficult it is to approach the commemoration of Lenin in the spirit which one may bring to the commemoration of Buddha, Gandhi, or Marx.

An international symposium on Lenin and his relationship to the development of culture, science, and art—if held under conditions of free inquiry and free expression—might prove very embarrassing to this organization; I have no doubt at all that it would prove very embarrassing to the sponsors of this proposal. A symposium held under any other conditions—that is to say, conditions in which the diversity of views as to Lenin's thought and career was not freely displayed—would be widely regarded by American public opinion as an attempt to political propaganda and an activity quite incompatible with UNESCO's purposes. Such an activity would jeopardize the widespread popular support for UNESCO that has developed over the years of its existence.

It is for these reasons that the United States Delegation feels compelled to oppose the proposal before us."

STATEMENT BY MRS. RITA HAUSER, U.S. REPRESENTATIVE ON THE COMMISSION ON HUMAN RIGHTS IN GENEVA, MARCH 14, 1969, IN OPPOSITION TO SOVIET PROPOSAL FOR COMMISSION OBSERVANCE OF THE LENIN CENTENARY IN 1970

Mr. Chairman, my Delegation must view draft resolution L. 1083 with some measure of concern, indeed with dismay.

We have listened to the laudatory com-

ments made by the Soviet Delegate as to one of his country's great heroes—V. I. Lenin—and we fully understand the pride that his countrymen feel for this important man of history. Needless to say, Mr. Chairman, each of us, in the exercise of his own intellectual capacity, must make a personal judgment of Lenin as a "prominent humanist"—as he is described in the draft resolution, and determine for himself what is Lenin's rightful place in the history of the world. Each member country here has its own national heroes who are, surely, to the people of each such country, on a par with Lenin in the place these men hold in the hearts of their countrymen. Indeed, many such men are revered beyond the borders of their own countries and are thoroughly loved as international figures.

My concern is not with the Soviet reverence for V. I. Lenin, which I fully understand, but with the unhappy precedent we will be establishing here in this Commission in deciding to celebrate his centenary. By the rules of logic, it follows that we should celebrate the centenary or other anniversary of other great figures of the world. This would surely be a heavy burden on our time, and take away from our more important efforts. It would also violate the strong expression of views given to us by our parent body, ECOSOC, in its resolution 1368 of August 2, 1968 which states as follows:

"1. Expresses the hope that new proposals for the designation of international years and anniversaries will be avoided except on the most important occasions and after consideration of the probable impact of such proposals on existing celebrations;"

I feel, Mr. Chairman, that we are duty bound to follow the view expressed by ECOSOC and my delegation is dismayed that the many co-sponsors of this resolution have chosen to ignore our parent body's advice.

Mr. Chairman, UNESCO has often organized other symposia turning on the lives of great men of history. This is a proper matter for UNESCO, which we know is developing plans for the centenary observation authorized at its last General Conference. But it has never been in the scope of work of this Commission to do the same, and we see no reason why this Commission should take note and welcome the decision of UNESCO as to this one man, V. I. Lenin, when we have never before noted the activities of UNESCO as to other people. Moreover, we see no reason why, as paragraph 3 of the draft resolution provides, one of our meetings at next year's session should be dedicated to a review of the ideas of Lenin, when the proceedings of the UNESCO symposium will be published and available for everyone, who may wish to do so, to read and study.

I wish also to point out that the draft resolution is not accurate in its second preambular paragraph in stating that the UNESCO General Conference "unanimously" adopted the decision on the Lenin symposium. When the specifics were taken up at UNESCO in its Sub-commission last fall, numerous countries spoke against the proposal and the final vote was 48-7 with 12 abstentions. Moreover, 47 other countries preferred to be noted as absent. Thus, there was by far a lack of unanimous sentiment at UNESCO for the decision taken where the matter was thoroughly discussed—in the appropriate Sub-commission. It was not subsequently opened up and discussed again in plenary session when the program chapter, in its entirety, was voted on.

Mr. Chairman, my Delegation hopes that the representatives here, before casting their votes, will take due consideration of the precedent we may be establishing if this resolution is adopted, a precedent which we feel will be burdensome for this Commission, for it is not the work of this Commission to provide a public forum for the celebration of national heroes.

[From the Christian Science Monitor, Nov. 15, 1967]

SOVIET STRONGMEN: THEY CARVED NATION'S IMAGE

Vladimir Ilch Lenin and Joseph Vissarionovich Stalin—Ulyanov and Dzhughashvili by their original names—were the architects of the Soviet party and state. Without them Russia and the Soviet Union would be different.

Just as the ruling classes of Louis Napoleon's France and Kaiser Wilhelm II's Germany reflected the style and mental attitudes of their No. 1 men, Soviet thinking and behavior were formed under the vastly stronger influence of Lenin and Stalin—or, more precisely, of the Lenin and Stalin eras.

The generation which witnessed Lenin and his associates tended to be impersonal, effaced, austere, idealistic, intellectually wide awake and kind in nonpolitical human relations.

PRONOUNCEMENTS DRAW FIRE

Lenin, who alone is glorified today, was a lonely man. In April, 1917, he returned to St. Petersburg from exile in Switzerland in a sealed railway coach via Germany. Immediately upon his arrival in St. Petersburg, he announced his famous April theses "On the Tasks of the Proletariat in the Present Revolution." It declared war on the government and on his former comrades and broke all bridges with the past.

"Delirium, the delirium of a madman," shouted Alexander A. Bogdanov, one of his principal lieutenants in exile. Even Nadeshda I. Krupskaya, his wife and most trusted associate who had accompanied him on the journey home, was taken by surprise.

"Ilch is out of his mind," she whispered to Yuri P. Denike, an old friend, as Lenin sprang his theses on a startled audience.

Lenin spoke in a matter-of-fact tone, but with the iron consistency of a man convinced that he had insight into inexorable laws of social and political development and that to oppose him was to oppose history itself.

He alone knew the truth. In his philosophical notebooks written in exile he remarked: "Of one hundred Bolsheviks, seventy are fools, twenty-nine are scoundrels, and only one is a true Socialist."

His political method, in his own words, was to first split his opponents and then to wage against them "a war of extermination."

EGOIST IN ABSTRACT SENSE

A man of less-than-medium height, he could pass unnoticed except for his very large forehead. Only the single-minded intensity of his reasoning made him stand out.

In contrast to the flamboyant, elegant Trotsky, Lenin was no orator. His voice was loud and clear but had little resonance.

In retrospect, he appears as a charismatic leader. His followers idolized him and started a cult of his personality as early as 1918. Soon ships, clubs, and libraries were named after him.

Lenin has been called a "disinterested egoist," but he was an egoist only in an abstract sense. Material comforts never attracted him.

A militant atheist, he denounced "eternal moral laws" as a weapon of exploitation. According to his own table of values, he had a keen sense of good and evil. There was something of a medieval theologian about this outwardly westernized Bolshevik.

A radical internationalist, he showed no understanding of nationalism. Although he criticized the rude manner in which Stalin brought Transcaucasian Georgia back into the Soviet-Russian fold, he approved of the Sovietization of the country.

His short-term forecast that the European and North American proletariat would rise in support of Russia and the world revolution was mistaken. Versatile in his forecasts, Lenin also said that "the way to London and Paris goes via Peking and Calcutta."

In domestic politics, Lenin declared in

1918: "As long as we do not apply terror with execution on the spot, we shall get nowhere." Three years later this same Lenin ushered in the new economic policy with private trade and leeway for medium-sized private enterprise.

For the young revolutionists who had embraced communism as a secular religion, a return to commercial practices looked defeatist and morally debasing.

There were suicides in the party when Lenin proclaimed in 1922 that "Communists must learn trade." But Lenin also raised his comrades' faith through his vision of electrification and modern industry.

The very contrasts of this contradictory man endeared him to his people. Millions wept when he passed on in January, 1924.

At Lenin's bier, Stalin set the tone for what was to become the Soviet theme for the next 30 years. Stalin vowed in medieval style:

"Leaving us, comrade Lenin enjoined on us to keep and strengthen the dictatorship of the proletariat. We vow to thee, comrade Lenin, that we will not spare our strength to fulfill with honor this thy commandment.

"Leaving us, comrade Lenin enjoined on us to strengthen with all our might the union of workers and peasants. We vow to thee, comrade Lenin, that we will with honor fulfill this thy commandment.

"Leaving us, comrade Lenin enjoined on us to strengthen and extend the union of republics. We vow to thee, comrade Lenin, that we will fulfill with honor this thy commandment.

"Leaving us, comrade Lenin enjoined on us loyalty to the principles of the Communist International. We vow to thee, comrade Lenin, that we will not spare our lives to strengthen and extend the union of the toilers of the whole world. . . ."

Stalin lacked Lenin's vast Western education, but he had Lenin's single-mindedness and vision. This son of a wretched Georgian cobbler, who spoke Russian with a foreign accent, was closer to the "sons of the working class, sons of need and strife, sons of unexampled privations and heroic striving" whom he exalted in his oath, than the intellectual Lenin, who was born into petty Russian nobility and reared by a German mother.

Many ordinary Soviets at first responded nonchalantly to Stalin's unprecedented purge of old Bolsheviks. "Let the rats devour each other," a Russian rail-yard superintendent commented to this writer in 1935 when the press began to carry the first fantastic denunciations of Lenin's comrades.

The Soviet people may have become inured to bloody repressions and deceitful double talk during the collectivization of the villages in the early 1930's. Earlier, there had been the cruel aftermath of World War I, Lenin's terror, and the repressions of the czar.

Judging by today's Lenin cult, some people high up in the party believe that Soviets need to focus their faith and admiration on one person.

There is a famous picture of Lenin taking part in the "Red Sundays," of which Communists set the example as unpaid worker volunteers. The original picture with his worker's cap shows Lenin in a rumpled dark business suit and white shirt helping to carry a telegraph pole. In later pictures the pole became a tree trunk, and Lenin did the carrying alone.

When this writer a few years ago, during a visit to a provincial museum of the revolution asked how it happened that in successive pictures the tree trunk became thicker and thicker, the guide, a young instructor of English, broke into laughter.

Drawn into a discussion about the people's unquestioning acceptance of such grotesque personality cults and of the repressions, the young girl, in her mid-20's broke into tears "We Russians are not like you," she cried,

"we must believe in someone and something."

H.R. 886

A bill to repeal the United Nations Participation Act of 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United Nations Participation Act of 1945 is hereby repealed.

STUDENTS ARE BEING MANIPULATED

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, Mrs. Burton N. Coffman of Fairfax, Va., a friend and constituent of mine, has written a very thoughtful article which appeared in the May 20 edition of *Tactics*, a small monthly publication in northern Virginia, and which relates the concern of the mother of a student at Lehigh University about the efforts by students and nonstudent militants to disrupt that university and its programs.

As I believe many of our colleagues will benefit from knowing of Mrs. Coffman's experience and discoveries, I insert the text of her article in full at this point in the RECORD:

TAKE LEHIGH UNIVERSITY, FOR EXAMPLE: STUDENTS ARE BEING MANIPULATED

(By Dorothy Coffman)

Lehigh University is located on South Mountain, where one still can think of roaming Indians, although Bethlehem Steel, in the Lehigh Valley down below, fills the air with civilization's polluted smoke signals. This was the general area of my home when I was a teen-ager, and until I became a registered nurse in the U.S. Army in 1942, and went to Iran. My husband, Burton, was born and raised in Bethlehem, and ultimately graduated from Lehigh University in 1948, after his military service.

Our third son, Roger, was born two weeks after Burt's graduation. He is in his junior year at Lehigh. James, our second son, graduated there in 1968. Our first son, Larry, changed the pattern a bit by graduating from Fairleigh Dickinson in New Jersey, where a Lehigh alumnus, Dr. J. Osburn Fuller, is president.

So naturally, Lehigh is uppermost in my mind as I read about the tribulations, demonstrations, riots and seizures of buildings that are plaguing our high schools and institutions of higher learning. I have had some contact with Lehigh during these tumultuous times, which might be of some guidance in this perplexing and even revolutionary situation. Lehigh, indeed, might be considered a case study of a typical, American university, which is the reason I am presenting these observations and experiences. Other institutions of learning might find my notes helpful.

Lehigh has R.O.T.C., an outspoken college paper, clubs and speakers, and the same pressures as other educational institutions. The same effort to downgrade R.O.T.C. as was successful in some other colleges have been unsuccessful so far at Lehigh. A red speaker, Thomas Hayden, met a setback at Lehigh. A start has been made to offset the corrosive propaganda pressures that have been so effective elsewhere. This didn't just happen. Specific counter-action of an informed and

ready sort had to be understandably but determinedly applied.

My story begins at the time of the Pentagon demonstrations in the national capital on Oct. 21 and 22, 1967, when a hard core of professionally led revolutionaries managed a symbolic capture of our national military headquarters, callously using mostly clean-cut and idealistic young boys and girls as bodies—propaganda fodder—for a work of treason.

UNIVERSITY PAPER SPREADS RED LINE ABOUT PENTAGON RIOTS

The Brown and White, Lehigh's semi-weekly, has been coming into our home for years, to be spottily read. Some days later, I picked up the Oct. 24 and 27 issues, for a quick glance, when my attention was caught by articles which swallowed the red line on the Pentagon riots. My mind's eye visualized the lovely youth at Lehigh, and how alike they were to the misled young men and girls lured into the Pentagon disorders.

Two Lehigh students were credited with a doublespread of photographs about the "D.C. Peace Riots," as they were euphemistically described. The caption said that a number of Lehigh students had participated. What was being treasonably manipulated from behind the scenes far from Lehigh had reached even Lehigh.

Only a week or so before, for the first time, I had written a letter to Lehigh, addressed to Demming Lewis, university president. I wrote: "Being a mother of three sons who are all in reserve officers training for service on behalf of our country, I am becoming increasingly concerned with the anti-war, anti-draft, anti-U.S. foreign policy demonstrations on campuses throughout the country. . . . Newspaper reporters and military men returning from Viet Nam say that our 'peace' demonstrations here are hurting our efforts in Viet Nam. . . . My suggestion to those who wish to protest for peace is that they direct their criticism towards the Russian and Chinese leaders. After all, haven't these leaders announced, 'Only by war will the Americans and their backers be defeated?'"

The reply came from Charles A. Seidle, vice president, who wrote: "We very much appreciate your interest." Did this casual reaction represent Lehigh's defense against such things? I wrote Dr. Lewis again, expressing chagrin over the one-sided coverage by the college paper—after all, it is owned outright by the university—pointing out that the photos were the kind that could "find their way to some communist prison camp to help break the morale of an American soldier, perhaps a graduate of Lehigh R.O.T.C." Surely some notice might have been given to the fine group of students who had staged a counter-demonstration to show their patriotism at the time of the Pentagon disorders.

I was then helping at the office in Washington of Herbert Philbrick, whose "I Led Three Lives" had been so inspiring, and suggested that he be invited to speak at the Lehigh campus "to enlighten the students." No notice ever was taken of this. Dr. Seidle again replied, suggesting that I address the Brown and White directly, and also pointing out: "Dean Preston Parr, Dean of Student Life, is in a better position than we to make suggestions to student groups who are considering speakers." The speakers I suggested, of the Philbrick type, never elicited even a response.

WHAT 2 YEARS OF SUCH EFFORTS HAVE TAUGHT

A great portion of my time during the past two years has been focussed on these cold-hot war matters. They have produced conclusions that are self-evident from the facts, as they revealed themselves. I wish to take this opportunity to share them with those at Lehigh University and elsewhere, who are involved in what is happening in our institutions of learning, whether as a stu-

dent, professor, parent, or merely as an American citizen. Here are my main conclusions:

1. A major, definitive conclusion is that it is dangerously wrong to consider the so-called "student demonstrations" as either student-instigated or spontaneous with the local student group or institution in whose name some action takes place. Students look to their teachers and professors as children look to their parents, for guidance. We now have what is known abroad as the "professional student," the older individual who is a political agitator. He may be assigned to a student community or travel from college to college. Innocent recruits, softened up by pro-reds at every level of the academic society, left to their own, unguided devices by a defaulting majority, are developed into branch leaders in such subversive organizations as Students for a Democratic Society (SDS). Through these, revolutionary and reasonable guidance and instructions are funneled in, with materials and money, in the well-documented manner in which totalitarian groups operate.

This is conspiracy, which has been a taboo word, although the ingredients of conspiracy are clearly visible. Our educational system is being exploited as a base on the enemy's so-called "peace" front, in coordination with its military front abroad. Yet college and university professors, deans and presidents, and other authorities, remain aloof, making believe such conspiracy does not exist. They are giving the field over by default to agitators and plotters, in and out of faculties, who are revolutionaries, and who are indoctrinating students in revolutionary theory and in revolutionary activity, often knowingly on behalf of the enemy.

One only has to read the newspapers, of no matter what political slant, to come across constant letters from professors and other faculty members upholding the interests of the communist and socialist enemy, and to read their many statements and speeches to the same effect. Perhaps the most child-like self-deception in which we can indulge is the assumption that admitted communists and other Marxists and anarchists can be so dedicated in their insurrectionary zeal, yet not seek to direct the students under them in the same direction.

This infantile state of mind is being exposed of late, as more and more outright, prored demonstrations and seizures of property, the copying and destruction of records, and the weakening and liquidation of all programs helpful to America's military strength, have the participation of professors and students alike. Of course, the students are not thinking up the coordinated campaigns and operations we have been witnessing. They are being indoctrinated, and led—misled—by faculty members and by traitors on the outside, who personally join and guide every demonstration and riot that occurs in a college or university.

Indeed, the faculty members engaged in such subversion are becoming more and more brazen in their overt actions. Pick up practically any newspaper. As I work on this article, I notice the N.Y. Times of May 8. A two-column headline on page one reads: "Faculty at Pratt Strike Over Antiprotest Policies." The first paragraph of the article, by Emanuel Perlmutter, lays it on the line.

FACULTY MEMBERS, CALL OFF CLASSES

The dispatch begins: "The 400-member faculty of Pratt Institute went on strike yesterday afternoon to protest an administration plan to arrest and expel students found guilty of disruptions on the campus or of inciting such actions." We read farther on: "The suspension of teaching followed a meeting of 100 faculty members shortly before noon. They decided to call off classes after listening to black students' arguments in justification of nine 'non-negotiable' demands made of the institute."

I pick up another paper, the Manchester

Union Leader of May 6, and read: "Tufts University students who voted 3 to 1 in favor of the R.O.T.C. program were slapped by a faculty recommendation that R.O.T.C. be dropped—but haven't yielded to pressure and intimidation. The Students for Tufts organization . . . has called on alumni and parents to support their drive against radical elements at the school." The "pressure and intimidation" is exerted, at least in part, by these "radical elements."

Lehigh University, of course, is no more immune to such influences than other educational institutions. The participation of Lehigh students in the treasonable Pentagon riots, which provided such encouragement to Hanoi, is the outcome of such coordination. Certainly, the duty of those who administer and teach in an institution of learning is to prevent its manipulation as an enemy base under the pretense that leaving the gates open, by default, to the foe, without counteraction, is "academic freedom." No, it is abject surrender to those determined to destroy the free university, along with free society.

2. The revolutionary disorders at our institutions of learning are proceeding, from one stage to the next, in a steadily developed, planned pattern. There is nothing spontaneous about it. What appears as spontaneity is the snowballing effect by which local student and faculty agitators and leaders follow the instructions conveyed through statements carried by our normal communications media, or by the frankly labelled, underground press.

UNDERGROUND PRESS OPERATES AS AN ENEMY NETWORK

Under normal circumstances, if the reds had not succeeded in creating an anti-anti-communist propaganda climate, such an underground press would have to operate underground, or it could not exist, because it does not constitute a press, in any reasonable sense of the word. It is the enemy's propaganda and information service, giving minute details on tactics to be employed in creating revolutionary situations in colleges and universities, for example, using them as a base for works of treason. These extend even to the provision of detailed designs for the production of such deadly weapons as molotov cocktails, tactical instructions on such matters as the most advanced methods of tying up traffic in order to create chaos and frustrate the police, and general advice on creating guerrilla and terror situations.

The claim of immunity for all of this by appealing to our doctrines of freedom of the press and academic freedom is a most callous perversion of such freedoms, in order to destroy them. Yet our educational leaders, even at Lehigh, repeat such false contentions. Can it be that they carefully have avoided reading these publications, because the filth in them, in the name of sexual freedom, repels them?

Obscenity is the lure which the reds are using tactically, as the underground press demonstrates. The line so far has been to defend even the most prurient instances of obscenity as art, and hence immune to lawful restriction. But the crudity has passed all bounds, and a new line has had to be thought up, with a political angle. So, simultaneously, now we have the specious argument presented that warfare is obscene, too, and yet it is not banned.

Accordingly, by the usual orchestration, we find this argument repeated in the Apr. 11, 1969 Brown and White. "I'd rather see a naked human being on the news every night, than hundreds of dead or maimed soldiers," a Brown and White writer declares. This, of course, is specious reasoning of the Socratic type. Certainly, the war with the Nazis was no obscenity on our part!

No excuse exists for falling into such traps. We were forewarned by those knowledgeable in communism. The June 20, 1965 issue of

TACTICS had an article entitled, "Give Our Students a Chance . . . Don't Force Them Into Treason." Our university heads went before television, excusing their failure to call police to put an end to violence by pleading that a university should settle its disputes en famille—as if there were no outsiders and "professional students" involved. The professors and deans who dissented from this virtual claim of extraterritoriality were maltreated and humiliated by the so-called demonstrators. Unless stopped by force, through police action, the violence will spiral into actual guerrilla warfare. The June 20 issue of TACTICS warned:

"Many women teachers who resisted such a conspiracy in Singapore while this writer was there were permanently disfigured by acid thrown into their faces . . . The acid stage will be reached in this country if a halt is not put to the process."

The students constantly are being referred to as "idealistic," and with the best interests of their country at heart, sincerely seeking to become thinking and helpful adults in a free society. Yes, indeed, this is their normal character. How, then, does it happen that so much that is outright treason, and patently against our country's interests, emanates from their ranks? How does it happen that they even can be seen carrying the red flag of communism and the black flag of anarchy, or specifically the Viet Cong flag? How does it happen that they can be heard calling for the destruction of our society? How does it happen that they engage in violence, and join efforts to weaken our nation militarily in every possible way, from elimination of the R.O.T.C. program that produces a vital proportion of our officers, to the liquidation of the research laboratories that provide us the means to survive?

SUBVERSIVES AMONG STUDENTS MISLED BY THEIR ELDERS

The impression given that the student traitors represent the student body, and hence the elite in our society, is a despicable smear of our youth. They are a very small minority, magnified manifold by the press and radio-television. These channels of communication imply that treason and destruction are the "in" thing to do, thus deceiving the overwhelming proportion of students as to what receives public approval, and what not. A child regards what is allowed by his parents—or teachers—as approved and hence right and even good. The communications media, by focusing on the treason and the destruction, and actually suppressing news about the constructive and the patriotic, have become a major force in our land for the softening up of our people. If we are to be conquered by the enemy, this is the road they first must take. This is a process in brainwashing, and it is being used against us. Our stamina must be destroyed.

This is the road that my research shows to be taken by college and university faculty members belonging to the subversive minority. This cannot be over-emphasized, for the impact it has on students. The planned and so-called spontaneous demonstrations in the colleges in the Lehigh Valley area are not really locally planned or spontaneous. Students are being coached and led. While misled by these faculty members, so-called student organizations such as S.D.S., organized nationally with international channels, pipe instructions into local student communities.

Meanwhile, the heads of universities deliberately abstain from intervening in any manner that could protect their young charges from being caught in this vise of treason and destruction. They abstain from checking the interference from the outside by trained agitators and enemy agents, and abstain, too, from checking the indoctrination of students by pro-reds on the faculty and in the administration. Exactly as the subversives are not representative of the student body, so are they unrepresentative

of the faculty. A propaganda climate has been created in which anti-communists on the faculty are quite effectively hushed up. The pro-reds manage to make themselves influential and even vocal, while anti-reds are silenced. What is presented as objective, and the presentation of all sides, on a panel discussion, for example, turns out to be "dialogue," with a predetermined conclusion. Instead of open discussion, between exponents of different approaches, from the mild to the fierce, all of it really is on the same side. The outright anti-communist becomes a non-person in this environment, and his anti-communism a non-point of view.

UNAIDED YET MOST SEE THROUGH THE PROPAGANDA

The miracle is that, caught in such a trap, our fine, American youth has been able to resist enemy pressure to the extent it has. Only a minority so far has been seduced. We can be thankful for this miracle, but we cannot depend upon it. The strategy of the enemy is to bring down our great nation in ruins by exploiting our educational communities as a base for subversion. The failure of presidents, deans and trustees of colleges and universities to fulfill their patent duty in such a national emergency is an inexcusable default on their part.

Lehigh Valley contains five colleges. They are Lehigh, generally regarded as the foremost among them, and Lafayette, both for boys alone; Cedar Crest, all girls; and Moravian and Muhlenberg, co-ed. Most events in the area have the participation of several, or even all.

The utter one-sidedness of the pro-red emphasis can be seen from the accounts published in Brown and White during the past couple of years, as well as in the local press. We have not seen a single account of a meeting or a demonstration specifically called in support of the principles or policies involved in maintaining our free society against the reds. Every pro-red or anti-U.S. activity, from support of a Viet Cong position to opposition to the R.O.T.C., has publicity that appears well in advance, and usually is well and favorably covered, receiving even follow-up stories. A pitiful instance of this one-sidedness was provided by a "forum on the draft," held Dec. 11, 1967. Until the opposition to the Thomas Hayden affair of early 1969 at Lehigh, that requires detailed description, this was the only anti-communist activity, or activity not favoring a pro-red stand, that I have been able to find. If any other took place, it must have been held in a barrel. Yet even this was not wholly anti-communist. The meeting was called in the name of the Young Americans for Freedom, which took much the same position on the draft as the reds, urging that it be replaced by a volunteer system. Brown and White reported that "the advantages of an all-volunteer army over an army of drafted soldiers" was discussed. The other subject taken up was the ridiculousness of the Supreme Court decision "that communists may be engaged in defense work," according to the heavily slanted, two-paragraph Brown and White coverage of the event.

Actually, this hardly could be called a meeting. Only eight were present, including three officers of the YAF branch, three journalism students "who were covering the meeting for an assignment," and two YAF members. No advance publicity, of course, had been given to the affair.

Lehigh Valley has been the target, too, of the new drive to bring the high schools into the range of red pressures. Three pupils of a Bethlehem high school were suspended on Apr. 23, 1969 for distributing an "underground newspaper" produced in the basement of one of them. The Bethlehem Globe-Times of Apr. 29 ran a long article about a crowded meeting on the controversy that ensued, featuring a Lehigh University instructor, John L. Washburn. A two-column photo

showed him at the speaker's rostrum, with a caption reading, "Lehigh instructor makes point." The article said he "cited the first amendment to the Constitution," and quoted his specious statement, "I don't think there can be a law against founding a newspaper." A high school, certainly, is no place for an "underground newspaper."

HISTORY PROFESSOR IS A WIDE-RANGING ACTIVIST

The name of David C. Amidon appears in both the university paper and the local press as an activist who exerts his prestige as a Lehigh history professor in interpreting contemporary events in a far-out manner. The Oct. 5, 1968 issue of Brown and White reported a protest purportedly by 300 students from four colleges in front of Price Hall at Lehigh, against R. O. T. C. and "the military mind in America." A student, "one of the editors of the Press Press," was quoted as attacking "the narrow-mindedness at Lehigh," an indirect tribute to those who at least refuse to be inveigled into participation in subversion.

Amidon was quoted, too, with the warning that "the heels of repression are almost certain to grind in January, with the inauguration of a new President," a weird piece of indoctrination, indeed, by a professor of history! Amidon went on, as obvious instruction to the students in doubletalk that barely concealed its objective. As Brown and White wrote: "He pointed out that activists should avoid direct confrontation with the repressors, since the current wave of activism had crystallized repression in America. He asked the people in attendance to keep their idealism alive until they got into the seats of power." Translate this into meaningful English! Yet, he teaches our sons history!

A Lafayette professor reported that the "curriculum committee" there had voted to abolish compulsory R. O. T. C., and would likely recommend that R. O. T. C. be deprived of academic credits. The Lehigh University paper quoted a student as calling Gen. Lewis B. Hershey, selective service chief, "the biggest pig in the country."

The "other side" was not neglected at the demonstration. "... a person in a R. O. T. C. uniform burst through a circle around the speakers and demanded equal time for the 'pro-R. O. T. C. point of view.'" He accused the listeners of being "immature." Then we find out that this was supposed to be a satirical skit by a pro-red "guerrilla theater" group. The article said that "it was not until four masked figures kicked a white-clothed figure into the lights" that the audience recognized the spoof. Why was no honest defense of R. O. T. C. permitted.

Except when extraordinary pressure is exerted, this is about as far as patriotic considerations can expect a hearing. The pro-red ploy is to make the pro-reds seem normal, and the anti-reds appear abnormal.

SUBVERSIVE ACTIVITIES AT OTHER COLLEGES CAREFULLY COVERED

The university paper of Dec. 8, 1967, reported "silent vigils" at two selective service boards on two successive days, in conjunction with a nationally-organized, communist-run, "anti-draft week." Lehigh was represented by its history professor and a music teacher. Only 12 Lehigh students attended, but the affair received a big play in the paper. The coverage of such affairs by the paper gives the impression of strong Lehigh University participation. By reading the paper, one can find out that what is being covered is mostly activity of other student bodies and faculties, with the Lehigh role the least. Failure of Lehigh's administrators to counteract this one-sidedness in what purports to be news gives an undeserved advantage by default to the enemy.

The Nov. 21, 1968 issue of Brown and White contained the usual diversity of articles. I turned the pages, glancing at the headlines.

Something about future building plans on page one, and that girls would be admitted into Lehigh in the year 1973. Too far off to be concerned about now! But I stopped to read every word of the article on page 5, entitled: "Ed Pol [Education Policy Committee] to Drop R. O. T. C. Credit." The 64-line article was tersely written, with a photo of Richard M. Spriggs, chairman of the committee on educational policy. It began by quoting his announcement that academic credit for R. O. T. C. would be dropped as of the fall semester, 1968. The article went on to explain the committee's decision, and the dissatisfaction of the military science professor, Gates B. Stern, with it.

I read on, shocked. My son was taking R.O.T.C., and so I personally felt the unfairness of the decision depriving him of the right to choose such a course, and to receive proper credits for it. The article referred to "three areas of major criticisms of the present R.O.T.C. setup." I was acquainted with this opposition, for Brown and White had been conducting a continuing campaign against R.O.T.C. in its news columns. The criticisms were:

"First, the committee found R.O.T.C. to be too far removed from the usual controls that the University exercises over the courses it offers. Second, the report states that R.O.T.C. is too 'military oriented' to permit it any academic objectivity. Third, it found that R.O.T.C. courses restrict academic freedom because students enrolled in advanced R.O.T.C. must sign a contract committing themselves to military service."

What could be done to counteract this obviously unfair and unpatriotic decision? How could it have been allowed? The action surely could be overruled. The removal of credits, the article said, was retroactive to the beginning of the semester. I felt that this much, at least, could not be enforced. As a mother, I decided to act. I at once composed a number of letters, one to Prof. Spriggs, with copies to the editor of Brown and White, others at the university, R.O.T.C. headquarters in Washington, and several senators.

By evening, I was able to contact my son. He had been concentrating on his studies, and had not heard about it. He got a copy of Brown and White, and after reading the article carefully, expressed his bewilderment.

Several days later, I received a letter from W. Deming Lewis, university president, that I opened eagerly. I gasped as I read the short note. The second sentence read, "Although it was perhaps not obvious to the off-campus readers, the Nov. 12 issue of the Brown and White was a 'spoof' from start to finish."

A "spoof"! What a spoof! Certainly, nothing in the writing of it indicated as much. Nobody could have told so from the appearance of the newspaper. Everything in it was written with poker face. This was no spoof! It was propaganda, completely lacking a trace of traditional college humor. A pleasantly-written letter came from Prof. Spriggs telling me, too, that "the entire Nov. 12th issue of Brown and White was a hoax," adding: "Always before, the issue appeared as 'Gown and Gripe' or 'Clown and Gripe,' and was a clearly identified insert to the Houseparty Weekend issue of the Brown and White." A postscript added: "I am a product of naval R.O.T.C. at Penn State during the Korean War and will attest to the many benefits of this training."

BROWN AND WHITE IGNORES THE HOAX IT PERPETRATED

Brown and White blithely ignored this inexcusable hoax. Indeed, it continues to this date to publish snide or outspoken attacks on R.O.T.C. Not a word of explanation or apology appeared in its columns.

The R.O.T.C. professor, when my son, James, attended Lehigh, was a popular flier,

Capt. David Pittard. He did graduate work, too, in international relations. He came to Lehigh in 1965, and in March, 1968 went to Viet Nam as a helicopter rescue pilot. The Call-Chronicle of Allentown, Pa., on Sunday, Sept. 29, 1968, carried a story about him with a photo. The headline read: "Former Lehigh R.O.T.C. Educator Killed in War."

He already was a veteran of 500 flying hours, winner of the air medal with 10 oak leaf clusters, the Air Force commendation medal, the silver star for heroism, and was on the promotion list for major. A sniper's bullet hit him in the chest when he was on an especially hazardous mission. Yet all that appeared in the Oct. 1 Brown and White were a bare 75 words under a one-column headline. Cynically, the first three columns of the page were given over to an article critical of R.O.T.C. that began: "Proposals have been advanced ranging from the complete abolishment of R.O.T.C. to the more moderate movement to eliminate academic credit." A student's hollow witticism was quoted, "If the university as a crater of learning accepts R.O.T.C., it accepts the military solution to war."

The article announced that "concerned students have already rallied anti-R.O.T.C. support and are planning a demonstration in front of Grace Hall." This was a crude juxtaposition of articles. I wrote Brown and White a letter which it published Oct. 11, saying: "This is not honest journalism; it certainly does not represent the honor of Lehigh's student body and faculty, and surely is contrary to their and the nation's interests."

James, then a lieutenant at Reese Air Force base in Texas, on hearing of his R.O.T.C. professor's death in action, immediately wrote Brown and White. After a time, Roger, then a senior, went to the editorial offices to find out why the letter was not being printed. He discovered the student whose opposition to R.O.T.C. had been published in the Oct. 1 issue was doing the editing. After much persuasion, the letter was printed on Oct. 29. "Capt. Pittard, an R.O.T.C. graduate, and men like him have died to preserve your freedom," James had written. "Freedom demands responsibility, not irresponsibility. Let's not lose sight of that."

HAYDEN INVITED; GLAMORIZED AS A RIOT LEADER

The campaign goes on with subversion, more and more overt, encouraged by inaction. The April 15 issue contained an illustrated, first-page article under a three-column headline reporting, "What began in the snack bar yesterday as a 10-man movement to protest the presence of R.O.T.C. on campus by picketing the R.O.T.C. 'war games' on South Mountain ended in the harassment of the military maneuvers by about 60 students. . . . Throughout the maneuvers the demonstrators 'infiltrated' the R.O.T.C. divisions, mocking the entire operation, singing the Star Spangled Banner and cheering some of the officers for 'a good show'."

The first sit-in at Lehigh took place on May 7 by 50 students, significantly accompanied by two teaching assistants from the university's department of social relations! They took over a waiting room next to that of the president. They were supplied coffee and doughnuts by the university. This, of course, was interpreted as approval, encouraging them.

The Feb. 18 issue of Brown and White announced that Thomas Hayden was coming to speak at Lehigh on Feb. 26. He was described as "one of the leaders of the riots at Chicago Democratic Convention and the student uprisings at Columbia." The rest of the front page was given over mostly to a Bethlehem student who was being tried for refusal to accept induction into the U.S. Army. The article announced he was coming to Lehigh for a meeting on conscientious objection.

The pro-red, propaganda climate was punctured by the reaction to the Hayden speaking engagement. An opposition developed that demonstrated that the one-sidedness so consistently shown on the side of the enemy was the consequence of default, especially lack of initiative by those who possess the capacity, authority and responsibility. Students alone cannot be expected to fill the gap, any more than they can do policy planning for the campus disorders of a guerrilla nature that have been occurring throughout the nation.

Certainly, nobody any longer can claim that the campus disorders are spontaneous in each locality, that there is no tactical planning nor strategy. One may tactfully avoid the taboo word, conspiracy, but what other word defines it? On each campus, though, the students are left to themselves to confront such a scientifically organized program for rebellion and conquest, and when they do not react with the effectiveness and skill of the professionals and other agitators, this is interpreted as proving that they support and believe in the enemy's cause.

The response to Hayden exposed how much can be accomplished with so very little. The lead has been given, but it must be encouraged and followed through with vigor.

My son, Roger, who had taken a course in communism outside of the university, decided to try to counteract the invitation to Hayden. He sounded out some student colleagues on forming a protest group. He had a few names of knowledgeable persons, and contacted them. One was Herbert Philbrick, who operates an office in Washington called the U.S. Anti-Communist Congress, Inc. The Lehigh Valley newspapers were sent a press release full of details by the experienced Philbrick, exposing and denouncing the Hayden engagement.

FINALLY, ANTIREDS GET SOME BROWN AND WHITE SPACE

As a consequence, the article announcing Hayden's visit, that appeared under a three-column headline on page one of the Bethlehem Globe-Times of Feb. 17, included the legitimate news, "His visit is expected to be protested by the student group headed by Roger Coffman, a junior from Fairfax, Va.," and quoted Philbrick's statement, issued "on behalf of Coffman's committee." Seven questions were to be distributed at the meeting, to be asked of Hayden by students in the audience. This struck at the very heart of the foe, for reds demonstrably never are able to reply to such informed and specific questions, but always try to change the subject, and engage in some evasion as asking another question instead of answering. If pinned down, they will create a disorder rather than reply. Hayden reacted according to pattern.

The paper also quoted the charge that Hayden was "a self-confessed Quisling and collaborator of the red fascist, Ho Chi-minh." Hayden promptly announced that he would be forced to postpone his appearance until Mar. 18 "because of illness." This forced the hand of Brown and White, and it took notice in its Feb. 21 issue of "a student group called the Hayden Confrontation Committee." Its statement was quoted, including the fact, "Hayden has been wined and dined by the Communists, and has accepted blood money from the Communists."

"According to Coffman," the Brown and White article said, "the seven questions that Hayden will be asked 'will reveal his true philosophy.'" The 15-inch article, under a three-column headline, was the first reporting I have seen of anti-communist views to appear in Brown and White.

Its next issue, Feb. 25, accordingly ran an editorial defending the Hayden engagement. It falsely labelled Hayden and Dick Gregory, who had spoken previously at Lehigh, as liberals, and crudely compared them to an-

other speaker, Barry Goldwater, who was referred to as a reactionary. Hayden, working for the destruction of our land, even to the extreme of giving aid and comfort to the enemy, cannot be honestly equated with Sen. Goldwater, who politically is simply a conservative.

The Bethlehem Globe-Times of Mar. 19 gave extensive coverage to the Hayden talk, that was attended by about 800. The article, by L. Eugene Bogan, staff writer, gave proper balance to the questions and answers, and to the protesters. He wrote: "Inside the building, 10 students led by Roger Coffman, a Lehigh junior, carried out their announced plan of distributing anti-Hayden questions," and he pointed out that the students "experienced difficulty in zoning in on their target" with their questions. Here are excerpts from his article:

"Q. Do you have a job; are you gainfully employed? A. I made a pile of money for coming here tonight. I will keep a little for myself and give the rest to the revolution."

"Q. You said that the hippies are transitional figures pointing to a future society of abundance while the well-dressed businessmen and engineers are fossils of a bygone age. How can hippies operate the future technological society?"

"A. Don't you think engineers should turn on?"

"That's not an answer; answer the question," shouted about 50 persons scattered throughout the audience."

Curiously, the reporter for the Allentown Morning Call managed to conceal this opposition with a Tass-like paragraph, "His largely student audience was interested and enthusiastic and greeted several hecklers at the rear of the auditorium with disfavor." The reporter was Glenn E. Airgood, who had been assistant to the editor of Brown and White, and a journalism student. One might wonder what sort of journalism is taught these days, and if this is an example.

Photos in the Bethlehem Globe-Times showed a protester, his sign, and a heckler asking, "Why don't you get out?" A four-column photo in the Allentown Morning Call merely showed Hayden at the rostrum and a bit of the audience.

This is a struggle for keeps in our country. We have allowed the enemy to gain inroads by default. What is presented as objectivity are different views on the anti-anticommunist and pro-red side, with anti-communists and patriotism excluded. Students do not create nationwide policy and tactics. They are guided—manipulated—by faculty personnel and by outside sources on the pro-red side. This can be defeated by objective truth given the students, and guidance without a pathological hush-hush of such words as "communism" and "conspiracy". But their elders must accept responsibility.

EBONY EDITORIAL: LET'S GIVE HIM A CHANCE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1969

Mr. BOB WILSON. Mr. Speaker, much has been written during the past few months condemning and praising the Nixon administration's racial policies. The following editorial from Ebony is, I feel, a fair and balanced appraisal of the President's efforts in this regard and I am pleased to share these thoughts with my House colleagues:

LET'S GIVE HIM A CHANCE

When Richard Milhous Nixon was sworn in as the 37th President of these United

States on the 20th of January, 1969, black voters throughout the nation resignedly assumed a "wait and see" attitude. Since less than ten per cent of the Negro vote had gone to Nixon, blacks were pessimistic about the attitude the White House would take toward the black man.

Knowing that they had asked for, and got, rewards for electing the late John Fitzgerald Kennedy and supporting his successor, Lyndon B. Johnson, they feared that President Nixon, owing them nothing politically, would slow down the progress of the black man and, perhaps, even turn back the pages of civil rights, particularly in desegregation of Southern schools.

Accustomed to the extremely partisan, dog-eat-dog politics of most local scenes, blacks expected punishment. Some of the more militant blacks, many of whom had urged Negroes to stay away from the polls, hoped for indications on punishment. They know that a federal slow down on civil rights will help solidify blacks on a more militant basis.

FORWARD TOGETHER

Early in his inaugural address, President Nixon talked about the proud achievements of this nation in the "second third of this century." He talked about the enormous strides in science and industry and agriculture. And then he said, "We have given freedom new reach, we have begun to make its promise real for black as well as for white." Later in the address he talked again of the freedom of the black man as he emphasized his inaugural theme of "Forward Together." "No man," he said, "can be fully free while his neighbor is not. To go forward at all is to go forward together."

"This means black and white together, as one nation, not two. The laws have caught up with our conscience. What remains is to give life to what is in the law: to insure at last that as all are born equal in dignity before God, all are born equal in dignity before man."

The words were a promise of progress in civil rights and equality. But such was to be expected in an inaugural address.

STRAWS IN THE WIND

The true ability of a President cannot be assessed in a few months. Even at the end of a four year term, a President might still be of unproved quality. Looking back in history, one can only now see in perspective such Presidents as Herbert Hoover, Franklin Delano Roosevelt, and Harry S. Truman. Dwight D. Eisenhower, John Fitzgerald Kennedy and Lyndon B. Johnson served too recently to be judged at this time. But early in a President's term of office, there are straws in the wind that let one know what bent he is likely to take on certain issues. One hint as to President Nixon's handling of racial issues came even before Mr. Nixon was sworn in. And it came not from Mr. Nixon but from Robert H.

Finch, now Secretary of Health, Education and Welfare but then lieutenant governor of California and one of Mr. Nixon's closest advisors. In an interview with United Press International, Finch said that the Nixon administration could bring "a new kind of candor and realism" to the drive for racial equality because the administration owes no political debts to the "black establishment." Finch said that the administration would design practical programs to give both black and white youths "the same chance at the starting line" and that guaranteeing Negroes equal opportunities with whites is "chiefly a matter of education." Finch also said that minority militants would have very little influence on the Nixon administration. "I find," said Finch, "that many of these so-called militants have a very narrow constituency. I hope that our programs can be geared to the responsible members of these minority communities."

Shortly after Mr. Finch's UPI interview and a week before the Inauguration, Mr. Nixon invited six black leaders to meet with him in New York City. They were SCLC President Ralph Abernathy, Ebony Publisher John H. Johnson, Afro-American Publisher John Murphy, National Baptist Convention Vice President Rev. Sandy Ray, black Elks Grand Exalted Ruler Hobson Reynolds and Black Power Conference Chairman Dr. Nathan Wright. To these men, Mr. Nixon pledged that he would endeavor to surpass the efforts of his predecessors to improve the economic and social conditions of black Americans. He said that this meeting was the first of many meetings in which he hoped to develop communication between his Administration and black Americans. He said he was seeking advice from black leaders to give him "direction, advice and criticism" in affairs that affect black citizens. Declaring that he wanted to broaden the base of Presidential appointments to put qualified blacks in responsible positions serving the needs of all Americans, Nixon hinted at meaningful appointments to come.

THE GREAT DISTRUST

Despite all President Nixon has had to say on racial problems during his meetings with various black leaders both before and after his inauguration, black people seemed to have assumed an air of watchful distrust. The depth of this distrust became apparent to Mr. Nixon when he began seeking qualified Negroes for Presidential appointments. In several instances, his spokesmen were rebuffed by Negroes who would have been willing to accept the appointment but turned down the offers only because they did not want to be labeled "Uncle Tom" by other, more militant blacks.

The most highly publicized appointment to date, that of James Farmer, former national director of the Congress of Racial Equality (CORE), to assistant secretary

for administration in the Department of Health, Education and Welfare, marked Mr. Nixon's first breakthrough to a nationally known black leader. And Farmer's statement about his acceptance should give other black leaders thought if they should also be approached for meaningful appointments. Admitting that some might have reason to protest some things that he might do, he added, "But there also is a great need for some people to get on the inside and try to have some influence."

Nixon early made history by appointing California's James Johnson as the first black man ever to serve as a U.S. Civil Service commissioner. Johnson is a Republican from California and formerly served as director of the State Dept. of Veterans Affairs under Gov. Ronald Reagan. But Farmer earned his first Republican support when he ran for Congress in Brooklyn on the liberal ticket with Republican backing and lost to Democrat Shirley Chisholm.

Nixon has appointed two assistant secretaries in the Department of Housing and Urban Development, Samuel C. Jackson and Samuel J. Simmons. Both meaningful appointments, that of Jackson has been given special weight because it has been indicated that he actually has the status of an Under Secretary—Number 2 man in the Department.

Nixon seems determined, at least in number, to surpass President Johnson in the appointment of blacks to Washington jobs. In the White House, two black aides, Robert J. Browne and Michael Monroe, can look around at seven or eight black secretaries where during the Johnson administration there were only one or two. President Nixon has also urged his cabinet to employ as many Negroes as possible.

LET'S GIVE HIM A CHANCE

James Farmer might just be right when he says that black men need more influence from the inside. And black men who turn down meaningful and desirable appointments merely from fear of being labeled "Uncle Tom's" could be doing their own people a great disservice. National Urban League Director Whitney Young recently said: "More Negroes should be encouraged to accept jobs in the Nixon Administration . . . It is to the benefit of every Negro in this country that we are ably represented."

The black man has been handicapped in the past because he did not have men "on the inside" in government. Now that he does have that opportunity, he should take every advantage of it. The very presence of a black man in an office or on a committee helps keep the white majority from forgetting us.

So far as serving under President Nixon is concerned, let's face it. He's the only President we have—Let's give him a chance to prove himself.

HOUSE OF REPRESENTATIVES—Thursday, May 22, 1969

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Eye hath not seen, nor ear heard, the things which God hath prepared for them that love Him.—1 Corinthians 2: 9.

Almighty and everlasting God, from whom all thoughts of truth and love proceed; kindle in our hearts and in the hearts of all men a real love for the truth and a deep concern for peace.

Guide with Thy wisdom those who lead our Nation, our President, our Speaker, the Members of this House of Representatives, and all who work with

them under the dome of this Capitol, that in all good will Thy kingdom may go forward and Thy will be done on earth.

Make real in our hearts the spirit of Thy love; strengthen us by Thy power; draw us closer to Thee and, in so doing, bind us together in a firm and a faithful bond of unity, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION AS A MEMBER OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following resignation from the Canada-United States Interparliamentary Group:

MAY 21, 1969.

HON. JOHN W. MCCORMACK,
Speaker of the House,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with deep regret that I find I must resign my position on the United States-Canadian Interparliamentary Conference.