

EXTENSIONS OF REMARKS

THE 350TH ANNIVERSARY OF ENFRANCHISEMENT OF JAMESTOWN POLES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MOORHEAD. Mr. Speaker, no single nationality group has given itself more to the American ideal than the Polish Americans.

The earliest recorded history of America shows that hardworking Polish immigrants were asked to come to the Jamestown colony by Capt. John Smith, who was familiar with the excellent reputation of the Polish workingmen.

These early Polish settlers, who came to Virginia in 1619, diligently plied their trade as indentured workers for the Virginia Co. of London until they tired of their second-class citizenship, much like today's minority groups, and demanded that they be treated as "freemen."

Impressed with their skills and desirous that the colony prosper, the English agreed to enfranchise the Poles and allow them to participate in the running of the Jamestown colony.

This granting of full citizenship to the earliest Polish inhabitants of the New World is regularly celebrated by Poles all over America.

Pittsburgh Poles of American decent will celebrate the 350th anniversary of the enfranchisement of the Jamestown Poles on August 31 of this year.

As a tribute to them and their predecessors, I would like to introduce the following story of the Jamestown Poles which was prepared by Joseph Borkowski, chairman of the Political Historical Commission, Polish Falcons of America, Pittsburgh branch:

THE 350TH ANNIVERSARY OF ENFRANCHISEMENT OF JAMESTOWN POLES

(By Joseph A. Borkowski, chairman, Polish Historical Commission)

ARRIVAL OF POLES

It was in the year 1608 that the first group of Poles arrived to the Jamestown Colony upon the invitation of Captain John Smith, following his petition to the London Company, "that they send for carpenters, husbandmen, fishermen and for glass men, pitch and tar makers to Germany and Poland till we will be able to sustain ourselves," and further adding that, "this in preference bringing thousands such as we have now." He further emphasized that, "they (English) did not know what a day's work was except the Poles" (Edward Arber "Works of Captain John Smith," page 94).

Beginning with 1608, a unknown number of Polish workmen were employed by the Virginia Company to "make pitch and tar, glass mills (for glass-mills and soap-ashes," in company with certain Dutchmen. (John Smith's *Map of Virginia*, part 2, p. 42). Later references indicate that the Poles worked more on the pitch and tar, and soap-ashes, while the Dutch (Germans or Swiss?) had more to do with the glass. But the division of labor is not specifically mentioned anywhere, to the best of my knowledge.

The first group included at least two but not more than five Poles. How many Poles were in Virginia by 1619 is apparently not

recorded. Whoever they were, and whatever specifically they did, they must have gone to Virginia under an indenture or other type of contract with the Virginia Company of London. Such indentures, or contracts, provided transportation and a certain "salary" for a given number of years—in this instance, probably seven. During the life of the contract or indenture, the workmen so employed were "bound" to the company. That is to say, by signing the contract, they agreed to put themselves at the Company's disposition for, say, seven years. The *enfranchisement* referred to in the Records of the Virginia Company almost certainly is their release from the contract, or indenture. Englishmen went to work under similar contracts, and the Poles obviously, and justly, claimed the same right to freedom as their English co-workers had. It should be noted that the verb to *enfranchise* did not mean the right to vote until at least a century later. It meant to be free of bondage of any sort. The word must be taken with its meaning in the early seventeenth century—a matter which many have overlooked. It is a grave error to read into the political principles of 1620 or so the ideas which exist today. The same applies to the Virginia Assembly of 1619, generally we should not forget that the government of Virginia still centered in the Company in London, and whatever rights to complain or to demand reform to colonists had were far different from the right to vote as we understand it today.

BASIS OF POLES COMPLAINT

The Poles in Virginia justly complained when the Council in Virginia apparently disregarded the freedom rightly theirs when they had completed their contract with the Company. Their complaint was heard by the Court held on *London in July 21, 1619*, and we have the following record:

"Upon some dispute of the Polonians resident in Virginia, it was now agreed (notwithstanding any former order to the contrary) that they shall be enfranchised and made as free as any inhabitant there whatsoever: And because their skill in making pitch and tar and soap-ashes shall not die with them, it is agreed that some young men shall be put (to work under) them, to learn their skill and knowledge therein for the benefit of the Country hereafter." (*The Records of the Virginia Company of London*, edited by Susan Myra Kingsburg, published by the Library of Congress, Vol. 1; 1906, pp. 251-2.)

It should be noted that this meeting was held at the house of Mr. John Ferrar, in St. Sithes Lane London.

Now, it would have been impossible for the Poles in Virginia to have received word of their enfranchisement in London in time to vote even if there were any votes cast, in Virginia before the end of the Assembly. It was dissolved by Sir George Yeardley on August 4, two weeks to the day after the meeting in London. This did not prevent a Pole from speaking before the assembly.

SUMMARY OF JAMESTOWN POLES AS DOCUMENTED

1608 The first Poles arrived in Jamestown aboard the Mary and Margaret, Christopher Newport, Captain, about the middle of September. Captain John Smith was the President of the Virginia Council. They probably died or were killed during the winter of 1609-1610, "the starving time."

1610 (?)—1619 A small number of Polish artisans arrived in Virginia, at various times, under contract with the Virginia Co. One, named Robert, distinguished himself in 1616 for his knowledge of the Indian language and his ability to trade with the Indians.

Late in 1618 or early in 1619, Poles whose contracts had run out appealed in London

for their release from further obligation to the Company, and were enfranchised and made free members of the community as of July 21, 1619. Meanwhile, the Company had determined upon a number of reforms in the administration of the colony, and issued instructions to the new governor, Sir George Yeardley, to put them into effect. This was done by summoning a General Assembly for Jamestown on July 30, 1619. This was the first popular assembly in the western hemisphere, and Robert, the Pole, appeared before it on August 4, and testified that one of the English captains was acting in a manner discreditable to the Governor, in the presence of Indians.

1623 "Molasco," a Pole whose true name is not known, appeared before the London Council for Virginia to testify regarding certain injustices in Virginia, and later in the same year worked in favor of a reorganization of the Company, which was put into effect the following year.

REFERENCES

Captain John Smith. "The True-Travels London 1630. *Polish-American Studies*, "What We Know About Poles in Jamestown" Vol. XV. No. 1-2, Jan.-June 1958.

Susan Myra Kingsburg, "The Records of the Virginia Company; Edward Arber, "Works of Captain John Smith," Birmingham, 1884 Conway Whittle Sams, "the Conquest of Virginia, London 1612, "Captain John Smith "The Oxford Tract—the map of Old Virginia."

Philip L. Barbour, Letter to the writer dated June 11, 1968. Mr. Barbour also had a very interesting article on Jamestown Poles in *Mary & William Quarterly* January 1964, titled "The Identity of the First Poles in America."

INTERNAL TAX ON SOYBEAN OIL AND MEAL BY THE EUROPEAN ECONOMIC COMMUNITY

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Monday, June 9, 1969

Mr. FULBRIGHT. Mr. President, earlier this year I expressed my concern about the proposed internal tax on soybean oil and meal by the European Economic Community. I ask unanimous consent that a report prepared by the National Soybean Processors Association be printed in the Extensions of Remarks.

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

THE PROPOSED EEC TAX ON SOYBEAN OIL AND MEAL

(An economic analysis of the proposed internal tax on soybean oil and meal by the European Economic Community; staff report, Economic Study Committee, National Soybean Processors Association, Washington, D.C.)

THE SOYBEAN PROCESSING INDUSTRY

The United States is the world's largest exporter of fats and oils. America's processing plants annually export millions of dollars worth of oilseeds and oilseed products to key markets all over the world. These markets are prime sources of hard currency to help maintain a healthy U.S. balance of payments.

The members of the European Economic Community (The Common Market) are America's leading buyers of the products of

soybeans—the U.S. farmers' Number One cash crop. Last year, over \$450 million worth of soybean oil and meal—fully one-third of America's total agricultural exports to the EEC—were sold to Common Market members. This was the equivalent of over 200 million bushels of soybeans.

Total 1967-68 Common Market sales were 93 million bushels of raw soybeans for processing, and 2,036,000 million short tons of soybean meal. All of these sales were for hard currency—an important boost to the U.S. economy. In perspective, these Common Market sales accounted for 31 percent of the soybeans exported from the United States, and 70 percent of all soybean meal exported.

Europe's Common Market buys soybeans and soybean products from more than two million U.S. acres. Loss or decline of these important Common Market sales would be disastrous to America's soybean industry, already facing a serious carryover of stocks due to inflexible prices on world markets. Adversely affected would be growers, processors, distributors, and the total U.S. agricultural economy.

In addition, any decline in Common Market outlets for U.S. soybeans would result in a further sharp increase in tax monies spent for government price support payments. Experts foresee an additional expenditure of \$150 million without EEC markets. That's in addition to the estimated \$700 million already invested by the Commodity Credit Corporation for price support programs.

The harm wouldn't stop there. Reduced processing and transportation needs would sharply curtail labor requirements. Shippers would suffer in reduced cargoes to foreign ports.

But why the air of impending disaster? The reason is . . .

PROPOSED TAX ON SOYBEAN OIL AND MEAL

European Common Market nations are experiencing huge butter surpluses due primarily to artificially high dairy support prices. Instead of lowering their inflated supports, members of the EEC propose to place an internal tax on all oilseed products. Their reasoning is that this tax will price oilseed products out of the cooking oil and feed markets, replacing the oil with cut-price butter and the meal with casein.

Another factor in the oilseed tax proposal is the EEC's desire to increase internal markets for its expanding rapeseed production, while at the same time reduce competition with EEC-produced barley and wheat. With a 50 percent subsidy on rapeseed—and production increasing 20 percent annually—the EEC wants to expand internal markets to reduce this economic burden. Coupled with this problem, imported protein-base commodities are selling below EEC-produced barley and wheat. The EEC hopes to alleviate this price differential. An oilseed tax would do just that.

The proposal was made by Dr. Sicco Mansholt, vice-president of the Commission of European Communities, to the Council of Ministers of the EEC. Dr. Mansholt proposed that an internal tax of \$60 per ton be placed on soybean oil, and a similar tax of \$30 per ton be placed on oilcake and protein meal. His proposal is currently under consideration by the EEC's executive body in its original form, and may be acted upon at any time.

Originally designed to stabilize the EEC's edible fats and oils market, the proposed tax is, in fact, designed to discourage EEC use of soybeans and products, while at the same time encouraging the consumption of local agricultural surpluses. In short, the proposed tax is another example of the EEC's efforts to shift the financial burdens of supply adjustment to third countries through intensification of import restrictions and export subsidies.

THREAT TO U.S. SOYBEAN INDUSTRY

Implementation of the proposed tax would have several serious implications:

First, the proposed tax would reduce U.S. farm income and export earnings by inhibiting soybean exports. Soybeans are America's third ranking agricultural crop. In 1968, more than a billion bushels were raised on 40 million acres in 30 states, earning \$2.5 billion in gross farm income. Soybeans also are America's third ranking agricultural export commodity. Approximately 40% of total production moves in export trade, generating \$1 billion annually in export earnings.

The European Economic Community is the leading export market for soybeans and products, taking \$450-500 million annually. The proposed tax would reduce annual export earnings by approximately \$175 million, or the equivalent of 60-65 million bushels of soybeans at current export values. This result would contradict the United States' strong interest in export expansion, which is so essential to the balance of payments and international stability of the dollar.

Second, the proposed tax would plug one of the few remaining holes in the Community's highly protective agricultural system through which oilseeds and protein meals enter duty-free. Significantly, soybeans and protein meals are the most important U.S. agricultural export commodities still free from EEC variable levies, their duty-free status having been bound in the Dillon Round. These valuable bindings have been viewed as the principal achievements in agricultural negotiations in the Dillon and Kennedy Rounds. If implemented, the proposed tax would substantially impair the value of the bindings.

Third, the proposed tax would retard one of the most successful cash crops in U.S. agriculture—soybeans. Soybeans were introduced into the United States in the early 1900's but did not attain commercial significance until the 1930's. The industry's most rapid growth has occurred in the past ten years. Since 1957-58, soybean acreage has doubled; total production has more than doubled. This rapid growth has enabled the industry to capitalize on parallel growth in export and domestic product demand.

In fact, the United States, once dependent upon imports, has become the world's largest exporter of fats and oils. Soybean oil exports grew from 679 million pounds in 1957-58 to a peak of 1.4 billion pounds in 1965-66, but have since declined as a result of increased world market competition. Soybean meal exports increased from 300,000 tons in 1957-58 to 2.5 million tons ten years later. During the same period, soybean exports quadrupled. Oilseed and product exports to the Common Market alone rose from \$200 million in 1962 to nearly a half billion dollars last year. Oilseeds and products now account for a third of all U.S. agricultural exports to the Common Market.

Fourth, the proposed tax would have serious repercussions in our domestic agricultural economy. Reduction of soybean exports would cause a back-up in domestic supplies, resulting in loss of farm income and increased CCC budget expenditures for price support and inventory management operations under the soybean price support program. These results would aggravate the already troublesome soybean surplus that has developed in the past two crop years and indirectly would favor acreage or other production or marketing controls which heretofore have been neither necessary nor desirable in the soybean industry.

Loss of export volume would be especially serious this year in view of the anticipated increase in carry-over of soybeans at the end of the crop year. Even before the EEC tax was proposed, the soybean carry-over was estimated at 335 million bushels this year, a ten-fold increase over five years ago.

Fifth, the proposed tax would violate important U.S. rights under the General Agreement on Tariffs and Trade (GATT), even though the proposed tax is "internal" and would apply equally to imported and domestic products. The United States Government has protested the proposed tax as a massive impairment of present conditions of access to European oilseed markets. Our government has reiterated that any action of the kind proposed would substantially damage U.S. trade and would trigger swift counteraction, including retaliation, to restore the balance of trade.

U.S. OPPOSITION TO EEC TAX

On December 16, the U.S. Ambassador to the European Common Market presented an "aide memoire" on the proposed tax to Vice President Mansholt expressing grave concern. He warned that, if the tax should be adopted, the U.S. would act swiftly to restore balance of trade concessions. This note was followed by a personal letter from Ambassador William Roth, then the President's Special Trade Representative, to Commission President Jean Rey. The U.S. Ambassador to the Community also met with President Rey and explained the danger of a U.S.-EEC confrontation implicit in the proposed tax. In addition, U.S. embassies in the six member states have explained our position to their host governments.

Shortly before leaving office in January, former Secretary of Agriculture Freeman stated—

"This matter of continued open access to the European Community markets for our soybeans and soybean products is one of the most important trade problems to confront American farmers since I became Secretary of Agriculture. If this proposed action by the Community should take place, I can think of nothing that would do more to turn back the clock on the effort we have made to improve access to foreign markets for our farm products."

Scarcely two weeks later, the new Secretary of Agriculture, Clifford M. Hardin, reaffirmed that view:

"We consider this to be the most important trade problem that has arisen in agriculture between the United States and the European Community . . ."

During the first 100 days of the Nixon Administration, the 91st Congress put forth several resolutions against enactment of the tax. More than a dozen key Members of Congress actively spoke out against the tax in the Halls of Congress. Attached to this special report is a booklet containing Congressional discussion on the matter.

THE SITUATION TODAY

Many students of the Community's Common Agricultural Policy believe that the Council of Ministers will recede from the proposed tax rates in the face of growing opposition, and eventually will agree to substantially reduced rates. It should be emphasized, however, that the mere enactment of the proposed tax, even at lower rates, would constitute a serious trade impediment. This action would, in effect, purport to shift the cost of Common Market agricultural adjustment to the United States and other third country suppliers.

Imposition of the proposed tax at any rate would establish it in principle, and the rates thereafter could be unilaterally increased. Our experience with the Community's common policy for grains—specifically, regular increases in target prices—illustrates our apparent inability to influence changes in Common Market pricing policies once a damaging principle has been established.

Several producer and trade organizations have urged the U.S. Government to continue to press the community for withdrawal of the proposed tax in favor of more fundamental solutions to internal agricultural adjust-

ment problems. These organizations have pledged their active support for whatever actions are undertaken to preserve U.S. access to EEC oilseed and product markets. These same organizations have argued that

the European Community ought not be permitted the luxury of rationalizing its highly protectionist agricultural system at the expense of traditional suppliers, including the United States' own balances of trade and

payments depend heavily upon its continuing ability to take trade advantage of its more efficient production and marketing systems. Restriction of trade in any form would greatly hamper this effort.

UNITED STATES: EXPORTS OF PRINCIPAL OILSEEDS AND PRODUCTS TO THE EEC, QUANTITY AND VALUE, FISCAL YEARS 1960-61 THROUGH 1967-68

| Units | 1960-61 | 1961-62 | 1962-63 | 1963-64 | 1964-65 | 1965-66 | 1966-67 | 1967-68 | |
|-------------------------------|---------------------------|----------------|------------------|----------------|----------------|----------------|----------------|------------------|------------------|
| Oilseeds and products: | | | | | | | | | |
| Soybeans..... | 1,000 bushels..... | 50,130 | 58,316 | 63,520 | 72,446 | 70,258 | 92,883 | 95,585 | 92,787 |
| | 1,000 dollars..... | 118,498 | 147,095 | 163,826 | 193,934 | 200,643 | 260,761 | 294,419 | 260,949 |
| Soybean oil..... | 1,000 pounds..... | 20,931 | 8,113 | 10,967 | 78,290 | 19,808 | 7,748 | 1,723 | 528 |
| | 1,000 dollars..... | 2,350 | 982 | 959 | 6,839 | 2,342 | 996 | 234 | 82 |
| Soybean meal..... | 1,000 short tons..... | 226 | 493 | 664 | 665 | 1,242 | 1,535 | 1,640 | 1,973 |
| | 1,000 dollars..... | 13,595 | 31,331 | 49,016 | 52,644 | 95,302 | 122,374 | 144,872 | 164,522 |
| Cottonseed..... | 1,000 pounds..... | 40 | 1,093 | 7,478 | 988 | 979 | 89 | 6 | 234 |
| | 1,000 dollars..... | 5 | 108 | 288 | 107 | 114 | 12 | 1 | 28 |
| Cottonseed oil..... | 1,000 pounds..... | 188,921 | 108,496 | 89,371 | 169,863 | 213,241 | 72,929 | 669 | 888 |
| | 1,000 dollars..... | 21,379 | 13,994 | 9,577 | 17,245 | 26,136 | 8,511 | 94 | 113 |
| Cottonseed meal..... | 1,000 short tons..... | 3 | (¹) | 7 | 5 | 18 | 27 | (¹) | (¹) |
| | 1,000 dollars..... | 157 | 12 | 467 | 320 | 1,115 | 1,896 | 38 | 16 |
| Flaxseed..... | 1,000 bushels..... | 6,146 | 1,393 | 3,906 | 3,271 | 6,059 | 4,023 | 6,920 | 4,149 |
| | 1,000 dollars..... | 18,677 | 4,728 | 11,986 | 9,603 | 17,398 | 11,779 | 20,364 | 12,918 |
| Linseed oil..... | 1,000 pounds..... | 18,861 | 52 | 7,316 | 6,959 | 16,076 | 48,936 | 92,598 | 42,820 |
| | 1,000 dollars..... | 2,395 | 13 | 708 | 572 | 1,448 | 4,734 | 8,854 | 4,583 |
| Linseed meal..... | 1,000 short tons..... | 38 | 16 | 50 | 32 | 76 | 106 | 75 | 56 |
| | 1,000 dollars..... | 2,372 | 959 | 3,762 | 2,416 | 4,865 | 7,429 | 6,110 | 4,363 |
| Total (EEC)..... | 1,000 dollars..... | 179,428 | 199,222 | 240,589 | 283,679 | 349,389 | 418,493 | 474,987 | 447,579 |

¹ Less than 500 short tons.
Source: Bureau of the Census.

U.S. AGRICULTURAL EXPORTS TO THE EUROPEAN ECONOMIC COMMUNITY, 1960-68

[In millions of dollars]

| Year ending June 30 | Exports subject to variable levies ¹ | | Other exports | Total | Year ending June 30 | Exports subject to variable levies ¹ | | Other exports | Total |
|---------------------|---|-----|---------------|-------|---------------------|---|-----|---------------|-------|
| | | | | | | | | | |
| 1960..... | 340 | 760 | | 1,100 | 1965..... | 529 | 842 | | 1,371 |
| 1961..... | 384 | 737 | | 1,121 | 1966..... | 736 | 857 | | 1,593 |
| 1962..... | 498 | 686 | | 1,184 | 1967..... | 545 | 971 | | 1,516 |
| 1963..... | 416 | 653 | | 1,069 | 1968..... | 557 | 845 | | 1,402 |
| 1964..... | 506 | 827 | | 1,333 | | | | | |

¹ The EEC's system of variable levies is designed to bring the cost of certain agricultural imports to the price level of EEC-produced commodities. Grains, poultry, and pork were made subject to

variable levies beginning on July 20, 1962; rice on Sept. 1, 1964; and beef and dairy products on Nov. 1, 1964.

Compiled from U.S. Bureau of the Census data.

EEC MEMBER COUNTRY AND AGGREGATE EEC THRESHOLD PRICES WEIGHTED BY INDIVIDUAL COUNTRY UTILIZATION ¹

[In dollars per metric ton]

| Grain and year | Germany | France | Italy | Belgium | Netherlands | EEC average ² | Grain and year | Germany | France | Italy | Belgium | Netherlands | EEC average ² |
|----------------|---------|--------|--------|---------|-------------|--------------------------|----------------------------------|---------|--------|-------|---------|-------------|--------------------------|
| | | | | | | | | | | | | | |
| Wheat: | | | | | | | Barley: | | | | | | |
| 1962-63..... | 121.00 | 95.54 | 109.60 | 98.20 | 92.96 | 105.60 | 1962-63..... | 106.75 | 76.93 | 62.59 | 81.60 | 77.35 | 87.67 |
| 1963-64..... | 119.50 | 97.75 | 112.80 | 99.20 | 98.48 | 107.83 | 1963-64..... | 104.50 | 80.53 | 65.89 | 81.60 | 79.01 | 88.70 |
| 1964-65..... | 119.50 | 98.22 | 112.80 | 99.40 | 104.97 | 107.98 | 1964-65..... | 104.50 | 81.00 | 67.20 | 83.40 | 80.66 | 89.90 |
| 1965-66..... | 118.62 | 99.74 | 112.80 | 99.40 | 104.70 | 108.39 | 1965-66..... | 103.87 | 83.07 | 67.20 | 84.00 | 88.95 | 92.15 |
| 1966-67..... | 118.62 | 101.25 | 112.80 | 99.40 | 104.56 | 108.99 | 1966-67..... | 103.87 | 85.13 | 66.62 | 84.00 | 88.95 | 90.55 |
| 1967-68..... | 105.30 | 106.22 | 108.48 | 104.37 | 104.38 | 116.67 | 1967-68..... | 89.94 | 91.38 | 81.98 | 88.93 | 89.00 | 89.73 |
| 1968-69..... | 105.30 | 106.22 | 108.48 | 104.37 | 104.38 | 106.67 | 1968-69..... | 93.13 | 94.57 | 85.80 | 92.12 | 92.19 | 93.00 |
| Corn: | | | | | | | Total grain ³: | | | | | | |
| 1962-63..... | 108.00 | 89.57 | 60.99 | 77.60 | 70.44 | 72.73 | 1962-63..... | 114.05 | 89.63 | 87.95 | 88.58 | 80.24 | 93.90 |
| 1963-64..... | 104.50 | 94.96 | 60.99 | 76.60 | 73.48 | 74.46 | 1963-64..... | 111.97 | 92.57 | 87.71 | 88.61 | 82.94 | 94.41 |
| 1964-65..... | 104.50 | 96.15 | 64.29 | 77.40 | 75.55 | 77.42 | 1964-65..... | 111.47 | 93.09 | 89.88 | 88.97 | 86.18 | 95.89 |
| 1965-66..... | 105.30 | 87.76 | 64.80 | 78.80 | 86.05 | 77.92 | 1965-66..... | 113.13 | 93.13 | 89.54 | 89.33 | 92.43 | 96.28 |
| 1966-67..... | 105.25 | 87.76 | 71.20 | 78.80 | 88.54 | 74.43 | 1966-67..... | 110.56 | 94.09 | 85.45 | 88.56 | 93.30 | 94.63 |
| 1967-68..... | 89.36 | 89.38 | 81.65 | 88.42 | 88.38 | 85.72 | 1967-68..... | 96.38 | 99.24 | 95.58 | 94.92 | 93.44 | 96.77 |
| 1968-69..... | 93.67 | 93.69 | 86.59 | 92.73 | 92.69 | 90.04 | 1968-69..... | 98.35 | 100.91 | 98.27 | 96.52 | 95.79 | 98.83 |

¹ Prior to unification of the EEC member countries in 1967-68, each country maintained its own threshold prices. Since July 1967, however, the Rotterdam threshold prices have been used for determining the common levy that applies to each grain at all EEC entry points. Therefore, the individual country threshold prices for 1967-68 and 1968-69 shown above were computed, except for the Netherlands, on the basis of average differences in c.i.f. import prices that existed between the Netherlands and the other member countries during the 2 years prior to July 1967.

² Weighted threshold price.
³ Wheat, corn, and barley.

TABLE I.—SOYBEAN, SOYBEAN OIL, AND PROTEIN MEAL EXPORTS BY STATE AND TOTAL AGRICULTURAL EXPORTS BY STATE, FISCAL YEAR 1968

[Dollar amounts in millions]

| States ranked by order of export | Soybeans | Soybean oil | Protein meal | Subtotal | Total agricultural exports | Percent of soybeans to total | States ranked by order of export | Soybeans | Soybean oil | Protein meal | Subtotal | Total agricultural exports | Percent of soybeans to total |
|----------------------------------|--------------|--------------|--------------|----------------|----------------------------|------------------------------|----------------------------------|----------|-------------|--------------|----------|----------------------------|------------------------------|
| | | | | | | | | | | | | | |
| Illinois..... | \$142.6 | \$28.3 | \$52.4 | \$222.3 | \$585.3 | 38 | Louisiana..... | \$24.0 | | \$1.0 | \$25.0 | \$155.2 | 16 |
| Iowa..... | 112.3 | 20.5 | 40.0 | 173.1 | 392.3 | 44 | Tennessee..... | 21.0 | \$8.9 | 18.4 | 48.3 | 101.9 | 48 |
| Missouri..... | 57.1 | | | 57.1 | 174.1 | 32 | North Carolina..... | 21.0 | .4 | .8 | 22.2 | 366.2 | 6 |
| Indiana..... | 54.1 | 11.7 | 25.3 | 91.1 | 251.5 | 36 | Kansas..... | 14.3 | | | 14.3 | 296.0 | 5 |
| Arkansas..... | 71.3 | 6.7 | 13.7 | 91.7 | 254.8 | 36 | Nebraska..... | 13.5 | | | 13.5 | 229.5 | 9 |
| Minnesota..... | 53.3 | 7.4 | 15.2 | 75.9 | 226.3 | 34 | South Carolina..... | 18.0 | | 1.0 | 19.0 | 106.9 | 18 |
| Ohio..... | 38.3 | 7.4 | 14.9 | 60.6 | 194.1 | 31 | Alabama..... | 9.8 | | 1.2 | 11.0 | 55.6 | 20 |
| Mississippi..... | 39.0 | 3.0 | 9.6 | 51.6 | 163.8 | 32 | | | | | | | |
| Total, United States..... | 750.7 | 117.2 | 253.0 | 1,120.9 | 6,315.1 | 18 | | | | | | | |

TABLE II.—VALUE OF U.S. SOYBEAN AND SOYBEAN PRODUCT EXPORTS TO THE EEC, FISCAL YEARS 1964-68

(Dollar amounts in millions)

| Year | Vegetable fats and oils | Oilseeds (principally soybeans) | Oilcake and protein meal | Total | Total U.S. agricultural exports to EEC | Soybean and soybean product exports as percent of U.S. agricultural exports to EEC |
|------|-------------------------|---------------------------------|--------------------------|---------|--|--|
| 1964 | \$29.6 | \$204.6 | \$55.4 | \$289.7 | \$1,332.9 | 22 |
| 1965 | 41.4 | 219.6 | 101.9 | 362.9 | 1,370.9 | 26 |
| 1966 | 18.2 | 278.1 | 129.5 | 425.8 | 1,593.6 | 27 |
| 1967 | 12.8 | 318.0 | 151.4 | 482.2 | 1,509.9 | 32 |
| 1968 | 8.7 | 278.4 | 169.7 | 456.8 | 1,402.9 | 33 |

Source: "Foreign Agricultural Trade of the United States," USDA-ERS (January 1969), table 19.

TABLE I.—COMMODITIES SELECTED FOR STUDY: THEIR STANDARD INTERNATIONAL TRADE CLASSIFICATION (SITC), REVISED, AND DATE FIRST SUBJECTED TO VARIABLE LEVY BY EEC

| Commodity | SITC | Date when variable levy began |
|------------------------------------|---------------|-------------------------------|
| Subject to variable levy: | | |
| Wheat and wheat flour ¹ | 041, 046 | July 30, 1962 |
| Other flour | 047 | Do. |
| Barley | 043 | Do. |
| Corn | 044 | Do. |
| Other feed grains | 045 | Do. |
| Eggs | 025 | Do. |
| Livestock | 001 | (²) |
| Meat | 011, 012, 013 | (²) |
| Margarine and shortening | 091 | (²) |
| Rice | 042 | Sept. 1, 1964 |
| Milk and cream | 022 | Nov. 1, 1964 |
| Butter | 023 | Do. |
| Cheese | 024 | Do. |
| Not subject to variable levy: | | |
| Feedstuffs | 081 | |
| Oilseeds | 221 | |
| Animal oils and fats | 411 | |
| Vegetable oils, unprocessed | * 421, 422 | |
| Oils, processed, and waxes | 431 | |

¹ Wheat flour converted to wheat equivalent in subsequent tables.² The variable levy for poultry, live pigs, and pork came into effect July 30, 1962. It came into effect for beef and veal Nov. 1, 1964. Although variety meats and canned poultry are subject to the variable levy, the import duties are bound in GATT.³ Lard, included in SITC 091, became subject to the variable levy with pork products (July 30, 1962).⁴ Prior to 1960, SITC 412.

INDEPENDENT PRACTITIONERS UNDER MEDICARE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BARING. Mr. Speaker, I have received several letters from chiropractors practicing in my congressional district asking that I support addition of chiropractic to the benefits offered in medicare. The Senior Citizens Council has written asking that such care not be included, and many of my senior citizens have indicated concurrence. Organized labor is also opposed to the addition of chiropractic to medicare benefits.

The Department of Health, Education, and Welfare made a report to Congress dated December 28, 1968, entitled "Independent Practitioners Under Medicare" which, beginning at page 146, devoted some 76 pages to describing chiropractic, and I deem it of public interest to make an analysis of this report public.

The analysis follows:

ANALYSIS OF U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REPORT ON STUDY OF CHIROPRACTIC

An agency of the federal government after exhaustive study has concluded that chiro-

practitioners, who claim they can cure diseases by spinal adjustments, are so poorly educated that they cannot adequately diagnose or appropriately treat human diseases. The agency also found that chiropractors base their practice on ideas which scientists cannot accept.

On the strength of these conclusions, the Department of Health, Education and Welfare has recommended to Congress that chiropractors continue to be excluded from the nation's Medicare program.

Chiropractors have persistently lobbied Congress seeking federal recognition as professional practitioners qualified to treat aged patients who are Medicare beneficiaries. Congress has rejected their pleas. In 1967, Congress directed the Secretary of HEW to conduct a study to determine whether practitioners not included in Medicare, such as chiropractors, should be included. The report of the study, announced by HEW Secretary Wilbur J. Cohen, said chiropractors and naturopaths, who had also appealed for inclusion, should not.

The HEW report also warned that patronizing chiropractors "is undesirable" because "appropriate treatment could be delayed or prevented entirely; appropriate treatment might be interrupted or stopped completely; the treatment offered could be contraindicated; all treatments have some risk involved with their administration, and inappropriate treatment exposes the patient to this risk unnecessarily."

Chiropractors profess the belief that diseases are caused primarily by dislocation of vertebrae, called subluxation, which interferes with functioning of the nervous system and this in turn impairs the ability of the body to maintain health. HEW said: "There is no valid evidence that subluxation, if it exists, is a significant factor in disease processes. Therefore, the broad application to health care of a diagnostic procedure such as spinal analysis and a treatment procedure such as spinal adjustment is not justified."

"There is a body of scientific knowledge related to health, disease and health care," HEW added. "Chiropractic practitioners ignore or take exception to much of this knowledge despite the fact that they have not undertaken adequate scientific research."

The HEW report also noted that "the inadequacies of chiropractic education, coupled with a theory that de-emphasizes proven causative factors in disease processes, proven methods of treatment, and differential diagnosis, make it unlikely that a chiropractor can make an adequate diagnosis and know the appropriate treatment, and subsequently provide the indicated treatment or refer the patient."

Despite this deficiency in education and the rejection of proven scientific methods in favor of spinal analysis and spinal adjustment, the majority of chiropractors, HEW said, admit they treat such afflictions as chronic heart conditions, high blood pressure, headaches, the common cold, asthma, ulcers, deficiency anemia, tonsillitis, impaired hearing, colitis, hemorrhoids, dermatitis and mental and emotional problems.

A substantial percentage also admit they

treat polio, impaired vision, diabetes mellitus, rheumatic fever, pneumonia, hepatitis, mumps, acute heart conditions, appendicitis, pernicious anemia and cerebral hemorrhage. Some even say they treat leukemia and other forms of cancer.

HEW said the study was conducted with the assistance of 48 outside consultants and that every effort was made to insure that the requests for inclusion in Medicare received "unbiased, impartial consideration."

HEW pointed out in its study "... data from earlier and current related studies were relied upon for consideration of facts about each profession included. In addition, the professional organizations of the practitioners being studied were asked to submit basic information about their professions..." In the chiropractic section of the study, both national chiropractic organizations—the American Chiropractic Association and the International Chiropractors Association—made appearances and presented extensive materials to HEW in support of their arguments.

Five expert review panels, one of which was on chiropractic, were named by HEW. They acted as technical and scientific advisors to an Ad Hoc Consultant Group, which in turn served in an advisory capacity to HEW for the study. HEW explained that the panel members "were selected on the basis of their scientific background and high professional reputations in their respective fields. These panels evaluated data submitted by each of the professional organizations, together with that collected by the staff" of HEW.

The Ad Hoc Consultant Group, according to HEW, "discussed with representatives of each of the professional associations its position on independent practice in the Medicare program. They also reviewed analyses from the expert review panels and staff and reports from the professional associations of the disciplines studied."

"Primary considerations in the study," HEW said, "were to assure that high quality health care is provided to persons 65 and over who are or will be beneficiaries of the Medicare program, and to assure that beneficiaries have adequate access to care."

Chiropractic was started in 1895 by Daniel David Palmer, who described himself as a "magnetic healer" before discovering how to adjust the spine. He claims to have cured a man's deafness by spinal adjustment and developed chiropractic theories from that experience.

Palmer advanced the idea of "Universal Intelligence," "Innate Intelligence," and "Educated Intelligence." Universal Intelligence, he said, was God; Innate Intelligence the "soul, spirit and spark of life—something within the body which controls the healing process, growth and repair" and "is beyond the finite knowledge," and Educated Intelligence was the "conscious" utilization of "the cerebrospinal division of the volitional expression of its function." He claimed that vertebral displacement caused disease by interfering with the planned expression of Innate Intelligence through the nerves and when the displacement was corrected by adjustment, the Innate was allowed to effect the cure. This is still the basic premise of chiropractic.

Palmer asserted that in developing the theories of chiropractic, "I have answered the time-worn question—what is life?"

HEW noted that while some chiropractors do not believe that subluxation is the only cause of disease, spinal analysis the only diagnostic tool or adjustment the only valid treatment, "the concepts of the subluxation and of the spinal analysis and adjustment form the basis of chiropractic thinking and activities" and "they are greatly emphasized over other concepts of diagnosis and treatment and disease causation."

"In the health care field, as in many other fields," said HEW, "the capacity to give good quality service can be correlated with the

quality of the education of practitioners, as well as the quality and extent of research upon which practice is based."

The study found these significant shortcomings in chiropractic education: "1. Lack of inpatient hospital training; 2. Lack of adequately qualified faculty; 3. Extremely low admission requirements for students; 4. Lack of a nationally recognized accrediting body; 5. Such dissension within the profession that two separate accreditation programs must be maintained."

The U.S. Office of Education and the National Commission on Accrediting do not recognize the accrediting programs conducted by the two chiropractic groups, the American Chiropractic Association and the International Chiropractors Association.

The HEW also said that "Since the U.S. Supreme Court is the ultimate arbiter of constitutional law in the United States, its decision on chiropractic is a significant measure of the current status of the profession." The case is *England v. Louisiana State Board of Medical Examiners*, where the Supreme Court ruled that the Equal Protection Clause of the 14th Amendment of the U.S. Constitution does not bar a state from requiring chiropractors to have medical school degrees.

In its ruling, the Supreme Court upheld a U.S. District Court ruling that said: "If the education obtained in chiropractic schools does not meet the standards of . . . the United States Office of Education, it may well be that the Legislature of Louisiana felt that in the public interest a diploma from an approved medical school should be required of a chiropractor before he is allowed to treat all the human ailments chiropractors contend can be cured by manipulation of the spine."

HEW noted that chiropractors spurn research.

"The lack of research is due to a number of factors. Certainly the lack of funds is one. However, considering the qualifications of the faculties of chiropractic schools, it seems unlikely that most faculty members with the qualifications listed would have the capability to undertake basic research. Another major reason for the lack of research is that the chiropractic philosophy has led to a demphasis in research since the chiropractor believes he already knows 'basic truths and principles' and since 'Innate' is thought to be beyond finite knowledge."

HEW added: "It is apparent . . . that state licensing laws do not restrict the scope of chiropractic practice since they do not infringe upon chiropractic philosophy or approach to health and disease. A practitioner operating under the chiropractic philosophy has no interest in the use of major surgery or drugs and therefore a prohibition against these treatments does not alter his mode of practice."

Chiropractors are licensed in 48 states, but, as HEW observed, "licensure generally is considered a means of protection for the public, rather than as official recognition of the licensee."

The 12 chiropractic schools require only a high school diploma for admission (and one does not even require that), and four of the schools accept C average students. HEW said that very few chiropractic students have college level degrees but, in contrast, 84 per cent of students entering U.S. medical schools have bachelor degrees or higher and 91 per cent of medical students had a B average or higher in college. The average student-faculty ratio in chiropractic schools was 19 students for each faculty member (1965-68) compared with 1.7 students for each faculty member in medical schools (1966-67).

"Chiropractic theory and practice," HEW concluded, "are not based upon the body of basic knowledge related to health, disease and health care that has been widely accepted by the scientific community. More-

over, irrespective of its theory, the scope and quality of chiropractic education do not prepare the practitioner to make an adequate diagnosis and provide appropriate treatment.

"Therefore, it is recommended that chiropractic service not be covered in the Medicare program."

AD HOC CONSULTANT GROUP FOR HEW STUDY

The following 22 persons served as members of the Ad Hoc Consultant Group, which HEW said it "established to advise on overall aspects of the study . . ." These consultant appointees, reported HEW, "were sought for their lack of bias and their knowledge-ability; none served as a representative of any health profession with vested interest in the conclusions to come from the study."

Frank Bane, Chairman, Washington, D.C.
Montague W. Cobb, M.D., Chairman, Department of Anatomy, Howard University College of Medicine, Washington, D.C.

Nelson H. Cruikshank, Member HIBAC, Washington, D.C.

Fred C. Diamond, President, Hillhaven, Inc., Tacoma, Washington.

Howard W. Ennes, Jr., 2nd Vice President, Community Services, Equitable Life Assurance Society of the United States, New York, New York.

Archibald R. Foley, M.D., Chairman, Department of Psychiatry, The Catholic Medical Center of Brooklyn and Queens, Inc., Brooklyn, New York.

James G. Haughton, M.D., First Deputy Administrator, Health Services Administration, City of New York, New York, New York.

Reid T. Holmes, President, Chief Executive Officer, North Carolina Baptist Hospitals, Inc., Winston-Salem, North Carolina.

Jack Kleh, M.D., Medical Consultant, Department of Public Welfare, District of Columbia, Washington, D.C.

Leslie W. Knott, M.D., Los Gatos, California.

Margaret D. Lewis, Director, Denver Visiting Nurse Service, Denver, Colorado.

Darrel J. Mase, Ph. D., Dean, College of Health Related Professions, University of Florida, Gainesville, Florida.

Floyd D. McNaughton, Arlington, Virginia.
Saad Nagi, Ph. D., Professor, Department of Sociology, Ohio State University, Columbus, Ohio.

Senator Maurine B. Neuberger, Chairman, Citizens Advisory Council on the Status of Women, Washington, D.C.

Walter Newburgher, President, Congress of Senior Citizens of Greater New York, New York, New York.

Sam Pollock, President, Meat Cutters District Union 427, AFL-CIO, Cleveland, Ohio.

Ernest W. Seward, M.D., Medical Director, Kaiser Foundation Hospitals, Portland, Oregon.

William K. Selden, LL. D., Princeton, New Jersey.

Sidney I. Silverman, D.D.S., Professor and Chairman, Department of Graduate and Post Graduate Prosthodontics, College of Dentistry, New York University, New York, New York.

William A. Spencer, M.D., Director, Texas Institute for Rehabilitation and Research, Houston, Texas.

William B. Strong, D.O., New York, New York.

EXPERT REVIEW PANEL ON CHIROPRACTIC AND NATUROPATHY FOR HEW STUDY

The expert review panel on chiropractic and naturopathy was one of five similar panels named by HEW to assist with various sections of the study. It consisted of eight members who served as technical and scientific advisors to the Ad Hoc Consultant Group. The panel members, HEW explained, were selected "on the basis of their scientific background and high professional reputations in their respective fields." Also, HEW explained, "They brought to bear on the matters before the Ad Hoc Consultant Group

their own knowledge of the education of the health professionals studied and of basic and clinical science." The following are the members of the expert review panel on chiropractic and naturopathy:

Donald Duncan, M.A., Ph.D., Chairman, Professor and Chairman of Department of Anatomy, University of Texas Medical Branch, Galveston, Texas.

Jack Edelken, M.D., Department of Radiology, Jefferson Medical College Hospital, Philadelphia, Pennsylvania.

James J. Feffer, M.D., Associate Dean for Clinical Affairs, George Washington University Medical Center, Washington, D.C.

James D. Hardy, Ph.D., D.Sc., Director, John B. Pierce Foundation of Connecticut, Inc., New Haven, Connecticut.

John McMillan Mennell, M.D., Chief, Physical Medicine and Rehabilitation, Philadelphia General Hospital, Philadelphia, Pennsylvania.

Joseph E. Milgram, M.D., Professor of Clinical Orthopaedic Surgery, Albert Einstein College of Medicine, New York, New York.

Bernard Sandler, M.D., Director, Rehabilitation Medicine, Kingsbrook Jewish Medical Center, Brooklyn, New York.

Walter I. Wardwell, Ph.D., Professor of Sociology, Department of Sociology, University of Connecticut, Storrs, Connecticut.

OPPORTUNITIES INDUSTRIALIZATION CENTER IN PHILADELPHIA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 9, 1969

Mr. SCOTT. Mr. President, one of the most successful self-help programs in America is the Opportunities Industrialization Center, which was started in Philadelphia by the Rev. Leon Sullivan.

I ask unanimous consent that an editorial concerning the fund-raising efforts of OIC, published in the Philadelphia Inquirer of May 28, be printed in the RECORD.

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

[From the Philadelphia Inquirer, May 28, 1969]

COMMUNITY SUPPORT FOR THE OIC

The success story of the Opportunities Industrialization Center and its founder, the Rev. Leon Sullivan, has been proved out so often—and copied throughout the nation—that it hardly needs telling again. More than 7000 graduates of the self-help job-training program here have stepped up to satisfying and rewarding work in the local and national economy. 1500 more are in the program now and perhaps another 10,000 are ready and waiting.

But the OIC is a million dollars in debt and will shortly launch a community-wide campaign to raise the money. The deficit has been occasioned by federal cutbacks and red tape and Mr. Sullivan is understandably trying to become more independent of the whims and necessities of Congress and federal agencies. On the books, OIC has about \$1.5 million coming from Washington, but, despite sincere well-wishing from the White House and elsewhere in Washington, there is just no telling when the promised funds will be forthcoming.

Mr. Sullivan has told the Philadelphia Advisory Board of OIC that he hopes to raise another \$500,000 from the local business community and a matching sum in the pri-

vate sector of the community. We hope and believe he'll get it.

For the OIC is not demanding "reparations" (to be divided who knows how) or "protection" bribes or any of the other forms of nice or not-so-nice blackmail. This Philadelphia-born organization is doing a meaningful and totally useful job of work for all concerned, including the community at large; every cent thus far invested has paid off in citizenship and money.

We do not think Philadelphia will let its own first-rate effort go down the drain because of the lamentable fogginess and fickleness along the Potomac. When and if the federal money comes along—at last—good use will be found for it.

Meanwhile . . .

AFTER VIETNAM: THE DOLLARS AND CENTS OF PEACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BROWN of California. Mr. Speaker, the May 24 issue of the *Saturday Review* contains what I consider to be an outstanding presentation of the economic potentials and impacts facing this Nation when the Vietnam war finally draws to a close.

Because of the immediacy and urgency of these problems I stress the need for all my colleagues to read these articles which I now place in the *RECORD* at this point:

AFTER VIETNAM: THE DOLLARS AND CENTS OF PEACE

Vietnam now is the longest war in U.S. history, and one of the most costly. Billions of dollars have been expended on explosives—a greater tonnage than was loosed on Nazi Germany in World War II—and on gargantuan logistical support networks. Despite peace negotiations, more than 600,000 Americans still are based in Southeast Asia. Meanwhile, our domestic crises have intensified, and hunger, poverty, and disease afflict much of a swiftly multiplying world population.

When peace finally comes to Vietnam—as appears possible soon—what economic challenges and opportunities will we face?

In this week's special issue, prepared with the assistance of former *SR* feature editor Alfred Balk, four distinguished contributors examine this question. U.S. Senator Edmund S. Muskie of Maine, 1968 Democratic Vice Presidential nominee, emphasizes the urgency and priorities of our internal problems in "What Happens When Peace Breaks Out?" Murray L. Weidenbaum, newly appointed Assistant Secretary of the Treasury and chairman of the Washington University economics department, presents a profile of "Our Vietnamized Economy." The third author in this section is John R. Stark, executive director of Congress's Joint Economic Committee, who examines the disposition of fresh resources and manpower at war's end in "How Much Money for Plowshares?" Finally, Lt. Gen. James M. Gavin (USA, Ret.), former U.S. Army chief of research and development, now chairman of Arthur D. Little, Inc., focuses on the private sector in his article "Can Industry Manufacture Social Solutions?"

No society's reservoir of resiliency is inexhaustible; no pool of economic resources unlimited. If the nation is to achieve essential progress after the war ends, it must be rooted in wise economic decisions now.

—The Editors.

AFTER VIETNAM: WHAT HAPPENS WHEN PEACE BREAKS OUT?

(By Senator EDMUND S. MUSKIE)

When I was a young Naval officer waiting for the end of World War II, I often considered what I would do when the war ended. For the most part my dreams and plans related to picking up where I had left off as an aspiring attorney in a small Maine city. There was excitement and comfort in those dreams and plans. They meant new challenges and a return to something I had known.

My dreams were not very different from those of millions of other Americans, in and out of the service. When we had defeated the Axis we would turn to the normal, happy pursuits of family, job, community life, and recreation. The immense productive capacity of our country would be used for our domestic needs. A number of us had a dream for using part of that capacity to build a better world.

Our dreams in 1944 and 1945 were quite different from those of 1969. The war in Vietnam is not a war against the Axis. It does not give us a sense of accomplishment as we try to end it. We cannot forecast a return to a "normal" life when peace breaks out in Southeast Asia.

The war is different, and our country is different. The bright hopes of those who weathered the Depression and survived World War II have been dimmed by the nagging problems of international rivalries and nuclear threats. Our dreams have been undermined by our apparent inability to use our economic and technological resources to solve the age-old problems of ignorance, disease, hunger, and poverty. Those who did not experience either "The Depression" or "The War" are understandably impatient at the gap between promise and performance. The realities of the intercontinental ballistic missile—tipped with a nuclear warhead (or more)—coupled with the drain of Vietnam, have brought us down from the never, never land of "guns and butter."

What happens when peace breaks out? Not much, if we don't make it happen.

The question of what we need to make it happen is wrapped up in what we call the urban crisis. That crisis has been referred to as the top item on the national agenda of unfinished business, and it has been described as the "most explosive of all domestic issues confronting the American people today." Both statements are true.

Events of a few weeks ago brought with them reminders of the seriousness of our current domestic problems and the urgency of getting about the business of doing something about them. While some were making solemn affirmations about the abolition of poverty and racial injustice, troops were being mobilized in Chicago, and a curfew was once again being imposed in Memphis. Once again we are girding ourselves for another "long, hot summer." If the response is more troops, more curfews, and more piety, this summer we will pass the "crisis" state and begin to appear more and more as a "disaster area."

Since last fall, I have traveled the length and breadth of this nation and visited in many of its cities and towns. I have learned much about our country—enough to know that too many of us are angry and frustrated. We are angry because too many of us are being disinherited from the benefits and advantages of our affluence. We are frustrated because of what we continue to do to our air, our land, our water, and environment in general, knowing we will reap a whirlwind of desolation. We are angry because we still have an estimated 22 million Americans living in poverty, despite 100 months of unprecedented economic growth and expansion. We are frustrated because

we managed to produce 8,500,000 new job opportunities over the past five years, but 8,400,000 Americans are on welfare.

There are those who say we can solve these problems, when the war is over. But the end of the war does not mean an automatic end to the military drain on our resources. The best evidence of this is President Nixon's recommendation for deployment of the anti-ballistic-missile system. In a period when the military estimate of defense requirements involves the development, procurement, and deployment of multibillion-dollar weapons systems, we cannot assume a normal reduction in defense spending at the end of an armed conflict. ABM is a critical issue because of its impact on the arms race, and because it is a symbol of the kinds of choices we must make.

The decisions the Administration, the Congress, and the people make on ABM in the next several months are not merely decisions for 1969; they are decisions for the 1970s. Those are not merely decisions about the best kinds of weapons for us to have; they are decisions about the kind of society we want to have. Those are not merely decisions to determine the strength of our deterrence to nuclear attack; they are decisions which will determine the strength of the world's resistance to nuclear destruction. Those decisions will not wait to the end of the Vietnam war; they are being made now. If they are going to reflect any commitment to peace, to a sane defense policy, and to a just life for all Americans, they must reflect new thinking and new priorities.

Our options and our resources are not unlimited; we face enormous demands on our resources if we are to provide food for the hungry, jobs and income for the needy, decent housing for families, educational opportunities for all, health care for young and old, cities of hope and towns of promise, and the domestic tranquility that grows out of justice and effective public protection. Up to now we have not concentrated enough resources in any one place at any one time to demonstrate what can be done to make the system work better for all of us. Our approach to the problems of urban and rural poverty has suffered from fiscal and institutional malnutrition. In too many cases we have whetted appetites without providing bread.

It may be more than coincidence that the wittiest new musical to hit Broadway this season is *Promises, Promises*.

In 1946, soon after peace broke out, we enacted the Full Employment Act. "Full employment" was adopted as a national objective. Since that date we have launched additional efforts, all aimed at providing greater job opportunities, a better chance for each American to live in decency and dignity and to enjoy the fruits of his labor. Few modern nations have bitten off a more ambitious set of objectives; yet we seem as far removed from their accomplishment today as we appeared to be at the time of their adoption.

Our general prosperity and economic growth have not met the needs of the hard-core poor. An announced national policy to the contrary, job discrimination remains a serious problem, and it continues to reinforce the concentration of minority groups within low-income, low-status jobs. Little progress has been made to open up business opportunity to minority entrepreneurs. The list of items is endless. And yet, each of those items—job discrimination, minority business development, housing, education, economic growth, employment—represents straightforward objectives toward which this nation presumably has been moving for the past twenty years.

We mistook rhetoric for action, demonstration for accomplishment. We made the mistake of assuming that by announcing our

objectives, they would be achieved. But no such process occurred. Nothing happens unless will, energy, drive, and commitment are made as one. Otherwise, promises made too often become promises unkept.

If we look behind the urban scene—its riots, its protests, its confrontations between individual and authority—we can see demands which are not unreasonable. They are unreasonable only if one accepts a policy of drift, charted by unstated priorities.

We have learned painful lessons about the consequences of grievances left unattended. If we fail to meet those grievances we shall learn even more vividly that a nation without answers for its domestic needs has no security. We shall not have the opportunity to find out what happens when peace breaks out.

The grim chain of urban sprawl and rural decline, of individual poverty and social disorganization, of wasted resources and hostile environments will not be broken by a government which is indifferent, or a private sector which is inactive. The chain can be broken only if we set priorities, if we make a commitment to meet them, and if we organize ourselves to fulfill our commitments.

I have indicated the priorities I would establish. They are not the priorities of a fortress America, placing its reliance on a diversion of more of our resources to ingenious and terrible war machines. The priorities I would set are the priorities of men and women and children who have a right to enjoy for themselves the fruits of this world and to help insure that same right for others. The priorities we must set recognize the interrelationship of jobs, income, education, health care, housing, transportation, public facilities, recreation, and environmental protection in the balanced development of urban and rural communities.

Consider the imbalance between our needs and our priorities.

We lead the world in medical research, but compared with other countries we rank twentieth in longevity and sixteenth in infant mortality. Adequate health care is frequently unavailable to those who need it the most.

We will need 26 million new and rehabilitated housing units in the next ten years—roughly 2,600,000 a year. We are the most prolific builder in history but we are building only 1,600,000 housing units a year and we are tolerating 11 million sub-standard living units. In the last twenty years we have demolished more than 3,100,000 houses and apartments with federally-aided construction projects. We have torn down more housing than we have built with all our federal-aid housing programs.

Our education system has been the most ambitious in history, but in the last fifteen years, 16 per cent of all young men being tested for military service have been found unfit because of educational deficiencies. Today 28 per cent of our young people are not graduating from high school, and in the last twenty years the number of dropouts has increased nearly 100,000 a year to a total of 700,000 a year. Most high school dropouts are from our major cities—seven of which have dropout rates in excess of 30 per cent. New York's rate, for example, is 37 per cent; Detroit's, 38 per cent; Philadelphia's, 47 per cent.

Metropolitan rapid transit facilities have a direct impact on job opportunities for poor people, but the federal government spends fifty times more to build highways connecting our cities than to build rapid transit systems in our metropolitan areas.

Everyone wants clear air. We know that air pollution causes and aggravates respiratory diseases. Emphysema is one of the fastest growing causes of death in the United States; 1,000 workers are forced into early

retirement each month because of lung disorders, and the economic losses resulting from dirty air exceed \$11 billion a year. In spite of these costs, our federal investment in air pollution abatement is only \$78 million a year.

Rising crime rates shock the nation, causing fear among all segments of our population. Crime costs between \$20 and \$50 billion each year—in lost earnings, property damage, and uncollected public revenue—but we are investing less than \$5 billion a year for crime prevention and law enforcement, penal institutions, and rehabilitative services. We spend about the same amount on toiletries.

We have limited the Office of Economic Opportunity budget to about \$2 billion a year—or less than two-thirds of what we pay for jewelry and watches, and about one-twelfth of what we spend for alcoholic beverages and tobacco.

We spend more than \$2 billion a year on pet food and care, but spend only \$338 million out of our national budget on food for the poor. We spend \$966 million a year on the movies, but spend only \$253 million on federal investments in sewage-treatment plants.

We are an enormously wealthy nation. Our per capita personal income in real purchasing power has quadrupled since 1900 and is \$1,000 higher each year than the second most affluent nation in the world, Sweden. Our Gross National Product is approaching \$1 trillion a year. We have failed to meet our social and environmental needs because we have not made a commitment to apply our resources to them. Making our commitments stick requires an equitable tax system, a determination to reduce unnecessary investments in arms, a continuing effort to reduce dependence on arms for security, and a willingness to accept the costs of building a better society.

General commitments, however, are not enough. Resources must be applied specifically and effectively where they will do the most good. At present, our institutions of government are not as well organized as they should be to make such an application.

Part of our difficulty stems from the multiplication of crises. Larger and more mobile populations place unexpected strains on existing institutions. Problems of pollution, housing, transportation, recreation, and public services spill across jurisdictional lines. Federal, state, and local programs designed to meet those needs are badly coordinated and sometimes unrelated.

We have been making efforts to overcome our disjointed systems of government, by requiring more regional planning, by broadening categories of grants-in-aid, by encouraging coordination of local efforts in such programs as Model Cities, and by trying to find better ways to pull different agencies together within federal, state, and local government. All of these efforts have taken place against the background of citizens demands—from the ghetto to the suburb—for a greater voice in public policy. Plans for large-scale coordination are being challenged by voices who want to be heard and should be heard. We are learning again the importance of the democratic process in a democratic society, even when the requirements of complicated problems in crowded societies call for more administrative efficiency.

The goals of administrative efficiency and democratic procedures are not inconsistent. The one has to do with how we develop public policy; the other has to do with how we carry it out. To make both possible and compatible, we need to utilize the devices of automatic data processing, of communication, and of management techniques to sort out the volumes of information which threaten to inundate us. Having measured our needs and developed analyses of the alternative solutions available to us, we need

to put that information in the hands of public policy-makers whose responsibility is to the electorate. Wherever possible we need to place the decisions on details as close as possible to individual voters, within the context of national goals and regional requirements. Finally, we must be prepared to implement public policy accurately and with dispatch.

We have a variety of techniques available to us to insure closer coordination of public and private institutions: from the Urban Affairs Council to rational federal agency regions; from regional planning agencies to community action agencies; from block grants to revenue sharing; and from public grants to public-private partnerships. We are not lacking in ingenuity to resolve the technical problems of making the system work.

Our greatest needs are the determination to make certain that peace does break out; the sense of purpose to keep our priorities straight; the commitment to devote our energies and our resources to the fulfillment of the promise of our democratic society. We can't return to the dreams of 1944 and 1945, but we can kindle the hope we had—and with better reason—if we have learned our lessons well.

AFTER VIETNAM: OUR VIETNAMIZED ECONOMY (By Murray L. Weidenbaum)

Although American troops have been stationed in South Vietnam since 1954, the major buildup occurred between the middle of 1965 and the middle of 1967. This substantial and rapid expansion in U.S. military spending—from \$50 billion before the buildup to \$80 billion now—has had many important effects. Fundamentally, it has altered the allocation of the nation's resources between the private and the public sectors. At the end of 1964, 20 per cent of the Gross National Product was purchased by government agencies and the remaining 80 per cent was available to the private economy. By early 1968, the government portion had risen to 27 per cent and the private share had fallen to 73 per cent.

The Johnson Administration consistently underestimated military expenditures, particularly during the crucial buildup period in late 1965 and much of 1966. Most economists and government administrators, moreover, failed to appreciate how quickly the military buildup was influencing the national economy—that the economic impact was occurring as soon as the defense orders were placed and, thus, substantially before the work was completed, paid for, and showing up in the federal budget. Furthermore, policy measures to offset inflationary pressures were not taken soon enough or in a substantial enough way. The January 1966 budget message of the President maintained that the United States could afford simultaneously to wage a two-front war without raising taxes: the domestic war against poverty and the war in Vietnam.

But the program choices made were not as simple as the classroom dichotomy of "guns vs. butter." In a sense, we chose both more guns (military spending) and more butter (more consumer purchases). However, we also chose—in part as tight money began to affect specific parts of the private economy—less housing and fewer automobiles. Simultaneously, the nation was voting for more social welfare programs—thus increasing both the military and the civilian portions of the public sector. As a result, 1966 witnessed what was then the most rapid period of price inflation since the Korean War.

Several major economic problems face the United States as a legacy of 1965–66. With the collapse of the stable price and cost situation prevailing prior to Vietnam, inflation is a major concern. Unusually high interest rates have been set in a thus far unsuccessful at-

tempt to contain the inflation. Income taxes have been raised to reduce unprecedentedly large budget deficits (\$25 billion in fiscal 1968.) Despite forecasts to the contrary, a serious balance-of-payments situation continues. More basic than all this, the public's confidence in the ability to "fine tune" domestic economic stabilization policies has been undermined. The basic information and analysis released by the federal government to justify its policies has created more suspicion than trust.

There also have been, of course, positive impacts of governmental economic policy during the war. A fundamental imperative was successfully achieved; a large and rapid shift of resources from civilian uses or idleness to military programs was accomplished. At the same time—unlike either the World War II or Korean experiences—the nation managed to avoid direct controls over prices, wages, and materials generally (although relatively small amounts of copper and a few other metals were set aside for use by defense contractors).

Despite the increases in defense spending and the accompanying inflation, economic growth and real improvements in the living standard of the average American continued. Even after allowing for inflation, the average American has experienced a real growth in income, from \$2,123 in 1964 to \$2,473 in 1968. Also, expenditures for civilian government programs actually have increased by a larger amount than did the military budget—simultaneously with the \$30-billion rise in defense spending due to the Vietnam war, civilian agencies of the Government have increased their expenditures by \$35 billion since the war began.

The shift from cold to hot war not only has raised the size of the military budget, but also has changed its composition drastically. The fundamental change was the shift of emphasis from maintaining the potential capability to deal with world-wide or general war situations, in favor of moving toward a military establishment actually waging a difficult but limited war whose dimensions kept evolving.

Three specific shifts in military requirements took place. The amount of funds going for tanks, artillery, rifles, ammunition, and similar conventional battlefield hardware more than doubled from the prewar level. The relative—as well as absolute—importance of missiles was reduced drastically. Meanwhile, the military aircraft budget was reoriented from new long-range bombers to acquiring smaller "tactical" aircraft, particularly helicopters and supersonic fighters, such as the F-4 Phantom.

Once again, the traditional manufacturing industries—automobiles, mechanical equipment, textiles, clothing, tires—have become important suppliers of war material. The most dramatic increases have occurred in ammunition (orders have quadrupled since 1965), artillery and small arms (more than doubled), clothing and textiles (doubled), tanks and vehicles (up 68 per cent), and food (up 66 per cent).

The highly specialized, science-oriented aerospace and electronics firms, although still very significant defense contractors, have found their shares of defense business declining. The ten firms with the largest amount of defense contracts in fiscal 1968—General Dynamics, Lockheed, General Electric, United Aircraft, McDonnell-Douglas, AT&T, Boeing, Ling-Temco-Vought, North American Rockwell, and General Motors—received 29.9 per cent of the total awards. This was down from their pre-Vietnam share of 32.2 per cent. It is interesting to note that nine of these ten giants of the military market are aerospace and electronics firms.

Unlike the period of production of large weapon systems—such as ICBMs, which could be supplied only by a few of the industrial behemoths with especially sophisticated ca-

capabilities—the economic demands of Vietnam involve numerous smaller contracts with a variety of medium-sized firms. "Small" firms increased their share of defense contracts from 15.8 per cent in fiscal 1963 to 18.4 per cent in 1968. (Companies that made the Pentagon's list of the top 100 contractors in 1968, but were not in that roster earlier, include Atlas Chemical, Colt Industries, Lykes, McLean Industries, Automatic Sprinkler, Harris-Intertype, and National Presto Industries.) But many branches of the industrial economy—including leather, paint, plastic, paper, and furniture companies—have experienced virtually no increase in defense work in recent years.

Large proportions of the companies working on Vietnam orders are in the upper Midwest and in other relatively older industrial states in the East, all of which have long-standing positions in the industrial and consumer markets. The Far West, which since the Korean War had been receiving a dominant share of defense orders, has experienced absolute as well as relative declines as a military supplier. For example, Washington state firms (mainly Boeing) received \$530-million worth of defense contracts in 1968, compared to twice that amount in 1964 (\$1.1 billion). Colorado's \$263 million of Pentagon orders in 1968 were down substantially from the \$390-million level of 1964, reflecting a decline in missile work by the Denver Division of Martin-Marietta. Similarly, in 1964 Utah received \$340 million in military contracts, down to \$263 million in 1968, reflecting lower levels of work on the Minuteman ICBM.

Eight states received defense contracts in 1968 at rates at least twice as high as the pre-Vietnam levels. They are Tennessee, Texas, Connecticut, Illinois, Alabama, Mississippi, Minnesota, and Wisconsin. Six other states were awarded defense contracts at least 50 per cent greater than in fiscal 1965, before the military buildup in Southeast Asia—Florida, Indiana, Louisiana, New York, Ohio, and Pennsylvania. Most of these states, such as those in the upper Midwest, are major producers of Army ordnance and other battlefield hardware. The most dramatic expansions have been among helicopter manufacturers, notably Bell Aircraft in the Dallas-Fort Worth area, Sikorsky Division of United Aircraft in the Hartford region, and Boeing-Vertol near Philadelphia. A special case of expanding effort is the TFX (F-111) supersonic aircraft being built by General Dynamics in Fort Worth.

Vietnam also has had important effects on the pattern of civilian employment. Overall, out of more than one million new jobs directly generated by the Vietnam war, the great majority has been in highly skilled and highly paid occupations—238,000 more professional and managerial employees vs. 30,000 more service workers (the latter being among the lowest-paid groups in the nation's labor force). While the war effort has resulted in 245,000 more skilled factory workers being hired, there have been only 65,000 more jobs for laborers, 178,000 more office jobs, and 29,000 more sales positions. Thus, indirectly, the war effort has intensified some of our domestic problems—by increasing jobs for the highly skilled and relatively highly paid, rather than for the lower-income, lower-skilled portions of the population. Only one out of every ten defense jobs bears a laborer's classification, while 22 per cent of civilian jobs do.

Early optimistic appraisals of the economic environment following peace in Vietnam have glowed with visions of tax reduction, negative income taxes, federal tax sharing with the states, and massive increases in nondefense governmental activities. However, decisions already being made are strongly shaping the nature of economic adjustments to peace. A return to the prewar dollar "base" of military spending no longer seems feasible. One reason for this is inflation. Prices on

military procurements, and wages and salaries for the armed forces and civilian employees, have increased. Under existing law, the pay of both military and civilian employees of the Pentagon is scheduled to rise by about \$2 billion in mid-1969. Several large weapon systems are in early production stages and the large expenditures will come in the next year or so. They include several nuclear carriers and destroyers (about \$4 to \$5 billion), the Poseidon and Minuteman III missiles (about \$7 billion), and the Safeguard ABM system (estimated from \$5 billion to several times that amount).

Moreover, because the non-Vietnam portions of the military budget have been squeezed in recent years, considerable "catching up" is needed especially in deferred maintenance, inventory replenishment, and advanced research and development. In 1968, for example, the Department of Defense spent less money than in 1965 on research and development in army ordnance and combat vehicles (tanks, artillery, etc.) and in military science.

This is all aside from future consequences of any new decisions to bolster the nation's long-term arsenal of weapon systems. Two portents of future Congressional action are recent reports by the influential House and Senate Committee on Armed Services. After a year of detailed study and hearings on strategic forces—those designed for all-out nuclear warfare—the Senate Committee urged, "Prompt decisions should be forthcoming for the deployment of additional and more modern weapon systems and improvements to existing weapon systems." The Committee specifically recommended rapid development of a new long-range strategic bomber, and accelerated research and development on an advanced ICBM—each of which could cost \$5 billion or more to develop and produce in quantity.

The House Armed Services Committee issued a similar report on seapower, again recommending new hardware. The committee chairman described as "irrefutable" the conclusion that the Navy's most urgent requirement is new ships (nuclear escort ships currently cost about \$125 million each, and nuclear carriers more than \$500 million).

In addition, a large civilian space program is being recommended for the 1970s. Simultaneous development of a permanent space station plus continued exploration of the moon—after this year's scheduled manned landing—carries a price tag of \$45 billion for the next decade. And development of a commercial supersonic transport, if carried out, will cost more than \$1 billion. Over the whole economic structure, meanwhile, hangs the threat of inflationary pressures—which, as of this spring, were substantial.

Hence, because of these built-in momentums, the economic environment is not conducive to easy selection of new or expanded domestic social programs, regardless of urgency. Rather, economic factors tend to indicate the need for hard choices among the many pressures for government spending. A tough-minded sense of priorities and a careful weighing of benefits against costs are very much needed.

AFTER VIETNAM: HOW MUCH MONEY FOR PLOWSHARES?

(By John R. Stark)

Achievement of Peace in Vietnam would provide material resources and manpower that could be directed toward important civilian goals. There is little argument on this issue. What is problematic is the extent to which resources would be made available. There is an unfortunate tendency to exaggerate the possibilities for Vietnam "savings" and application of freed resources to the resolution of our urgent domestic problems.

Our economy is presently producing at a level of more than \$900 billion a year in goods and services, including additions to our capi-

tal assets. Total military expenditures are now about \$80 billion a year—about 9 per cent of the Gross National Product. The Vietnam war portion of the defense budget is approximately \$30 billion, or about 3.33 per cent of the GNP. Contrary to Marxist dogma that war is an indispensable stimulus to a capitalist economy, our involvement in Vietnam has been a drain on resources needed for improvement of our standard of living and for mitigating social problems that bedevil us, as well as weaken our prestige throughout the world.

Were we to assume that cessation of hostilities and achievement of some kind of peace in Vietnam suddenly eliminated the need for spending the \$30 billion, there would undoubtedly be depressive effects. Despite many proposals for increased federal expenditures in the social sector, we do not have enough of a backlog of programs sufficiently worked out to be put into effect at once. Nor do we have the trained personnel needed to staff undertakings of this dimension.

The dangers of this kind of dislocation are remote, however. At best, there will be a gradual decline in our Vietnam expenditures, and increases in other military expenditures will partly offset the reduction. Thus, we are not likely to face the economic adjustment problems that accompanied demobilization after World War II or the Korean conflict.

The possible economic effects of ending hostilities in Vietnam were assessed in some detail by a special Cabinet committee, first convened by President Johnson in March 1967. Made up of the Secretaries of Treasury, Defense, Commerce, and Labor, and the Director of the Bureau of the Budget, and the Chairman of the Council of Economic Advisers, it had the stated objective of developing recommendations for sustaining prosperity during the Vietnam demobilization, and for assuring the best utilization of resources for other high-priority programs. For purposes of analysis, it was assumed that a genuine peace would be secured within six months after cessation of hostilities and that a full withdrawal of troops could then be started. In the opinion of these officials and their expert advisers, the assumptions represent the most rapid demobilization conditions that can realistically be projected. If Paris negotiations offer any criterion, a less rapid wind-down seems more likely.

The demobilization scenario called for a decline in the armed services of about 800,000 people over a twelve-month period beginning six months after the cease-fire. There would be a concomitant decline in Defense Department civilian personnel of some 170,000 between the third and the sixth quarters. These changes would reduce expenditures by \$7 billion annually; other military operating expenses might decline by \$4 billion, and there would be a drop in expenditures for procurement by some \$8 billion at the end of ten quarters. In toto, the annual rate of defense spending would decrease by \$8 billion at the end of one year, \$16 billion at the end of one-and-a-half years, and \$19 billion at the end of two-and-a-half years.

This decline in expenditures, then, would be about \$11 billion less than the \$30 billion a year we are now expending for Vietnam. This margin allows for the increase in general military expenses that would follow a Vietnam close-out; replenishing equipment; resumption of presently curtailed activities; refilling supply pipelines; and probably some residual surveillance in Southeast Asia. In addition, there would be increases in military pay scales and anticipated increases in the goods and services purchased by the Defense Department—costing another \$1 billion each quarter, according to Cabinet committee estimates. Thus, over ten quarters, this would come to \$10 or \$11 billion solely for what might be called "going concern" increases, excluding any current proposals for new weaponry or improved equipment.

If we accept these assumptions about military increases—relatively modest in view of the current discussion of new weaponry—then public policy must deal with an aggregate decline of about \$10 or \$11 billion from the existing level of \$80 billion in defense expenditures. Because the existing surtax brings in about \$10 billion a year, its demise could completely offset this Vietnam reduction. But if the surtax or some substitute were continued, \$10 billion would be immediately available for high-priority civilian programs. (A part of that \$10 billion could be allowed to increase the public surplus and thus reduce the inflationary pressures, but to the extent that this course would be reflected in higher unemployment, it surely would generate political pressures for increased public expenditures or tax reduction.)

If we make the more probable assumption that the war will stop sometime later, it becomes necessary to take other developments into account—in particular, the performance potential of the whole economy and changes that may be expected in the public sector. For purposes of analysis, an optimistic assumption of high employment and growth is the most useful way to show the full dimensions of our potential.

Many economists believe that our economy is capable of growing at a long-term rate of 4.5 per cent, provided we can follow a wise mixture of economic policies covering taxation and expenditures, monetary management, wage-price increases, and public investment. This is appreciably above the 3.5 per cent rate that prevailed during 1948-1965, but we think that our knowledge of public economic policy has improved enough to make this a more reasonable expectation than it might have been twenty years ago. This brisk annual rise in output would derive mainly from three factors: steady improvement in technology and know-how which permits us to produce more each year, a high rate of investment, and a projected increase in our labor force by a million-and-a-half men and women each year.

Achievement of a 4.5 per cent long-term growth rate unquestionably would be accompanied by some price increase. But let us assume not only that our public policies are able to foster a high growth rate but, even more, that we are able to keep the rate of price increase under 2.5 per cent a year. Combining the two would produce an annual increase of 7 per cent in the money value of the GNP. The increment would be about \$63 billion at current levels of the GNP, rising gradually to about \$75 billion in 1973.

Under these conditions, our GNP would reach \$1,130 billion in 1972—a gain of \$270 billion over 1968. This would mean adding the equivalent of the output of England and France together to our economy! By 1975, if the assumed conditions prevail, the GNP would reach \$1,360 billion.

If there are no changes in tax rates or provisions, federal revenues tend to parallel GNP, but at a rising proportionality. On the basis of projected federal receipts of approximately \$190 billion in calendar 1969, we could expect federal revenues to grow by \$14 or \$15 billion in calendar 1970, and by gradually rising increments thereafter to \$20 billion by 1974—raising total federal receipts to \$270 billion.

Naturally, these possibilities conjure up a pleasing picture of extensive tax relief for the American public. Unfortunately, like most hopes for tax relief, the picture may prove to be largely illusory. There are first of all, in-built expenditure increases in the federal budgetary future such as rising work loads, catch-up pay increases, price rises, and pre-ordained program growth. These items, budget experts believe, will absorb approximately half of the revenue growth over the years ahead.

On this rule-of-thumb basis, we could expect a "fiscal dividend" of \$24 billion by

calendar 1972 and about \$42 billion by 1974. But this prospect is by no means sure. Working against it is the constant pressure on the public purse. Most obvious of these are demands for expansion of existing programs. If they were increased to the full levels authorized in existing law, it would add \$6 billion a year to the budget.

Defense proposals, as noted by Murray L. Weidenbaum in this issue could add many billions to the budget and easily eat more deeply into this surplus. Guaranteed income maintenance for all Americans through a "negative income tax"—which has gained support in the past two years—could cost at least \$12 billion a year. A realistic approach to controlling and reducing the effects of environmental pollution could cost many billions more. Most of our cities are in poor financial condition; the states and localities, which now receive about \$20 billion a year in federal grants, need more.

A more subtle, but equally serious, problem involves the credit sources available to municipalities and, to some extent, states. Traditionally, federal credit aid has been largely limited to tax exemption, which for years has provided a competitive advantage that permits these jurisdictions to attract sufficient borrowed capital. But public facility needs over the next decades will be massive—according to a study by the Joint Economic Committee covering 1966 through 1975, \$500 billion merely to maintain a reasonable level of adequacy. Of this amount, it was estimated, more than \$200 billion would have to be borrowed. Under existing conditions, such a sum could be financed only by a massive increase in the loans from commercial banks to municipalities. But in periods of tight money and high interest rates, it is usually the local government or the mortgage borrower who is forced out of the credit market. As a result of this unpromising situation, there are pressures for more government aids for municipal borrowing.

Housing offers a parallel situation. If we are to achieve the goal of building or rehabilitating 26 million housing units over the next ten years, in accordance with objectives of last year's legislation, there must be some increase in federal expenditures, either through interest subsidies or through tax incentives (which can be equated with expenditures in fiscal effects because they decrease revenues). Similarly, social programs now waiting in the wings could add heavily to budget outlays.

It appears, then, that even if we assume that we can get out of Vietnam promptly, avoid other international military involvements, and hold military expenditures to a modest rate of increase over the first half of the next decade, we could commit every dollar of fiscal dividends twice over—quite apart from considering the alternative course of tax reduction, which would mean a relative increase in the private sector's role in the total economy.

In the light of prevailing demands for more federal expenditures—and their magnitude—the eventual saving through cessation of Vietnam hostilities appears to be a relatively small problem in economic policy-making, as does the 10 per cent surtax, which we could choose to drop or could replace with some permanent tax to help meet some of the aforementioned needs. The primary requirement of economic policy will be to avoid a slowdown, by easing monetary restraints and by a gradual absorption of any slack in the economy through modest tax reduction and/or increase in civilian expenditure. Similarly, there must be an effective mix of veterans assistance, retraining programs, and community aids to ease the transition for affected individuals and communities.

The real problem of the Seventies is establishing priorities for the profusion of competing claims for increased public expenditure.

We have not as yet created any mechanism for setting these priorities on a rational, comprehensive basis. At the same time, we must be in a position to curtail old existing programs that take on a lower priority than emerging needs.

The Congressional Joint Economic Committee emphasized this in its 1969 report to Congress when it said:

"It is clear that there is an imperative need for a systematic review of expenditure programs on the basis of their relative costs and benefits . . . The place of economic development in our agenda of priorities should supersede less essential programs contained in the defense budget, space exploration, the supersonic transport, and certain public works projects."

The great likelihood that public expenditures will increase dictates that we make our tax system more equitable and more effective. Federal tax programs are riddled with loopholes and exemptions—which means, of course, that some taxpayers have to bear a disproportionately large burden. The result is an outburst of taxpayer resentment unparalleled in recent years. More and more, people are realizing that, as the demands on the public sector increase, loopholes and favored treatment have become luxuries that we can no longer afford.

Economic policy in the Seventies will be very much concerned with these two major reforms. We must improve our tax system; we must learn how to evaluate public programs in the light of their contribution to basic public needs.

AFTER VIETNAM: CAN INDUSTRY MANUFACTURE SOCIAL SOLUTIONS?

(By James M. Gavin)

Everyone these days seems to be looking to the private sector for solutions to our social problems, but I view this optimism with some apprehension. Not that businessmen are not willing to work hard on social problems. Indeed, they are; but there is no guarantee of instant success.

It is true, however, that out of the free enterprise system and its intense competition have emerged management skills and techniques—and hardware such as computers to augment both—that enable businessmen to analyze and understand vast complex problems. Businessmen have the ability to amass and apply resources over extensive areas. So, while I feel some concern, I believe that the potential for a real contribution by our business community is there, provided we appraise our skills and resources objectively and apply them wisely.

A significant number of business leaders agree. Indeed, when the National Association of Manufacturers asked managers of 700 manufacturing firms, "Do you feel your company should be involved in the solution of public problems?" 88 per cent answered yes. When the same sources were asked, "Do you feel that you have the resources in your company to make that involvement meaningful?" nearly one-third replied affirmatively. More and more, businessmen realize that, as one executive stated, "When the community sneezes, the corporation gets pneumonia."

Several dozen corporations have initiated recruitment and training programs for the "hard-core" unemployed, on their own or through the JOBS campaign of the National Alliance of Businessmen. Several have operated Job Corps camps under federal government contract. Others have experimented with "instant" rehabilitation of slums by use of prefabricated modules; with reclaiming salable chemicals in the process of purifying factory smoke; with such innovations in rail transportation as the New York-Philadelphia-Washington Metroliner and the Boston-New York Turbotrain. To date, however, the sum effect of these efforts has been modest.

One reason is the complexity and tenacity of our deep-rooted problems. In some instances we have only begun to comprehend the magnitude of the corrective efforts required. Moreover, stockholder-owned corporations, by their nature as institutions that must yield a profit, cannot ignore the negative revenue potential of activities that society as a whole might like them to undertake. For these reasons, business must look to outside sources for the wherewithal to mount major efforts outside its normal orbit. President Nixon, like President Johnson, recognized this when outlining legislative proposals in this field in April. Along with plans to encourage private social service and to substitute block grants (primarily to the states) for direct federal services, he emphasized enlisting the profit motive of private industry in solutions to urban problems.

One potentially powerful device for attracting large-scale private investment into areas of social concern is the use of tax incentives. In 1967, the late Robert Kennedy submitted the most elaborate legislative proposal to date recommending tax incentives to encourage private investors to rehabilitate or build low-rent housing and to locate new industrial capacity in the ghetto. Similar incentives might also be granted to businesses that install air pollution control equipment or hire and train the hard-core unemployed.

The Treasury Department, however, has been a major source of opposition to the Kennedy plan and other tax incentive schemes. Though tax breaks are now available for activities as diverse as grain storage and oil drilling, the Treasury has opposed further "erosion of the tax base," especially for what it considers a narrow social purpose.

Despite much current activity—pilot projects, demonstration grants, and so on—there is a sensation of treading water while the currents of change carry us even farther from solid land. We are aware that all our social programs taken together alter too few lives in significant, constructive ways, and that our environmental programs affect only a small percentage of the homes and acreage developed each year. Notwithstanding some gains for blacks, Puerto Ricans, and other disadvantaged groups, the relative distance between them and the white majority is widening in terms of employment, median incomes, infant mortality, and education. These gaps can be closed only through even greater favoritism. The failure of our institutions to accept the necessity of compensatory action—and I mean accept it wholeheartedly—can only result in an even more divided nation.

Steps now are being taken in the area of "black capitalism." Some ventures are designed to raise seed capital for black enterprises that have in the past run up against prohibitively conservative bank loan criteria. Others provide technical assistance to the funded businesses both in the planning and operational phases. Some organizations serve as clearinghouses for the volunteer counseling efforts of supervisory level employees from corporations. Often there are franchise, licensing, subcontracting, or joint-venture arrangements. In some circumstances, the sponsor may supply the start-up equity under an agreement that allows the local entrepreneur to acquire a controlling equity share by using profits from the first several years of operation.

In many communities, relatively new institutions called Community Development Corporations (CDC) are being created. Under a bill being reintroduced in Congress this spring—the Community Self-Determination Act—CDCs will become more widely established, with community development banks set up as adjunct organizations to provide capital and consumer credit.

In some areas, such as housing, the prob-

lem is still too much particularism rather than excessive standardization. The inflated cost of new housing is an example. In many metropolitan areas, new housing is commonly beyond the reach of not only lower-income groups but the middle-income groups as well. Here the need is not simply for more efficient technology, as is so often assumed (construction labor represents only about 15 per cent of the retail value of the typical new home). The difficulty really is one of removing a series of institutional constraints that impede the extension of modern industrial methods and organization to housing production: obsolete building codes, restrictive lending practices, overselective union work rules, land speculation, and the property tax system, to cite just a few impediments.

Businessmen, too, must reappraise relationships with those individuals and groups that corporate decisions so vitally affect; the socially and economically disadvantaged. These people are demanding increased participation in determining their own lot—a demand that will create profound problems—but business should be aware of this and be prepared to cope with the difficulties.

Even in the most familiar markets a true picture of consumer needs often does not emerge from traditional market research. In addition, corporate decision-makers often must make judgments based on information filtered many times over within their own bureaucracies. To overcome this obstacle, a few companies have begun to develop panel techniques that bring together corporate leaders and consumers in face-to-face discussions.

Business also must be prepared to help its clients articulate their needs. In many instances this will necessitate making painstaking explanations of highly technical concepts to people who have been undereducated by the system. We must develop more sensitive detection systems to determine who is truly representative of each client group. Then business must act on what it has learned about the needs of the client to mold its product or service to fit him.

In its growing role as builder of subsidized low-rent housing, private industry is exploring new ways of determining user needs; future tenants are given considerable voice in building design and in site location and arrangement. We can expect these experiments to have wide application to many similar activities.

Business corporations, in constructive partnership with government, can do much to solve social problems. But we must be realistic in our expectations while resolving the many dilemmas that stand in the way.

BEHIND THE INERTIA

Expectations have been high that military-aerospace suppliers might welcome an opportunity to serve domestic social needs. Former Secretary of Defense Clark Clifford, for example, has said: "We now have a military-industrial team with unique resources of experience, engineering talent, management, and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. These answers can be put to good use by our cities and our states, by our schools, by large and small business alike."

Yet, in two award-winning reports last December, Washington Post reporter Bernard D. Nossiter found a distinct disinterest among aerospace management in cultivating any other major market.

"Basically, we're a big systems builder for military weapons," Edward J. LeFevre, vice president of General Dynamics, told Nossiter. "Over 90 per cent of our business is military. We're in that business to stay."

"Our future planning," added James J. Ling, chairman of Ling-Temco-Vought, "is

based on visible contracts. One must believe in the long-term threat."

"The disturbing fact, from the standpoint of the aerospace companies," said Nossiter, "is that the economic rewards for solving civil problems appear to be low. As a rule of thumb, the industry figures that if it earns \$20 million from research on a device, it will pick up \$200 million for developing and testing it and \$2 billion in production. That is why everybody says that 'the money is in the hardware' . . ."

"Typically, aerospace companies do not spend their own money to build plants; they lease factories constructed by the Government. . . . Much of the elaborate equipment in aerospace factories is also government-financed. . . . Defense contracts . . . provide liberal allowances if the cost of a weapons system exceeds the estimated price—and it usually does—by a substantial margin. . . . Finally, the Government finances the production line itself."

Concluded Nossiter: "It appears, then, that the major producers of sophisticated weaponry will continue to devote some time and money to tentative forays into nondefense business. But their words and plans make it clear that the bulk of their resources will be spent on the development and production of new arms."

THE LAWYER IN CONGRESS: WHY?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HUNGATE. Mr. Speaker, the Capitol Hill Chapter of the Federal Bar Association, of which I am privileged to be a member of its executive council, had the great pleasure to welcome last month, the newly elected U.S. Senators and Representatives who are also members of the bar of their respective States. This is always an important occasion, for it serves to emphasize the continuing relationship and involvement of the members of the legal profession with the process of lawmaking in this country.

To mark that fine occasion, I should like to invite the attention of my colleagues in Congress to a very fine essay that had been written on the topic "The Lawyer in Congress: Why?" by Harry M. Shooshan III, a promising young man who is presently on the staff of a Member of the House of Representatives. The paper provides a penetrating examination of the reasons behind the historical influx of lawyers to both Houses of Congress, and places the subject in contemporary focus as well.

Believing this to be of such general interest, I present it to be reprinted in the pages of the CONGRESSIONAL RECORD. It is as follows:

THE LAWYER IN CONGRESS: WHY?

(By Harry M. Shooshan III)

In his monumental work, *Democracy in America*, Alexis de Tocqueville observed that "Democratic government favors the political power of lawyers. When the rich, the noble and the prince are excluded from the government, the lawyers then step into their full rights, for they are then the only men enlightened and skillful, but not of the people, whom the people can choose." In De Tocqueville's day "but not of the people" came close to signifying that a kind of class dis-

tinction was afforded the legal profession. Any modern lawyer would publically disdain the thought of such status, while privately secure in the warmth of his profession and its advantages.

Since De Tocqueville, members of the profession have been known to extoll its vaunted nature. Justice Swayne, in the case of *Baker v. Humphrey* (101 U.S. 494), said "The legal profession is found wherever Christian civilization exists. Without it, society could not well go on." That puts it rather succinctly. However, he admonishes that "like all great instrumentalities, it may be potent for evil as well as good. Hence the importance of keeping it on the high plane it ought to occupy." Justice Story, in his *Miscellaneous Writings*, suggested that ". . . no men are so constantly called upon in their practice to exemplify the duties of good faith, incorruptible virtue, and chivalric honor, as lawyers."

Somehow, therefore, the lawyer has always been thrust forward into the mainstream of American life and has, more often than not, ended up serving his country in either the state legislatures or in the Congress of the United States.

The history of this country is replete with the contributions of lawyers as leaders in the development of the Constitution and in the implementation of that document as the basis of our laws. For example, more than half of the delegates to the First Continental Congress in 1774 were lawyers. More than two-thirds of the delegates to the Second Continental Congress in 1775 were lawyers. Of the committee of five who drafted the Declaration of Independence, three were lawyers. Of the fifty-five signers of that Declaration, thirty-two were lawyers. And of the fifty-five members of the Constitutional Convention of 1787, thirty-five were lawyers.

This pattern, established in an era when lawyers made up the elite class in this country, holds true today. In the 90th Congress, 246 of the 435 members were lawyers by profession. Of the forty-two new members who were elected to the 91st Congress, twenty-three were lawyers. The trend is clear, but the question arises out of all this: why lawyers?

There are several factors which combine to render the lawyer unique in American life and, therefore, uniquely qualified for involvement in the political process. The most basic of these factors is the foundation of American society on "the rule of law." This gives the lawyer a decided advantage in the game of social and political one-upmanship.

More important, however, is the fact that the legal profession provides for constant contact with countless persons in every sector of the community. The lawyer engaged in the private practice of law soon finds that his occupation compels, rather than restricts, contact with political leaders, business and social leaders as well as the public at large. The lawyer is quite often called upon to serve as a special adviser or as a member of a special commission, and he discovers that, as a practical matter, these situations often allow his practice and political activities to complement each other.

The lawyer, then, seems to be inexorably trapped into at least some degree of community involvement. Ideally, he will pick up the cudgel and willingly do battle. This seems to be the case and more and more today in the burgeoning urban centers of our country where the lawyer as an active participant in civic affairs is thrown into contact with the pressing problems which are so much in evidence. New York City probably has more of these problems than any other American city, and it has twenty-four Congressmen who must deal with them. Of these twenty-four, twenty are lawyers. Their biographies are literally sprinkled with "Mayor's Task Forces", "City Advisory Boards", and even "National Committees". All this is not to sug-

gest that the lawyer cannot opt out, but rather that he is increasingly less inclined to do so, especially in the large urban areas.

Thus, if there is a "prep school" for Congressmen, it would have to be the legal profession. The education and "on-the-job training" available to a lawyer seem to equip him uniquely for many aspects of the job of a Congressman. A legal background is most helpful for coping with any of the problems posed by the legislative process, from drafting a bill to handling it in committee or on the House Floor. Committee work, especially, demands meticulous care and study from a conscientious member. The House Judiciary Committee, because of the nature of its jurisdiction, has an unwritten requirement that its members be lawyers by profession. Nine of the twenty-one chairmen of the standing committees in the House are lawyers. In Congress, as in society in general, the lawyers seem to make their way to the top.

An underlying advantage which may help to account for the success of members of the legal profession in politics is the extent to which a lawyer, in private practice, deals with many of the problems with which he will have to cope as a Congressman, albeit on a larger scale. In a real sense, the constituent relies on the Congressman to interpret for him the complicated federal system. It is the Congressman who, like the lawyer, must humanize the average person's view of government which amounts to a vast maze of laws, regulations, restrictions, and penalties. The Congressman may find that he is being asked many of the same type of questions he was asked in private practice. "What about my eligibility under that new law?" "How will my business dealings be affected by this legislation?"

One significant factor marks the transition from the private practice of law to the public office of Congressman. The lawyer as Congressman must be responsive to all his constituents and not merely to one particular interest group. He must make an effort to see that the laws he helps to create do not favor one interest over another. While his success in private practice was based on his ability to find openings in the law through which to steer his clients, as a Congressman he is asked to tighten such loopholes. Here again, he seems uniquely qualified to do the job.

Perhaps, lawyers sit in Congress in such large numbers because lawyers and Congressmen share the same interests. These interests are generously defined by Justice Frankfurter, who wrote ". . . all the interests of man that are comprised under constitutional guarantees given to 'life, liberty and property' are in the professional keeping of lawyers" (*Schwartz v. Bd. of Bar Examiners*, 353 U.S. 232, 247). The lawyer pursues the protection of these interests in some manner throughout his professional life, and often this pursuit leads him to the halls of Congress. For, it stands to reason that where laws are being made, the legal profession will be well represented.

WHAT IS A CLOUD?

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BEALL of Maryland. Mr. Speaker, recently, a young lady who resides in Frederick, Md., was honored by the publication of one of her poems in the June-July issue of *Highlights for Children*. In recognition of this accomplishment, I would like to place in the RECORD a copy

of the poem which occasioned this award and also a copy of the article from the Frederick News-Post which reported it:

STUDENT RECOGNIZED BY HIGHLIGHTS FOR CHILDREN MAGAZINE

Jeannine Green, daughter of Master Sergeant and Mrs. James Green, 306 Logenberry Court, Frederick, has written a poem which appears in the June-July issue of Highlights For Children, a popular monthly children's magazine with over a million readers.

Jean is a sixth grade pupil at South Frederick Elementary School. Her poem, "What Is a Cloud?" was written when Jean was a fifth grade pupil and now appears in Highlights.

Jeannine started writing poems a couple of years ago. During the present school year, she has participated in two class programs. Since Jeannine's father is in the Army, the family is preparing to return to Alaska for another tour of duty.

Highlights for Children, edited by Dr. and Mrs. Garry Cleveland Myers and Dr. Walter B. Barbe, is published in Columbus, Ohio. The publication stresses development in reading, thinking and creating and is described by its editors as "fun with a purpose." Dr. Myers, an authority on child development, is also a widely read syndicated columnist.

WHAT IS A CLOUD?

(By Jeannine R. Green)

- A cloud is a poodle,
Eating out of your hand.
- A cloud is a child,
Making castles in the sand.
- A cloud is a hat,
On a lady's head.
- A cloud is a blanket
On top of a bed.
- In other words,
For a simple explanation.
- A cloud is a sample of
Your imagination.

THE GALLANT 66TH INFANTRY
DIVISION

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. JOELSON. Mr. Speaker, it is my pleasure to bring to the attention of the House of Representatives the upcoming 25th anniversary of the 66th Infantry Division of World War II.

This division, which was activated at Camp Blanding, Fla., on April 15, 1945, was notable on many counts. The division freed 180,000 French civilians and liberated 858 square miles of France in the Brittany Peninsula, as well as having accepted the surrender of 50,000 of the enemy, in a period of less than 6 months. This was not done without heavy cost to the division, which suffered 2,250 casualties.

A nationwide reunion is to be held in Atlantic City on June 27-29 of this year, and it will bring together many gallant veterans of the 66th. New Jersey's Governor has signed a proclamation designating Saturday, June 28, as official 66th Infantry Division Day in the State of New Jersey, giving the division a well-deserved tribute.

I know I speak for my colleagues in

wishing the members of the 66th Division a completely successful anniversary observance.

CONSUMER CLASS ACTION BILL

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ECKHARDT. Mr. Speaker, today I introduce the Class Action Jurisdiction Act of 1969, legislation designed to make consumer rights more meaningful by providing a judicial forum in which they can be effectively protected.

I am delighted that Congressmen CAHILL, CONYERS, EDWARDS of California, HALPERN, HUNGATE, MIKVA, ROSENTHAL, RYAN, and SCHEUER have joined in cosponsoring this legislation.

It is a commonplace observation that effective consumer remedies have not kept pace with the increasing recognition of consumer rights.

Neither administrative regulations nor individual private law suits adequately protect consumer rights. A classic example of their ineffectiveness is provided by the lengthy career of the Holland Furnace Co. Complaints about high-pressure tactics were made against the company as long ago as the early 1930's.¹ In December 1936, the company agreed to a Federal Trade Commission consent order against certain misleading advertising claims.² Although complaints against the company continued—Consumer Bulletin, April 1965, pages 25-26—a second proceeding was not initiated by the Federal Trade Commission until 1954.³ Four years later a cease and desist order was issued prohibiting Holland "from engaging in a sales scheme whereby its salesmen gain access to homes by misrepresenting themselves as official inspectors and heating engineers and thereafter dismantling furnaces on the pretext that this is necessary to determine the extent of necessary repairs."⁴ Holland Furnace Co. ignored the court decree enforcing the cease and desist order and was heavily fined for contempt of court in 1965.⁵

The 29 years which it took the Federal Trade Commission to bring the Holland Furnace Co. to task demonstrates the danger of overdependence on administrative agencies for consumer protection. Administrative budgets and personnel are limited, and, in some cases, the statutory structure or powers of an agency may inhibit its effectiveness. It is also noteworthy that Holland Furnace Co. continued its depredations notwithstanding a number of instances in which it was successfully sued for common-law fraud by individual homeowners, for example, *Holland Furnace Co. v. Robson*, 157 Colo. 378, 402 P. 2d 628 (1965), and a number of other instances in which individual homeowners successfully defended contract actions by Holland Furnace Co. on the ground that

Footnotes at end of article.

their contracts had been induced by fraud.⁶

The Holland Furnace saga illustrates the effect on interstate commerce of widespread consumer frauds. In sustaining the Federal Trade Commission's jurisdiction over Holland, the Seventh Circuit accepted findings that the company did business in some 45 States and had over 15 million customers.⁷ In view of the fact that consumer frauds have been estimated to involve several billion dollars worth of purchases annually⁸ it is hardly surprising that fraudulent practices materially affect interstate commerce.

This impact on commerce makes it desirable to have effective remedies for widespread consumer abuses. However, in many instances the amounts that individual consumers lose is small and individual litigation is not practicable. A New Jersey lawyer has observed:

The sad thing is that those people that get cheated often have the legal right to get a judgment against the company. The problem is how to enforce those rights. Since in New Jersey the paperwork for a \$150 claim is the same as for a \$10,000 claim, I just have to turn people down who have lost small amounts.⁹

Although OEO Neighborhood Legal Services attorneys provide some legal assistance to poor consumers, OEO attorneys are overworked, understaffed, and confined to representing persons below the poverty line.

A consumer class action compensates for individual consumers' inability to litigate small individual losses by enabling one or more representatives of a group of consumers with similar injuries to place the group injury in issue. The aggregate group claim is generally large enough to make it possible to obtain private counsel on reasonable terms. Forward-looking courts have, therefore, acknowledged that the consumer class action is necessary to prevent a denial of justice to consumers. In *Daar v. Yellow Cab Co.*, 67 Cal. 2d 695, 433 P. 2d 732, 63 Cal. Rptr. 724 (1967)—en banc—a consumer class action on behalf of all the Los Angeles taxicab users who had been overcharged by the defendant within the period of the statute of limitations, the California Supreme Court declared:

(A)bsent a class suit, recovery by any of the individual taxicab users is unlikely. The complaint alleges that there is a relatively small loss to each individual class member. In such a case separate actions would be economically infeasible. Joinder of plaintiffs, would be virtually impossible in this case. It is more likely that, absent a class suit, defendant will retain the benefits from its alleged wrongs. A procedure that would permit the allegedly injured parties to recover the amount of their overpayments is to be preferred over the foregoing alternative.¹⁰

It has also been noted that the deterrent or "therapeutic value" of a class action is far more important than the amount that the class action is likely to return to individual class members.¹¹

Consumer class actions are an indispensable technique for enforcing many consumer rights.¹² However, the class ac-

tion procedure of a number of States is outmoded and archaic. The New York cases, for example, require a unity of interest among the members of a class which approximates the test for compulsory joinder of parties.¹³ They also require that class members desire identical remedies.¹⁴ The result of this restrictive view is that consumer class actions are summarily dismissed in New York. Hall against Coburn Corp. is a case in point.

Hall against Coburn Corp. was a consumer class action against a finance company which had allegedly violated the New York retail installment sales act by using contracts printed in less than 8-point type. The NAACP legal defense fund sought refund of the service charge, a statutory penalty, on behalf of all consumers who had signed small-type contracts prepared and repurchased by Coburn Corp. within the period of the statute of limitations. However, the action was dismissed on two grounds; first, aside from the request for identical damages caused by identical conduct, the class was not united in interest; and second, maintenance of the class action would deprive members of the class of other remedies which they might prefer to pursue against the defendant or against the merchants with whom they had dealt.¹⁵

Neither of these grounds is compelling. The fact that identical damages are sought for identical conduct makes a case more suitable than unsuitable for class action treatment. Furthermore, class members' interests in pursuing other remedies can be preserved by limiting the scope of the judgment in a class action to the remedies that are actually sought. Hall against Coburn Corp. is bad class action law, but, unfortunately, it is typical of the law of a number of States.

This bill draws heavily from the extensive experience of Philip G. Schrag, an able practicing attorney and graduate of the Yale Law School, and of Richard Dole, Jr., associate professor of law at the University of Iowa, whose drafting work has been indispensable to its preparation. Charles L. Black, Jr., Henry R. Luce, professor of jurisprudence at Yale Law School, was invaluable in discussing both practical and constitutional aspects of the bill.

The bill is designed to counterbalance restrictive state attitudes toward consumer class actions by permitting class actions based on violation of State consumer protection law to be brought in Federal court, regardless of the amount in controversy or the citizenship of the parties. Federal court jurisdiction makes available the refinements of contemporary Federal court practice, including Federal Rule of Civil Procedure 23, the most modern class action procedure in the United States. The Class Action Jurisdiction Act of 1969 also makes clear what was already implicit; namely, that class actions are permissible under Federal consumer protection laws which provide for private remedies, such as the consumer credit protection or Truth-in-Lending Act.

The Class Action Jurisdiction Act of 1969 is based on the Federal commerce

power. It is well established that, in the furtherance of national policy, Congress can give the Federal courts jurisdiction to adjudicate State claims which arise in areas subject to Congressional regulation.¹⁶ This policy is reinforced by the Federal adoption of State statutes, a procedure often done and approved on many occasions by the courts.¹⁷ It is also well established that there is a Federal policy in favor of consumer protection.

The Class Action Jurisdiction Act of 1969 furthers this Federal policy by insuring that consumer class actions can be maintained for violations of Federal and State law that is intended for the protection of consumers.

The text of the bill follows:

A bill to improve judicial machinery by providing Federal jurisdiction for certain types of class actions and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Class Action Jurisdiction Act."

Section 2, Title 28 of the United States Code is hereby amended by adding thereto a new section as follows:

"SECTION 1363. CONSUMERS' CLASS ACTIONS:

"(a) Findings and Declarations of Policy:

"The recent increase in the protection of consumers under Federal-State statutes and under the decisions of the courts makes it desirable to establish federal policy and process to keep pace with the consumer rights that are in theory theirs. State class actions are in many instances inadequate to provide redress to consumers. Therefore, Congress declares that it is the policy of the United States to grant protection by adequate process to consumers in order to expedite the free flow of consumer goods in, and affecting, commerce. In this respect, Congress finds that an adequate process for class actions is essential to effective consumer protection, because class actions usually involve sums too small to justify individual litigation. By consolidating numerous claims of consumers injured in substantially the same manner, actions may be economically brought and sound judicial administration is promoted.

"(b) Jurisdiction of District Courts of Class Actions:

"(1) The district courts shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, of civil class actions brought by one or more consumers or potential consumers of goods, services, realty, or intangibles on behalf of themselves and all other consumers similarly situated, where—

"(A) the action involves the violation of consumers' rights under state or federal statutory or decisional law for the benefit of consumers.

"(B) the action is brought on behalf of numerous consumers or potential consumers of goods, services, realty, or intangibles who were or will be injured by the defendant(s) in substantially the same manner; and

"(C) the alleged violation affects interstate or foreign commerce or occurred with respect to goods, services, realty, or intangibles moving in or affecting interstate or foreign commerce.

"(2) The Federal Rules of Civil Procedure govern the conduct of these actions.

"(3) The district courts may award consumers the relief to which they are entitled under federal law as provided in paragraph (c) of this Section.

"(4) If the court determines that an action brought pursuant to this section may not properly be maintained as a class action under the Federal Rules of Civil Procedure, it

shall dismiss the action without prejudice to reinstatement as an individual action in the district courts under other provisions of law or as an individual or a class action in a state court of competent jurisdiction.

"(5) If a class of consumers prevails in a class action, the court shall award to the attorneys representing the class a reasonable fee based on the value of their services to the class. If the action has resulted in an award of damages or financial penalties to members of the class, the attorney's fee shall equal ten percent of the total judgment, unless the court determines that justice dictates the award of a greater or a lesser amount. Attorney's fees may be awarded from damages or penalties which the defendant owes to members of the class who cannot be located with due diligence.

"(c) Scope of Federal Law. State law applicable to the facts of cases brought under paragraph (b) above is adopted and incorporated into federal law and shall be applied as federal law in actions brought in the district courts under this Section; provided,

"(1) That the same is not inconsistent with existing federal law, and

"(2) That the policy of this Section, giving consumers the right to sue in class actions as provided in paragraph (b) above, shall be engrained upon such state law so that the result shall constitute the substantive law enforced in federal courts under the provisions of this Section.

"(d) This Section shall not be deemed to prohibit a litigant from choosing a state forum and from trying a case solely under state law without the case being subject to removal on grounds of federal question jurisdiction under Title 28, Section 1441, United States Code.

"Sec. 3. The analysis of Chapter 85 of Title 28, United States Code, is amended by adding at the end thereof a new item as follows: "

"§1363. Consumers' class actions."

FOOTNOTES

¹ Customer Bulletin, April 1965, p. 25.

² 24 F. T. C. 1413-14 (1936).

³ See 55 F. T. C. 55 (1958).

⁴ Id. at 91, aff'd, 295 F.2d 302 (7th Cir. 1961).

⁵ In Re Holland Furnace Co., 341 F.2d 548 (7th Cir.), cert. denied, 381 U.S. 924 (1965).

⁶ Holland Furnace Co. v. Korth, 43 Wash. 2d 618, 262 P.2d 772 (1953).

⁷ Holland Furnace Co. v. F.T.C., 269 F.2d 203, 209 (7th Cir., 1959), cert. denied, 361 U.S. 932 (1960).

⁸ See Comment, "Translating Sympathy for Deceived Consumers into Effective Programs for Protection," 114 U. Pa. L. Rev. 395 (1966).

⁹ "Translating Sympathy for Deceived Consumers into Effective Programs for Protection," 114 U. Pa. L. Rev. 395, 409 (1966).

¹⁰ 67 Cal. 2d at 715, 433 P.2d at 746, 63 Cal. Rptr. at 738; accord, *Eisen v. Carlisle & Jacqueline*, 391 F.2d 555, 563 (2d Cir. 1968).

¹¹ *Dolgow v. Anderson*, 43 F.R.D. 472, 485-488 (E.D.N.Y. 1968).

¹² See Starrs, "The Consumer Class Action: Considerations of Equity and Procedure," in National Institute for Education in Law and Poverty, Handbook on Consumer Law (1968); Dole, "Consumer Class Actions Under the Uniform Deceptive Trade Practices Act," 1968 Duke L.J. 1101.

¹³ *Society Million Athena, Inc. v. National Bank of Greece*, 281 N.Y. 282, 22 N.E. 2d (1939); *Brenner v. Title Guarantee & Trust Co.*, 276 N.Y. 230, 11 N.E. 2d 890 (1937).

¹⁴ *Gaynor v. Rockefeller*, 15 N.Y. 2d 120, 204 N.E. 2d 627, 256 N.Y. 2d 584 (1865).

¹⁵ 160 N.Y.L.J. No. 28, p. 2 (Sup. Ct. Bronx County 1968), aff'd mem. (1st Dept. 1969), appeal pending.

¹⁶ See *Osborn v. Bank of the United States*, 22 U.S. (9 Wheat.) 738 (1824); *Mishkin*, "The Federal 'Question' in the District Courts," 53 Column. L. Rev. 157, 184-96 (1953).

¹⁷ 40 T.L.R. 1050, 1052.

**WALTER FRIEDENBERG NAMED
EDITOR OF CINCINNATI POST
AND TIMES-STAR**

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. TAFT. Mr. Speaker, Scripps-Howard newspapers has named Mr. Walter Friedenberg the new editor of the Cincinnati Post and Times-Star. He replaces Dick Thornburg, who has retired after 16 years of outstanding service and leadership as editor of the Post.

Mr. Friedenberg has served with distinction as a foreign correspondent and as an editorial writer here in Washington for Scripps-Howard. We wish him well in his new position.

The following column appeared in the Saturday, June 7, Post, and gives some insight into Mr. Friedenberg's philosophy. I believe the Post has an exciting future under his leadership:

[From the Cincinnati Post and Times-Star, June 7, 1969]

RELAX, IT'S MY FIRST ONE, TOO

(By Walter Friedenberg)

There is the story of the nervous young doctor who was about to perform his first appendectomy.

With fidgety hands and an edgy voice he approached the elderly gentleman on the operating table and confessed, "Sir, this is my first appendectomy."

The old man hesitated, then realized his best move would be to put the young surgeon at ease. "Relax, son," he said, "It's my first one too."

What I mean to say is that if some subscribers and readers of The Post and Times-Star are apprehensive about the new editor and how he will operate—well, it's mutual. But I'd say, "Relax. It's my first time as an editor, too. I'm curious as you are."

And I come to you not only on the youngish side (40) for the editor of a respected paper in an important city, but by an unusual route, namely, through being a foreign correspondent and editorial writer.

Of the past 16 years I have spent nine overseas, and I have lived in New Delhi and Saigon nearly as long as in Washington.

Wherever a newspaperman goes, however, his work is to report on his fellow-human beings: What they do, what they feel, what they think.

And that, simply—and complicatedly—is what I intend to do, through the staff and employees of The Post and Times-Star, here in Cincinnati.

We want to inform you not only what has happened, in the sense of who was elected, married or knocked off the pitcher's mound in the eighth inning, but also what is happening, meaning the hard-to-photograph, hard-to-get trends, attitudes and problems that are important and interesting too.

In all that we do—in our reporting and our editorials—we want above all to serve the community.

That goes for today, and for that fast-approaching future when there will be more and more of us living in a changing city of expanding knowledge, advancing techniques, greater pleasures and, if history is any guide, more complicated problems.

But lest we be suspected of being too idealistic, let me say we also want to sell newspapers.

To make good on this objective, I know what we must do. Be truthful, responsible, enterprising, impartial and fair.

In this regard I am grateful to be the beneficiary of retiring editor Dick Thornburg's

EXTENSIONS OF REMARKS

June 9, 1969

16 years of service and leadership, and heir to at least a portion of the vast respect and affection, as I have seen in just my first week, that he has won from the people who work at this paper and people in the town.

To sum up: Relax. Let's see what happens. I assure you all that I will try my best. And I am looking forward to my assignment with pleasure.

**WHAT IS THE AGE OF MATURITY—
18 OR 21?**

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. TIERNAN. Mr. Speaker, one of the most perceptive pieces on the attitudes and actions of today's college age youth recently appeared in a four-part series in the Boston Globe.

The series, written by the Globe's erudite national correspondent, Martin F. Nolan, investigates and analyzes the depth and feeling of today's student activists. It provides an excellent background, in high literary style, to a problem that many of us do not know enough about.

I urge my colleagues to review this excellent series:

**YOUTH AND HOPE: WHAT IS THE AGE OF
MATURITY—18 OR 21?**

(By Martin F. Nolan)

(NOTE.—Is there any hope for today's college generation? Will all the old values of civility be lost in the depths of a generation gap? To find out, Globe reporter Martin F. Nolan talked to students and their elders nationwide on the experience of growing up in America. This is the first of a four-part series.)

WASHINGTON.—"The age of 18, far more than the age of 21, has been and is the age of maturity in America—and never more than now."

That was what President Lyndon B. Johnson said on June 27, 1968, almost three months after he discovered the truth about youth.

"Reason does not permit us," he said, "to ignore any longer the reality that 18-year-old young Americans are prepared—by education, by experience, by exposure to public affairs of their own land and of all the world—to assume and exercise the privilege of voting."

Mr. Johnson spoke on behalf of a constitutional amendment for the 18-year-old vote similar to that filed earlier by Sens. Mike Mansfield and Everett Dirksen.

Neither amendment got out of committee. There is no lobby for 18-year-olds.

In a speech called "Today's Youth: The Great Generation," Richard M. Nixon supported the 18-year-old vote because "they are smart enough to vote. They are more socially conscious, more politically aware, and much better educated than their parents were at age 18. Youth today is just not as young as it used to be."

The speech, on Oct. 16 last year, professed sympathy and understanding for the plight of the youth: "They feel little or no participation in the decisions that affect their lives. Too often, they feel, government tells them what to do, the school tells them how to do it, and their parents tell them what not to do. No wonder so many feel powerless and frustrated."

**STUDENTS ARE GROWING UP IN A WORLD
OF TURMOIL**

Mr. Nixon's more recent comments on "the Great Generation" have excluded a call for their political enfranchisement. Of the legis-

lative recommendations trickling forth from the White House, a call for the 18-year-old vote is nowhere in sight.

Such a message hardly requires complicated legal work—not so much as, say, the President's proposed overhaul of the Post Office. What seems to be missing is what Mr. Nixon so earnestly recommended for college officials and faculty: A little "backbone."

More than three million Americans reach 18 each year. The men among them are allowed to participate actively in government, through that agency closest to the people, the selective service system. Ten days after his 18th birthday, each young man must register for the draft and decide whether he is willing to fight and die in a war of dubious legality and more dubious morality.

Or he must decide whether he has conscientious objection to such service and thus face a cross-examination severe enough to test a Philadelphia lawyer and a doctor of divinity.

Unlike their fathers and grandfathers, who believed they were saving civilization today's young men march to an uncertain trumpet, whose cacophonous melody had been echoing for most of their lives.

A glance at the history of the past decade suggests that growing up for the current college-age generation has been an arduous experience, psychologically and spiritually.

In America, assassination has become a relatively common method of political discourse. The victims, from Malcolm X to John F. Kennedy to Martin Luther King, differed politically but their deaths did violence to traditional notions of authority and reason.

In Europe, the two most striking cultural phenomena have also had their effects in America: the thaw in the cold war, accompanied by economic prosperity and the ferment in the Roman Catholic church begun by Pope John XXIII.

Most youngsters reach political awareness around age 12. Today's college freshmen therefore have witnessed the following events in their adolescence: the death of John F. Kennedy; the nomination and campaign of Barry Goldwater, which so divided the country; the gradual escalation of the war in Vietnam and the bitter and emotional debate which ensued; the black rebellion on American cities, beginning in Watts in 1965 and continuing convulsively; two more assassinations and a mockery of democratic procedure at Chicago in 1968.

"The Sino-Soviet bloc" and "The great depression" are distant historical artifacts. Religion, for so long a symbol of authority and immutability, has been in more profound turmoil than any other institution.

The only institution still barnacled in tradition has been, in fact, the university. Solemn convocations with men in funny hats and costumes are signs of immutability, just as are promotion procedures for professors, labyrinthine rites that make I.B.M. and General Motors look like hippie communes.

Today's generation, too, has been a guinea pig for educational and psychological theories, from John Dewey and Montessori to Freud, Jung, and even Keynes and the "new economics."

During the 1950s, college youth reacted by retreat into existentialism and nihilism. Today's undergraduates, at least, talk very little about a "quest for identity" or "meaningful communication" and all the meaningless metaphors so popular a decade ago.

Adults ask in honest indignation: What do these kids want? The kids may reply: What do the adults want? In the culture of public worry, the main concern 15 years ago was "the silent generation." Five years ago, Dr. Timothy Leary was a pied piper leading glassy-eyed dropouts to psychedelia.

And now, the young are serious, and seriously involved in sacrilege against the American state religion, education. Their alleged profanity has coincided with the rebellion of the blacks, for whom education has been a

montage of ancient brick buildings, indifferent teachers, a dead-end curriculum and a slum with desks—to wit, a false god.

Like the blacks and the poor, the young have always been with us, and always ignored. Like the blacks, they found meekness and prayerful petition fruitless. As Richard M. Nixon put it in "The Great Generation:" "far too few of us really listen to what young people are saying. We defend their right to speak up and to dissent, we smile self-righteously at our own tolerance, and then we pay no attention to their message."

The black revolt and the youth uprising also share an ability to bewilder white adults. How can they claim that their violence is justified? This question was asked about blacks and is being asked about the students.

The answer is that the violence is not justified, because the roots of reason have withered in the traditional climate of "justice," a justice that has allowed violence to flower, either in the burning of a Vietnamese village with a American cigarette lighter or the bombing of black churches in Birmingham.

The reaction to the student revolt has been paralyzed by fear and guilt. Many college administrators called the cops suddenly and with no forethought, out of fear. Faculty members, on the other hand, have been frozen in guilt.

The guilty feelings of the faculty may be the central point at issue in American universities today. The explanation of that guilt, the faculty's new contribution to the university in the post-riot era, will decide the future.

The faculty, so long out of power, has misused it lately. In nearly every major university explosion, the first demand from students has been amnesty from civil or collegiate prosecution.

This demand has usually been the first one granted by a distracted, guilt-ridden faculty. The action is cheap, easy, refreshing and referred to as "wiping the slate clean."

The grant of amnesty is also the most cruel, degrading punishment the faculty can inflict, because it patronizes the students, babies them and robs them of responsibility, a vital property of adulthood.

YOUTH AND HOPE—II: WHERE THE UNIVERSITIES FAIL

(NOTE.—Is there any hope for today's college generations? Will all the old values of civility be lost in the depths of a generation gap? To find out, Globe reporter Martin F. Nolan talked to students and their elders nationwide on the experience of growing up in America. This is the second of a four-part series.)

(By Martin F. Nolan)

SANTA BARBARA, CALIF.—Every movement must have its prophet, every revolution its voice crying in the wilderness.

For the collegiate uprising, it is Robert Maynard Hutchins. Before his 30th birthday he had disrupted the educational thinking of a generation, preaching against the "irrelevance" of most university curricula.

Dean of Yale Law School at 29, president of the University of Chicago at 30, Hutchins is now 70 and president of the Center for the study of Democratic Institutions, a "think tank" for the humanities.

He is still unmellowed and uncompromising, as he indicated in an interview in his Hilltop study here:

"I'm not surprised that college presidents aren't respected these days. So many of them are just public relations men or bureaucratic administrators. The scientific-technological revolution has placed a premium on expertness and knowledge and what do they know?"

"This highly opulent, mobile society may be witnessing the end of 'success' and all the Horatio Alger notions of success. If so, the

university may restore itself as a center of independent thought."

Hutchins' definition of the university as a center of independent thought is markedly similar to the call for independence from government and business preached by student dissidents.

"The most striking fact about the higher learning in America is the confusion that besets it," Hutchins wrote in 1936, the year he was awarded an honorary degree at Harvard's tercentenary.

The book, "The Higher Learning in America" warned against entangling universities in the aims of government and business.

"It is sad but true," he wrote, "that when an institution determines to do something in order to get money it must lose its soul and frequently does not get the money."

With that in mind, Hutchins dropped big-time football in 1939 at Chicago, a step followed by many universities since that time. He also raled against "the service-station concept" of a university, which would lead to a "knowledge industry . . . turning out those who could help in the formation of 'knowledge workers' in research and development."

Fulfilling Hutchins' warning, Harvard Dean Franklin L. Ford forecast such a development on his first day in office, June 15, 1962. "Changes from the outside will dictate changes in the college," he said. "Business and government are asking questions today that academicians never thought of asking."

After the recent student strike at Harvard, a strike-supporting publication "How Harvard Rules," lashed out at the Harvard curriculum (far less job-oriented than at other universities):

"Courses are not intended to further self-development, to connect with meaningful activity in the world; they become instead part of the students' property, their 'human resources'. Far from setting men free, this type of knowledge—technical or humanistic—makes students into products. Their education, their 'Harvard degree,' transforms them into a commodity."

In similar terms, Hutchins has accused university administrators of trying to emulate Henry Ford. "Is the university to be a servant or critic of society," he asks, "a mirror or a beacon?"

That university life now mirrors the agonies of the outside world has been evident since the turmoil at Berkeley five years ago. The student rebels then put much emphasis on the word "multiversity," popularized by University of California Pres. Clark Kerr, deposed by the riots.

In coining "multiversity" at Harvard's Godkin lectures in 1963, Kerr warned his audience that "analysis should not be confused with approval or description with defense." Few listened.

Hutchins today charts the making of the multiversity:

"When we went to Yale (in the 20s), we didn't go to be educated. We went to become Yale men. College then was a means of taking the sons of the rich and rendering them harmless to society for a few years.

"At the end of World War II, scientists showed that they could blow us all up. (The first controlled chain reaction was conducted at Chicago's Stagg Field in 1942, three years after Hutchins had converted the stadium into a research area.)

"Then Eisenhower, Kennedy and Johnson all told us that the university was the center institution of our age. More and more people could afford to go to college and the places grew, with great burden on this archaic, mismanaged purposeless institution, the university.

"So now there's chaos. Our universities are in desperate condition, even in the American notion of what a university should be, a center for technical and vocational certification.

"Our only hope is in new institutions. Maybe there's a chance. There's plenty of money around."

Hutchins' new institution is something called the liberal arts college, that is, largely non-elective curriculum of four years studying science, literature and history "with every student studying each subject as though he were to take a Ph.D. in it."

The major difference in Hutchins' idea is that college should begin after the sophomore year of high school "because the first two years of college duplicate the last two of high school." Then, after four years of college, students who would normally be college juniors would be ready for post-graduate work. He even suggested later a 6-3-3 school career, with an A.B. degree at age 18.

Over the protests of high school principals who claimed their students were too young, Hutchins experimented at Chicago for two decades constantly juggling traditional notions of class by allowing sophomores to take senior courses and juniors to take graduate courses, innovations that other colleges and universities adopted.

"Many of those who participated in or examined the Chicago experiment regarded it as highly successful," according to Harvard's Christopher Jencks and David Riesman in "The Academic Revolution."

"Whether one looked at the intense student culture or the record of alumni in graduate and professional schools (where most went), the college made a more impressive showing than almost any other undergraduate institution with similar students.

"The achievements of the college's alumni were not, however, usually the sort a development office welcomes. Their verbal sharpness, not uncommon Bohemianism, and frequent pedagogic and political radicalism all alienated parents, the Chicago business community, Chicago alumni of a more staid era, and many graduate school professors."

This achievement of a rigid, classical, "old-fashioned" curriculum would intoxicate today's campus militants and it may be what they're looking for.

When Hutchins left Chicago in 1951 for the Ford Foundation, he quoted Woodrow Wilson in his farewell address to the students. "The object of a university," Wilson said "is to make young gentlemen as unlike their fathers as possible."

Then Hutchins left the students with his last heresy and testament for change:

"The whole doctrine that we must adjust ourselves to our environment, which I take to be the prevailing doctrine of American education, seems to me radically erroneous. Our mission here on earth is to change our environment, not adjust ourselves to it. If we become maladjusted in the process, so much the worse for the environment. If we have to choose between Sancho Panza and Don Quixote, let us by all means choose Don Quixote."

YOUTH AND HOPE—III: POP CULTURE: IT BINDS THE NEW MOVEMENT

(By Martin F. Nolan)

BERKELEY, CALIF.—Adult authorities keep trying to divide youth, which is only fair. They keep failing, which is fair, too.

Every college president seeks to isolate the "moderates" from the "militants." At San Francisco State, acting Pres. S. I. Hayakawa acknowledges that black student demands have merit, calling white radicals posturing troublemakers.

On CBS, Eric Sevareid closed an hour of worrying with a sad vision:

"A very great professor, Alfred North Whitehead, once made a chilling remark. 'Wait for those in the back street,' he said. 'When they move, the intellectuals will be pushed aside.' That would be a pity."

Since the Attorney General of the United States and the outraged ranks of Colonel Blimp alumni do not reside on 'the back

street, the campus may be awaiting an assault from 19-year-old machinists, wrenches in hand and led, no doubt, by ROTC drop-outs.

This prospect is unlikely because of the glue that binds the youth movement, pop culture.

In music, movies and styles of dress, the kids daily celebrate their victories. A walk down Telegraph av. here presents a sartorial scene soon to be duplicated in the most swank boutiques in Manhattan where members of the Establishment purchase their clothes.

Even if youth does not believe that imitation is the sincerest form of flattery, there should be some comfort in being upbraided by congressmen with sideburns hovering righteously near the earlobe or in being clucked over by grandmas with hemlines demurely above the knee.

The cultural revolution may be the only enduring monument of America's current generational anguish. Who can deny, after all, that today's popular songs are more inventive and livelier than those of 20 years ago?

Money fuels this culture. Each year, young Americans spend more than \$1.2 billion on records, mostly out of daddy's allowance. Then dad tries to understand his children by seeing "Hair" for \$12 an orchestra seat in New York (or \$8.50 in Los Angeles).

The two most enduring influences on the lives of today's student generation are the newest forms of civilization: television and suburbia. Both reached a peak in influence a decade ago when today's sophomores were most impressionable.

The revolution in pop music, in dress and in mores, is in part a reaction to both. A decade or so ago anthropologists might well have concluded that America's king and queen were Ozzie and Harriet. Their realm was more placid than Elysium, more pleasant than Camelot.

Sputnik, which so changed American education, also had its cultural impact, as self-doubt affected self-image. Today's TV screen is not ruled by the people next door but by lonely monarchs in a remote fantasyland: either one of the many widowed heroes like Andy Griffith of sleepy antebellum Mayberry in North Carolina or the celibate Cartwrights on the Bonanza ranch in Nevada.

Mon and dad eased the culture shock of the 1960's by quietly bumping off one another. For their children, it was more violent. Perry Como and the gurgling ballroom sounds of Tin Pan Alley were engulfed in the pounding surf of blues-rock-folk-hill-billy. Rocking around the clock wasn't easy.

The frenzy of modern music belies the passivity of the youth movement. Students talk of being "politicized" or "radicalized," not of becoming interested in politics, radical or otherwise.

In student bull sessions, "rap" has become an intransitive verb, as though complaint and despair were permanent conditions. Even if their leaders are stridently self-righteous and confident, most students are still on a darkling plain of confusion. The toughest part of involvement in a youth revolution is what to do after the battle is won.

If the adult world has been swallowed up in the cult of youth, the revolution has spread sideways, including supposedly anti-intellectual middle-class youth. Motorcycle cops, like the Mamas and Papas and the appeal of the Beatles, are not confined to a socio-economic pigeonhole.

Fervent SDS members at Berkeley confess to liking Glen Campbell, who has succeeded in romanticizing reactionary villages like Galveston and Wichita. Janis Joplin, who may never achieve the fame of Joan Baez, is called "the Judy Garland of the New Left" here, but she is really the musical descendant of Judy Canova.

No adult has seriously tried to divide youth according to the formula prescribed by

Aristophanes, by persuading coeds to withhold affection from male revolutionaries. The sexual revolution is one of the most vivid victories of the youth movement, almost as if teen-agers had invented The Pill.

The Harvard revolt against "parietal" dormitory rules a few years ago may have pre-empted the present campus turmoil since sex is more important than society. But even had they not won these concessions, students have perpetrated their own mockery of adult values in "unisex", the fashion phenomenon of boys and girls dressing alike.

"Unisex" may be as important to the future of mankind as Univac was to the future of machines. It also transcends traditional notions of debauchery. Campus sex is undoubtedly widespread and casual and perhaps guiltless. It may also be joyless and presage a cultural counter-revolution of Victorian ferocity.

That Berkeley has already triumphed in this aspect of its revolution can be witnessed at Sacramento: legislators there are so enraged at the repertory of sexual misbehavior in California that many of their 100 proposed laws are clinically specific and therefore, as obscene as what is to be forbidden. The apotheosis of Berkeley culture, of course, was "the Graduate," the movie in which the Bayshore freeway and Sproul Hall became symbols of freedom and revolt.

Dustin Hoffman's Benjamin was not universally popular here, it should be noted, since he had all the social conscience of a turnip and almost made Berkeley a wide-screen Mayberry.

But he won in the end, so did the movie at the boxoffice, and so did Simon, Garfunkel and Mrs. Robinson on the charts—all important psychological victories.

If all the youth movement had for sustenance were Marxist rhetoric and SDS slogans, it would soon disintegrate. But the phonograph is mightier than the mimeograph.

Or, as Andrew Fletcher, an 18th century English parson put it "Let me make the songs of a nation, and I care not who makes its laws."

YOUTH AND HOPE—IV: IS MORE FACULTY POWER THE ANSWER TO TURMOIL?

(By Martin F. Nolan)

The real enemy of revolution is reform. A lesson of history meaning that universities today must democratize to survive.

This process is painful for all—deans, students, trustees, alumni; but as Harvey Cox of Harvard's Divinity School says, "It depends mostly on the guys in the middle: the faculty. God help us."

The most distinguished faculty members in American universities today are also the country's leading free-lance writers, business entrepreneurs, political consultants and part-time government employees. Some of these also teach.

If the current campus turmoil will indeed be settled by the faculty's assumption of more power and more responsibility, the transition must erase centuries of custom.

The American Revolution, in fact, resulted in the first loss of faculty power at Harvard. President Josiah Quincy, surveying the financial setbacks caused by the revolution, concluded in 1779 that the corporation required "men of experience in business, and practically acquainted with public affairs."

Businessmen ruled the Harvard Corporation thereafter, a fierce protest on behalf of the faculty being overruled by the overseers in 1825: "It does not appear to this board that the resident instructors of Harvard University have any exclusive right to be chosen members of the corporation."

Almost a century later, Harvard president A. Lawrence Lowell resisted attempts to even define faculty power:

"Attempts have been made to define and express in written rules, the relation and the faculties and the governing boards, but the

best element in that relation is an intangible, an undefinable, influence. If a husband and wife should attempt to define by regulation their respective rights and duties in the household, that marriage could safely be pronounced a failure. The essence of the relation is mutual confidence and mutual regard . . . best learned from the experience and best embodied in tradition. Tradition has great advantages over regulations."

Lowell's statement in 1920 came at a time of social awakening among American intellectuals. This restlessness, however, had been channeled by university trustees into the businesslike endeavor of "research", the key to academic success.

"Learned societies" had proliferated in the late 19th century followed by the establishment of university presses to print the productivity of professors. The "publish or perish" carrousel was so relentlessly entrenched that one of Harvard's most famous English teachers, Charles Townsend Copeland, had to wait 18 years, until 1910, before becoming an assistant professor.

Protest against businesslike promotion procedures was to no avail. Upton Sinclair, a precursor of SDS radicals, addressed downtrodden workers in 1923 with the message: "Slaves in Boston's great department store, in which Harvard University owns 2500 shares of stock, he reconciled to your long hours and low wages and sentence to die of tuberculosis . . . because upon the wealth which you produce some learned person has prepared for mankind full data on 'the Strong Verb in Chaucer!'"

The larger American universities became, the stronger grew the "tradition" of rule by long-term presidents and deans. Turnover was not rapid because university administration was a serene, prestigious, rewarding life; few deans or presidents itched to get back to teaching or scholarship.

And now, the same conditions changing the happy lot of those running colleges has also transformed the lot of those professors who were primarily researchers, regarding teaching as a nuisance. No more quiet and prestigious havens for research are likely to remain.

Research institutes and "think tanks" are likely to multiply, all more openly identified with their governmental and business bank-rollers.

Back on campus, meanwhile, the marriage spoken of by Pres. Lowell will reach divorce court, a trend foreseen last year by McGeorge Bundy, president of the Ford Foundation, former White House assistant and former dean of the Harvard faculty.

"Faculty members who sneer at growing administrative staffs have wholly misconstrued their own true interest," he said. "Faculties have tended to assume that the internal strength and health of their universities were self-sustaining, and their government a matter of little moment. They have thus left the field open both for insensitive administrators and for student agitators."

"It is tempting to speak of this failure of the faculties as an abdication," Bundy wrote in the Atlantic Monthly. "But this harsh word is not wholly fair, because you cannot abdicate from a position you do not formally possess."

Bundy's cure implies more democracy in the university and more power for the faculty: "The best single test for the appointment of a President is still the question whether over the long pull he is the man the faculty would most wish to have."

Presidents and deans are likely to have shorter, more specified terms, both because democracy works that way and because the job is now a chore. Faculty members will have to abandon their contemplative life, their research, even the joys of teaching if duty and their colleagues call.

And will it be worth it? Will the students be more tractable, more grateful?

That depends on whether change comes to their lives, too, and if "tradition" gives way to more freedom and more responsibility.

Two years ago, when Harvard's current troubles began, Robert S. McNamara stood on a car in Cambridge and told his student tormentors that when he was at Berkeley a generation before, he had been a lot tougher and a lot smarter than they were.

Seldom has the former Defense Secretary's judgment been more in error. Overwhelming biological evidence suggests that today's young people are taller, tougher and smarter than their ancestors.

It is of no small significance that Harvard Prof. George Wald, at 62 a leading hero of youth, is also a biologist.

At the biggest bookstore in Berkeley, one of the better-selling books is "The Phenomenon of Man." Along with Marcuse, Malcolm X and Marshall McLuhan, this book by the late French scientist, Rev. Pierre Teilhard de Chardin, S.J., has attracted student hope and attention.

Teilhard's theory was that man is continually evolving, physically and spiritually. No institution, temporal or religious, could retard this progress of God's plan for a heavenly kingdom on earth, a worldwide community where moral law would equal the majesty of the law of nature.

The path to such a life can only begin in the last redoubt of reason, the community of learning.

That vision remains for many of today's students, no matter how hazily perceived or how clouded by rage and even if it may only be seen with the disappearance of the last court injunction, the last policeman, the last rapid slogan and the last angry word.

STINGY WITH THE ARTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HUNGATE. Mr. Speaker, I would like to share with my colleagues the following article from the Des Moines Register concerning the Nation's interest in the arts and humanities:

STINGY WITH THE ARTS

It isn't just Iowa where the arts have trouble wrangling a smidgin of seed money from government. It's the nation as well. The National Foundation of the Arts and Humanities hasn't grown as the National Science Foundation did. Congress last year gave the Arts and Humanities Foundation a skimpy \$11 million a year instead of the \$55 million hoped for. President Kennedy started it. President Johnson signed it into law amid clarion sounds.

The Nixon Administration has not decided what it will ask, and who knows what the present Congress will grant? But the Nixon Administration fired Roger Stevens, the courageous and imaginative chairman of the National Council on the Arts, before it had a replacement for him, and then ran into a series of turn-downs by possible successors.

Michael Straight wrote in the New Republic that the Arts Council's troubles began when Lyndon Johnson ran into hostility from particular artists (on the Vietnam issue) at the time of his White House Festival on the Arts.

"It was a fiasco," said Straight. "It left Mr. Johnson with the searing conviction that artists were his enemies. He made no serious effort from then on to promote the arts." He twisted not an arm, not a finger, when Congress cut the arts part of the program

from the \$32 million requested to \$4 million for the year ending this June 30.

Most civilized countries (and many uncivilized ones) find it necessary to subsidize the arts to keep them flourishing. The United States has done hardly any of that and isn't sure it likes the principle. It seemed to be changing its mind slightly in the early 1960s. Now it seems to be lapsing back into its old lethargy of letting the arts make do with what they can sell or scrounge or beg.

REPRESENTATIVE HOWARD INTRODUCES MASS TRANSIT LEGISLATION TO AID RAIL COMMUTERS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HOWARD. Mr. Speaker, I am today introducing legislation which I believe provides a sensible solution to the mass transit crisis. This bill will create an urban mass transit trust fund to be administered by the Department of Transportation. Patterned after the highly successful highway trust fund which has given America its magnificent system of interstate highways, this new trust fund will help to cure the imbalance in our transportation budget and to provide necessary capital assistance to revitalize old and to build new mass transportation systems.

This bill will not tap the existing highway trust fund, but will set up an entirely new fund based on a different source of income. The bill would continue the excise tax on new automobiles for 4 years, the proceeds going into a mass transit trust fund. It is expected that over its 4-year life, about \$10 billion in revenues would be generated for transit purposes. The advantages of this method of financing are twofold. First, there will be adequate mass transit funds, \$10 billion as opposed to the present \$175 million. Second, as this money cannot be diverted to other uses, Federal, State, and local officials will be able to make sensible long range plans for the efficient use of this money.

The need for good mass transit systems has been clearly proved. The existing Mass Transportation Act, enacted under the leadership of my distinguished colleague from New Jersey (Senator HARRISON A. WILLIAMS), has proved its worth even with limited appropriations. Such exciting new systems as the BART system in San Francisco would never have gotten off the drawing boards without the assistance provided by the mass transportation program. And thousands of New Jersey commuters would be in a difficult predicament without the Federal aid used for the purchase of new equipment on New Jersey commuter lines.

Much more needs to be done. No one knows better than I the importance of good highways—my first task on coming to the Congress was to begin the long and successful fight for the Trenton to the shore expressway. But there are many areas where mass transportation is a necessary partner for the highway and the auto. For example, a resident of my

district might find it most convenient to drive to Trenton; but if he were traveling to Newark or New York every day for work, it would be more advantageous to go by train or bus and to avoid the nightmare traffic jams and often futile search for parking space. Certainly a good highway system is needed for our rural areas—where most of the new highway construction is going on—but in overcrowded urban areas mass transportation systems are a much more efficient way of moving thousands of people to and from work quickly and cheaply. In crowded cities, the land gobbling highway frequently disrupts communities, reduces the number of decent housing units, and oppresses the inner city dweller for the benefit of the more prosperous suburbanite.

What I am arguing for is not one means of transportation at the expense of another. But communities should have a choice between the means most suitable to their needs. At present, there is far more money available for highway construction—and it is granted to the States on a 90-10-percent matching basis, while mass transit grants are awarded for only two-thirds of the net project cost. My bill would put mass transit grants on the same basis as highway funds. This will lessen the incentive to build highways solely, because there was more money available for them. It will also eliminate the present 12½-percent restriction on money which can go to any one State. Clearly the mass transit needs of densely populated urban States such as New Jersey are far greater than those of sparsely populated rural areas.

Two other amendments to existing law will improve the mass transportation program. More adequate relocation payments will be made available to homeowners and businessmen forced to move as a result of a mass transit project. And funds will be made available not only for acquisition of land for rights-of-way, but for adjacent land as well. This would allow the community to benefit from the increased value of land caused by the construction of a new or improved transit system. Profits from the development, sale, or lease of this improved land would be used to defray the cost of the overall project.

Mr. Speaker, one failing of our system of government is that we tend to avoid action on a problem by "studying" it. Once one set of studies is completed, then another is begun to see if the first was correct in its conclusions. And so on ad infinitum. No area has been so carefully studied over the past decades as mass transit. I am sure that HUD and DOT have libraries full of engineering studies, feasibility studies, marketing studies, demographic surveys, economic studies, cost-benefit studies, research and development studies, and assorted and sundry studies all proving the need for better, more efficient mass transit studies. I expect that the congressional hearings on this subject alone would fill a hearing room in the Rayburn Building. Clearly the time for study is over. The need has been proven. I do not need a study to prove that need; thousands of my constituents are commuters and

from my meetings and conversations with them, I know that good commuter service is as important to them as light, water, and gas for their houses. Now is the time for action, the time to straighten out our lopsided transportation budget. A \$10 billion expenditure for rocket transit trips to the moon is very impressive; but I think we should spend the same amount of money to move thousands of men and women to work in reasonable comfort and efficiency. And at the rate things are going, by 1971, it may be easier to get to the moon than from Asbury Park to Newark or New York. We have the resources and the knowhow to build a modern transit system for every major city that needs one. It is up to the Congress to see that the funds are there to solve one part of the urban crisis—the increasing strangulation of our mass transit system.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MARTIN. Mr. Speaker, the Third Congressional District of Nebraska, which I have the privilege to represent, has more REA districts than any other congressional district in the country. Each one of these REA districts annually sponsors an essay contest among teenagers. The winner in each REA district receives an expense-paid trip to Washington to see their Government at work.

The theme of all of the essays this year was "What Rural Electrification Means to Me and My Community." There were six district winners in my congressional district this year, and I congratulate each one of them for the fine essay they have written. I would like to share their essays with the Members of the House, and consequently am inserting them as follows:

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

(By Nancy Kunze, age 16, Palmer, Nebr.)

While on a speaking tour, the traveler stayed overnight at the home of a local minister. The following morning the guest encountered the preacher coming out of his room. Rather routinely the guest asked, "How are you?"

"I feel like a resurrected man," replied the minister with a twinkle. "I dreamed that I had died and gone to my reward—but then I awoke and discovered I had my electric blanket turned too high!"

Although I have never undergone an experience similar to the preacher's, one of the things that electricity means to our rural area is heat. It also means the direct opposite: cold. But electricity cannot be completely described in terms of temperature, for its uses are widely varied.

Often called the "silent servant," electricity has so rapidly changed our rural way of living that once-called luxuries or conveniences have become necessities. Daily we take for granted these electrical comforts which make this way of life possible. It is only when an infrequent outage occurs, causing most of our households and many of

the farmers' activities to cease, that we realize how very dependent we are upon this "invisible slave," electricity.

Without electricity, the farmhomes and buildings in this community are without lights, water, and heat in winter. Neither can our stoves cook food, or the toaster toast bread, or the coffee percolate. When our invisible slave is absent, sister can't use the hair dryer, or little brother sail ships in the bathtub. Father can't milk the cows (except tediously by hand), and the milk cooler won't cool. Mother cannot wash and dry clothes and Father can't water the livestock without electricity. We also depend on our silent servant to brood baby chicks and heat lamps are frequently used on sick animals. Dad's shop is equipped with many electrical tools and machines which gave added strength to his hands and provide him with more leisure.

Thus far I have tried to express how our rural living is directly related to, and dependent upon, electricity. And yet I have not covered the subject entirely. My generation has been told about the "dirty 30's" when drought covered this entire land. But we have been raised with the security of irrigation where crops are virtually insured against loss by drought. Of course it is electricity which supplies the power to pump much of this irrigation water.

My generation has also heard about "ice houses" and "outhouses." And we know that only a few years ago the procedure of bathing took place in a washtub in the kitchen. Yet we have grown up pushing buttons, regulating dials, and turning switches. We cannot comprehend life without refrigerators or freezers, or electric blankets and heating pads, or furnaces, or air conditioning. We cannot visualize living without bathrooms, dishwashers, and television.

Undoubtedly ours is a privileged and spoiled generation because we live in the age of electric power. And yet, if all the power lines were to suddenly disappear, I'm sure every generation alive today would consider it a catastrophe comparable only to the preacher's experience. Surely we would all think we had died and "gone to our reward."

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

(By Gary Pedersen, age 16, Franklin, Nebr.)

What is the invisible force which makes my way of life so different from my parents? Is this unseen hand a convenience or do we look upon him as a necessity? How has our electric system grown and affected my community and me?

Electricity is a form of energy which we cannot see but is working for us twenty-four hours a day providing instantaneous lighting, handy refrigeration, cleaner and fresher water, easier house cleaning, better communications, more sanitary cooking, warmer houses, better entertainment, and healthier living conditions in the home. This power has also provided the farmer with economical power to irrigate his fields, handle and process his crops, feed and water his livestock and poultry, and warm his pigs and chicks.

My parents looked upon REA as a luxury when they were connected to the local system in 1950. They had never known the conveniences it was to bring them, so were prepared to do their daily work without it. They depended on the wind to supply water for the house and livestock, kerosene lamps were their only source of light, and wood supplied the heat for warmth and cooking. With the coming of electricity these methods were soon obsolete and with each new electric appliance my family's work was made lighter and more enjoyable.

Food, clothing, and shelter are the necessities man cannot live without. Take the electric power from today's modern home and we would realize that it plays the most

important role in supplying these necessities.

Thomas Edison built the first three central-station systems for supplying electric energy in 1882. These were located in London, New York City, and Appleton, Wisconsin. Two of these were driven by steam engines and the third by a water turbine. These soon spread across the country providing electric power to cities and factories.

It wasn't until 1935, that the federal government set up the Rural Electrification Association to assist the rural electrification movement through the lending of funds to newly organized REA cooperatives.

Our community has enjoyed over two decades of having REA in Franklin County. Since 1949, the number of consumers being served by our local district has doubled, while the amount of KWH sold is seventeen times greater than twenty years ago. We now have about seven hundred and sixty-five miles of line which would exceed the distance from here to Chicago.

This winter has brought us more snow and ice than any other winter that I can remember, but during all of this we were not without power for our farmstead for even five minutes which truly must be a record.

How to get more profit with less labor: that's the problem facing today's farmer. With farm labor expensive and hard to find, mechanization and automation are the answers to keeping the profit in farm operations. We need enough imagination to find new ways of farm management, not just to earn more income for ourselves, but to enable God's good earth to yield more back to him.

HOW RURAL ELECTRIFICATION HAS IMPROVED MY COMMUNITY

(By Betty Foss, age 16, Lexington, Nebr.)

"An investment in knowledge always pays the best interest."

How characteristic of the author of this sentence to draw lightning from the sky! The inventor of many devices, Ben Franklin was among the first to experiment with electricity. His investment in knowledge paid a handsome interest nearly a century later when "The Wizard of Menlo Park," Thomas Edison, invented the incandescent light bulb. It was during Edison's lifetime that the whirl of machines grew louder as the Industrial Revolution swept the nation, confirming the usefulness and indicating the potential of electricity. When Thomas Edison died in 1931, the gigantic wheels of industry were turning too rapidly to be stopped for even a minute in which to pay tribute to the passing of the man who "lighted the world." Progress would halt for no one!

"Webster's New World Dictionary" defines electricity as: a form of energy generated by friction, induction, or chemical change, and having magnetic, chemical, and radiant effects. The facts speak clearly as to what electricity is, but too often we take it for granted. Invaluable services performed daily by electricity for our benefit frequently go unnoticed.

Electricity is our clockwatcher—turning the hand of progress untiringly toward the hour of better homes and community life for all. Tiny wires throb with the pulse of electric current as the everyday drudgery of years gone by is eliminated.

Electricity is not free, but we pay unusually low rates for 24 hours of "daylight" the year around. Electrons responsible for the electric current necessary to light our homes can be compared to night watchmen who are constantly on the job protecting our interests.

Each summer our growing crops are saved by irrigation. For an increasing number of our neighbors irrigation is made possible by the use of electric pumps, and each year our harvested crops are saved by the use of electric drying bins. Recently a new high voltage

line has come through our community to provide more power with which to operate these pumps and drying bins. Our "mooching" cattle are kept out of neighbors' fields with fine electric fences, and many newborn animals are spared winter's cold grasp by the heating of sheds and barns.

At all hours of the day and night familiar lights laugh at us through the windows of our homes. Houses are now warmed by electricity as well as love. Refrigerators keep food cold, stoves heat food, and water is easily obtained from faucets. The results of years of research in the field of electricity can be seen in almost every home today.

Without electricity our lives would be drastically changed. To past generations as well as present, electricity has proven itself the current that carries hope. An investment of time and effort in the better use of electricity is a sound investment, and because REA cares enough about us to invest this time and effort, we have an improved community!

THE VALUE OF RURAL ELECTRIFICATION TO MY HOME AND COMMUNITY

(By Arlene Mills, age 18, Broken Bow, Nebr.)

The extent to which the Rural Electrification Administration has affected me and my community is astounding! This is exemplified through its history, its contributions to progress, and its opportunities for advancement in the future.

The Rural Electrification Administration which originated in 1935 and resulted in the installation of rural power lines throughout the country, was crucial to our nation's progress. And now, thirty-four years later, it can be described as a gratifying investment. It was in 1947 that electric power lines were erected in my community and sent energy surging into farm homes supplying them with an efficient and economical form of power.

Because of this "instant power," the dim, old kerosene lamp was discarded, replaced by a modern, electric lamp, lighting entire rooms at the flick of a switch. The availability of electric power made possible water pressure systems which replaced the little "old outhouse" with the modern bathroom. The old wood and coal stove which warmed only a corner of a room, has given way to electrically, thermostatically, even-heated homes.

Farming chores have all been eliminated by the presence of electric power for milking machines, electric drills, welders, and countless other shop equipment, enabling farmers to avoid time-consuming trips to town during the busy planting and harvest seasons. Electrically manipulated machinery to grind, mix, and automatically feed livestock is at our convenience. Electric irrigation equipment has revitalized farming, transforming dry, scorched fields into lush, green crops.

The value of rural electrification is also portrayed in our homes. Rural families are healthier than those of a generation ago, with controlled heat, proper humidity, adequate lighting and air conditioning. The modernization of rural life is made easier for the housewife by kitchen appliances and has taken the drudgery out of household chores.

Electricity has brought a new "awareness" to my rural community. Radios and television informs rural residents of news, inclement weather conditions, foreign affairs as well as entertainment and educational programs.

Not only has rural electrification played a vital role in history, but it is becoming a source of opportunity for the future. The importance of electricity is clear with manipulating electronic computers to control farming by pushing a button and with electric-automobiles as a counterpart against air pollution.

Rural electrification has been of tremendous value to my home and community. It

has influenced our history, aided our progress and is providing abundant opportunities for the future.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

(By Darwin Holcomb, age 18, Broken Bow, Nebr.)

God said, "Let there be light", and there was light. This image of light was the dream of two great men of our century, Senator George Norris of Nebraska and Representative Sam Rayburn of Texas. They sponsored the Rural Electrification Act of 1935. Nothing in the history of man has made such an impact on rural people and rural communities as the addition of electricity. Until 1935, America had truly been a "dark land". Thirty years ago, ninety per cent of the people living in America were without electric power. These two great men had their eyes on the future. Today, rural America is ninety-eight per cent electrified with the help of Rural Electrification Administration loans.

Farmers and ranchers have accepted the challenge of using electric service to cut labor costs. The flip of a switch, the push of a button, or the turn of a dial will complete chores with less time. Cows are milked, grains are dried, weights are lifted, and crops are irrigated with the help of electricity. Lighted farm yards enable activities to continue more safely and for longer hours resulting in more output and greater efficiency than ever before.

Rural electrification has raised the standard of living in our homes. Rural citizens now buy electric heating systems and air conditioners to keep the home warm in winter and refreshingly cool in summer. They buy freezers, refrigerators, and stoves to protect their food, prepare it sooner, and make it more delicious than ever before. Pure water and greater cleanliness is brought into the home by electric powered wells, washers, dryers, and hundreds of other useful items. Rural people enjoy the best entertainment and keep informed about local, state, and national news, weather, and sports through radio and television. All this means jobs for people in the towns and cities where such products are manufactured. It also means jobs in our area for wholesalers and retailers, as well as service people. The result is more purchasing power and better markets for our farm products in the big population centers. The more we sell, the more we buy, and thus the wheels of our great nation keep turning. This is only one of the many ways in which the rural electrification program benefits everyone and adds to the economy of our country.

Today, the same pioneers of REA, along with their sons and daughters, have their eyes on tomorrow. They are building atomic powered generating plants and they are combining their resources to construct the huge fossil-fueled generating plants necessary to meet the ever increasing demands for electric energy in their service areas.

These activities reflect the spirit of cooperation and vision that has always been the trademark of the rural electrification program which has contributed so greatly to the progress of this great nation. Yes, rural electric people today still have their eyes on the future.

WHAT RURAL ELECTRIFICATION MEANS TO ME AND MY COMMUNITY

(By Connie Wemhoff, age 16, Humphrey, Nebr.)

In the United States today, rural electricity serves over 20,000,000 Americans in 46 states, Puerto Rico, and the Virgin Islands. The demand for electric power in rural areas is doubling every seven years. To the great majority of rural Americans today, life without electricity is inconceivable. The use of electricity has become a habit, like eating and sleeping. What would happen to the

United States and its citizens in the absence of rural electricity?

Let us take a theoretical situation: All of the Rural electric plants in the United States are simultaneously destroyed.

The rural family awakens one morning to find that it has no electricity. There is no heat from the electric furnace, no hot water, and no telephone. Electrical appliances and conveniences situated throughout the house have been transformed from time-savers into space-wasters.

Outside, the farmer finds that he must revert to milking by hand. He has to feed and water the stock manually, rather than let electrical equipment do the bulk of the work. Because his work takes longer, his daily output is minimized. As a result, production and earning power are reduced.

Within a few months this predicament is forcefully felt in the cities. Rural people, who annually purchase more than a billion-and-a-quarter dollars worth of city-produced electrical appliances and equipment, of necessity remove their buying power. The decreased production of raw materials—eggs, milk, grain—on the farm, intensely affects the metropolitan factories which process these goods.

The prices of products go up while the pay rates decline among city employees, thus robbing them of the purchasing power which remains in our country. There is no demand for services supplied by city workers, such as television and appliance repair. Because of these factors, scores of businesses and industries have to drastically cut production or perhaps shut down altogether.

As the national economic level sharply plunges, a financial squeeze affects the entire United States. Defense programs and space ambitions have to be abandoned, due to lack of appropriated funds. Because of reduced importations and exportations, our situation indirectly affects the economies of other nations. Our country is not only lowered in the esteem of foreign nations, but is made vulnerable to enemy attack.

If our rural electric system were not rapidly reestablished, in a few years our country would retrogress to the circumstances which existed 60 years ago, during the Panic of 1907—no electrical conveniences, a low level of economic activity, and a financial depression.

Happily, there is no real probability of this situation ever occurring. But this hypothetical destruction of the rural electric system in our country clearly illustrates the role which rural electric play in our nation's economy. Like a stone dropped into the center of a pond, its ripples extend far and wide, encompassing the whole world.

This is what rural electrification means to me and my community . . . and my state, nation, and world. It is a basic beam in the framework of United States' economy. It is a growing necessity to luxury and comforts. It assures continuation of life as I have always known it—healthful, comfortable, and convenient.

PARITY PRICES FOR FARMERS FOR MAY 1969

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ZWACH. Mr. Speaker, farm parity spurted up by 2 percentage points during the month of May. This brings it to 75 percent of full parity. Prices received by farmers jumped a full 11 points, while farm costs continued forever upward to a new alltime cost index high of 374 percent of the 1910-14 base.

Higher prices for cattle, hogs, corn, and milk were responsible for the higher price level. Reductions were noted for eggs, flax, cotton, and wheat.

The 11-point raise equaled the monthly increase of a similar jump between February and March of 1958, over 11 years ago.

The following table on selected commodities will provide the comparison with April and May of 1969:

PARITY MAY 1969

[In percent]

| Commodity | April | May |
|---------------------|-------|-----|
| Cotton..... | 43 | 42 |
| Wheat..... | 47 | 46 |
| Corn..... | 65 | 69 |
| Butterfat..... | 74 | 74 |
| Milk..... | 84 | 86 |
| Wool..... | 44 | 45 |
| Barley..... | 65 | 69 |
| Flax..... | 68 | 65 |
| Sorghum..... | 63 | 65 |
| Soybeans..... | 69 | 70 |
| Beef..... | 85 | 92 |
| Chicken..... | 67 | 67 |
| Eggs..... | 75 | 67 |
| Hogs..... | 76 | 86 |
| Lamb..... | 92 | 92 |
| Turkey..... | 61 | 63 |
| Average of all..... | 73 | 75 |

TRUMAN WARD, FRIEND OF CONGRESS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. LEGGETT. Mr. Speaker, I think that I can speak for most of my colleagues when I say that we are all going to miss the late Truman Ward. Mr. Ward, who passed away on June 1, was an institution in the House of Representatives. More than being an institution, however, he was a friend and adviser to many of us in Congress.

When I came to Congress in 1963, Truman Ward had already been here for 42 years—coming to the Hill in 1921, well before I was born.

Most of my association with Truman Ward was in his capacity as majority printer. I can remember many times when we sent our copy for newsletters late and incomplete down to his office. Somehow they were always printed on time with our errors corrected and the layout much improved. I do not think it possible that we will again come up to Truman Ward's standards of efficiency and excellence.

More than just being a House employee or House printer, Truman Ward was a source of advice on the many arcane mysteries that confront a young Congressman when he arrives on the Hill.

I have lost a personal friend who was dedicated to every cause which led to the betterment of our way of life.

No words of mine can console those of his family and friends who remain behind, but we can take solace in the knowledge that our Creator bestowed a special privilege upon all whom He allowed to do business with Truman Ward. We will all miss him.

SMUT MAIL: A NATIONAL DISGRACE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BROTZMAN. Mr. Speaker, of all of the forces which are working today to erode the dignity and basic morality of our young people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and perversion.

I am sure that all of our colleagues are familiar with the tactics used by those vicious men who would do absolutely anything to make a few dollars.

Using mailing lists derived from a number of legitimate sources, they flood the Nation with offers of hard-core smut which runs the gamut of photographs and written material which, a decade ago, would have been absolutely unmarketable.

Even the promotional material is obscene by practically any standard of human dignity.

I doubt if there is a Member who has not received letters from anguished and angry parents, pleading for a way to keep this filth out of the privacy of their homes. They take the position that they should have the right to expect that at least the U.S. mails should be denied those who would make profits from pandering to the curiosity of the young.

In the 90th Congress we passed a law which provided stop-gap relief to the majority of U.S. citizens who are revolted by this material. By filing a form with the Post Office Department, a citizen could place the purveyor of smut on notice. Repetition of such mailings makes the mailer liable to fine or imprisonment.

Despite the rather cumbersome nature of this law, nearly 200,000 families have availed themselves of this procedure.

However, Mr. Speaker, there is evidence that still stronger laws are needed. I receive an average of two complaints a week, primarily from parents who ask why it is necessary to endure the indignity of the original mailing in order to be protected.

And I agree with their position wholeheartedly.

Accordingly, when President Nixon recently proposed a legislative package of tremendously strengthened the smut mail laws, I was wholeheartedly in accord.

Basically, this three-bill package would:

First. Make it a Federal crime to knowingly mail or transport in interstate commerce matter to persons under 18 years of age material of a nature which is offensive to prevailing community standards, or to offer such material in the form of mailed advertisements.

Second. Make it a Federal crime to knowingly transport in interstate commerce or mail any advertisement or solicitation designed to appeal to a prurient interest in sex.

Third. Set up a procedure in which citizens may, in their own behalf or for their children—file a statement with the Postmaster General that they wish to

receive no sexually-oriented advertisements in the mail. It would then be incumbent upon the smut merchants to obtain these names and purge their lists within 30 days.

I am today joining in the introduction of these three bills. I urge their enactment by the 91st Congress.

DISSENT AND CONFLICT IN OUR SOCIETY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BOLLING. Mr. Speaker, in March one of our most thoughtful citizens and creative national leaders delivered the Godkin Lectures at Harvard University. John W. Gardner's career in private and public life is too well known to require recitation here. I am delighted to report that despite the demands of his present position as chairman of the Urban Coalition, Mr. Gardner is expanding on these lectures for a book to be entitled "The Problem-Solving Society," which is to be published by W. W. Norton & Co., early this fall.

I include herewith an excerpt from the third of Mr. Gardner's Godkin lectures:

LECTURE III

(By John W. Gardner)

In this lecture I want to begin with some comments on dissent and conflict in our society.

Increasingly, here and around the world, the old constraints of tyranny, custom and stratification that keep a lid on human aspirations have been removed.

When the lid is lifted, what people aspire to—the substantive content of their aspirations—is not unreasonable. They want food, housing, jobs, security, dignity—hardly an irresponsible list. But the time scale on which they want these things poses extraordinary difficulties, given the glacial pace at which human institutions respond to new requirements.

So the stage is set for the most familiar confrontation of modern life—between people who demand change and institutions that resist it. The institutions alter, but never fast enough, and those who seek change are bitterly disappointed.

For this and other reasons, one sees a deepening hostility to institutions—any and all institutions, here and around the world. It is partly understandable in terms of a natural anger over administered frustrations. Men can tolerate extraordinary hardship if they think it inevitable—God's will or Fate or the ancient order of things; but their tempers have a short fuse when hardship results from the decision of another human being, presumably no better than themselves. Yet that is the lot of modern man: it is an administered age.

Related—in what ways we can hardly guess—is a breakdown in authority, in just about every dimension and every way: the authority of parents, religion, custom, social class, the law and the State.

Without an awareness of these factors—the expectation-despair syndrome, the hostility to institutions, the erosion of authority—one cannot possibly understand the events of the day. The standard phrase concerning social disorders is, "It's only a small group . . .", but that is a misleading assertion. Beyond the fractious few, beyond even

the considerable group of sympathizers is the larger number of people who have no fixed views but are running a chronic low fever of antagonism toward their institutions, toward their fellow man and toward life in general. They provide the climate in which disorder spreads.

In that climate, unfortunately, our honored tradition of dissent has undergone an unprecedented debasement. Protest has become a disorderly game for 12 year olds. Reasoned debate has given way to bullhorn obscenities. The loudmouth and the hothead reign unchallenged.

It is hard for the enlightened American to acknowledge that the tradition of dissent may itself be subject to degenerative diseases. He dreads above all to be classed with the know-nothings who would stifle all dissent. But the fact must be faced.

Among the dissenters today we hear a few with a special message. They say, "We don't need reform, we need revolution. The whole system is rotten and should be destroyed."

I have talked long and seriously with people who make that sort of assertion, and have found that most of them don't really mean it. There is an awesome theatricality about today's radicalism, and the apocalyptic assertion is much in vogue. If one patiently questions everyone who makes such assertions, not attacking them but exploring their views, one uncovers a variety of "conventional" radical positions, most of which have been around for a generation or more and have survived peaceably (not necessarily comfortably) within our traditional political structure.

But, of course, some really mean it. At first, one is puzzled by their failure to understand that when a social system is destroyed, the resulting chaos is supremely antagonistic to any organized purposes, including the purposes of those who initiated the destruction. The puzzlement clears up when one sees that they have fallen victim to an old and naive doctrine—that man is naturally good, humane, decent, just and honorable, but that corrupt and wicked institutions have transformed the noble savage into a civilized monster. Destroy the corrupt institutions, they say, and man's native goodness will flower. There isn't anything in history or anthropology to confirm the thesis but it survives down the generations.

Those who would destroy the system also fail to understand that periods of chaos are followed by periods of iron rule. Those who seek to bring societies down always dream that after the blood bath they will be calling the tune; and perhaps that makes the blood bath seem a small price to pay. But after the chaos, no one knows what kind of dictator would emerge. The proposal to destroy the system dissolves under examination.

And yet there is no doubt that today's revolutionary is pursuing that goal with all the energy at his command. And in that pursuit he is wholly cynical in his manipulation of others. The rights of the majority are irrelevant to him; the majority must be manipulated for its own good (as he defines it). He has no interest in rational examination of the issues, indeed will deliberately confuse issues or block communication among groups so as to prevent such examination (for example, by preventing opponents from being heard). He will devise traps to demean those in authority, destroying their dignity where possible. He will exploit the mass media, feeding their hunger for excitement and conflict.

He will plan deliberately provocative confrontations designed to lead authorities to "overreact," knowing that if they do it will bring to his side naive sympathizers who know nothing of the issues but hate to see authorities act repressively. If all people in authority were perfectly wise the tactic would never work. But we shall never have such leaders. If the provocateurs are persistent

enough and ingenious enough they can sooner or later trap any official into unwise action.

The fact is that the politics of derision and provocation are not only easy, they yield a kind of twisted pleasure. Sad to say, it's fun to get mad and it's fun to hate. Simple-minded people indulge such emotions without dissembling, and are duly criticized. More glibful people discovered long ago that the big psychic payoff comes in finding a noble cause in which to indulge one's rage and hatred. Then one can draw dividends from both sides of the transaction, satisfying both the new morality and the old Adam. And that is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty!

It is easier to understand the existence of a small group of destructive extremists, than to understand why a rather large number of presumably enlightened Americans give them aid and comfort. Generous minded citizens so fear the censorious role that they fall into a fatuous permissiveness toward destructive behavior. If there is a grain of justification in the behavior, they magnify it to excuse almost any action. They search the *status quo* for flaws that will make the destructive act seem reasonable. Since there will always be such flaws in an imperfect world, one is left powerless before ruthless opponents. It is hard for the kindly American to recognize that such ruthlessness not only exists in a certain portion of the populace but ripens early. It is hard, too, for him to realize that his very permissiveness may force an escalation of the conflict.

For a long time we have fondly preserved the fiction that the drama of social change is a conflict between dissenters and the top layers of the Establishment. But as the critics fling themselves in Kamikaze-like assaults on sluggish institutions, they eventually come into head-on collision with the people who are most deeply implicated in the sluggishness, namely, the great majority. The stone wall against which many radical reforms shatter is the indifference (or downright hostility) of that majority.

The collision between dissenters and lower middle class opponents is exceedingly dangerous. As long as the dissenters are confronting the top layers of the power structure, they are dealing with people who are reasonably secure, often willing to compromise, able to yield ground without anxiety. But when the dissenters collide with the lower middle class, they confront an insecure opponent, quick to anger and not prepared to yield an inch.

It is at this point that young rebels find great appeal in Herbert Marcuse's ideas. When they think they are attacking the fat cats at the top of the social structure, democratic doctrine seems a serviceable banner to wrap themselves in. But democratic doctrine suddenly becomes a considerable embarrassment when they discover that "the people" they seek to liberate are in fact bitterly opposed to them.

Marcuse deals with that difficulty by saying that democracy and tolerance are themselves barriers to the overthrow of an evil society. He favors a more "directed" society. In doing so, he makes the assumption made by all who fall into authoritarian doctrines—that, in the "directed" society he envisages, people who share his values will be calling the tune. So thought the businessmen who supported Hitler.

The debasement of the critical role makes responsible action for social change increasingly difficult. Those who are engaged in the grueling work of accomplishing institutional change are in desperate need of allies. Responsible social critics can be of enormous help in identifying targets for action, in clarifying and focussing issues, in formulating significant goals and mobilizing support for

those goals. That kind of help is not supplied by irresponsible critics.

The responsible critic comes to understand the complex machinery by which change must be accomplished, finds the key points of leverage, identifies feasible alternatives and measures his work by real results. We have many such critics, and we owe them a great debt.

In contrast, the irresponsible critic never exposes himself to the tough tests of reality. He doesn't limit himself to feasible options. He doesn't subject his view of the world to the cleansing discipline of historical perspective or contemporary relevance. He defines the problem to suit himself. He shrugs off the constraints that limit action in the real world. But the constraints he brushes aside are intrinsic to the problem. Discussions outside that framework are just words.

It's a hard game to lose. If he takes care to stay outside the arena of action and decision, his judgment and integrity will never be tested, never risked, never laid on the line. He can feel a limitless moral superiority to the mere mortals who put their reputation at hazard every day in accountable action. He can spin fantasies of what might be, without the heart-breaking, back-breaking work of building social change into resistant human institutions.

The consequences of such feckless radicalism are predictable. Out of such self-indulgence come few victories. As a result, we are producing a bumper crop of disillusioned and tired ex-radicals.

It will not be possible to prevent all such disillusionment. Some radicals are so easily disillusioned that one wonders whether the experience feeds some secret stream of enjoyment. They have perfected the art of being "betrayed" by the world.

The model of the ineffectual radical is the man or woman who spends a few brief years exploding in indignation, posturing, attitude-dinzing, oversimplifying, shooting at the wrong targets, unwilling to address himself to the exacting business of understanding the machinery of society, unwilling to undergo the arduous training necessary to master the processes he hopes to change.

So those who have mastered the machinery laugh him off. He holds no terror for them. Soon he grows tired and gives up.

The favored instrument of dissent at the moment is the demonstration. And we have to face the fact that the demonstration is a crude, even misleading indicator of the popular will. The coercive demonstration is a threat to the framework of order that makes civil government possible.

Chief among the defects of the demonstration is its enigmatic quality. Whom do the demonstrators represent? How large is their constituency? What kind of mandate do they have from that constituency? What are the merits of their case? If authorities negotiate with them, what is the standing of the agreements reached? If authorities accede to their demands, will that accomplish a net reduction in privance and injustice within the community? Of will the reduction of this group's grievances leave other groups even more aggrieved and create new injustices as old ones are corrected? Is the protest a true reflection of community sentiment or is it "rigged"? How can you know?

Those are questions that are hard to answer when a crowd of demonstrators appear out of nowhere to disrupt some public function. Precisely because of its enigmatic character, the demonstration lends itself to manipulation by elements within the community who do not in fact have any significant base of community support.

Nevertheless, the demonstration that remains peaceful is a legitimate instrument of social action. Its function is to bring a grievance or an issue to public view.

It is a limited function. The chief means by which citizens make their influence felt

must continue to be through the long-tested, well-established procedures of a free society: the ballot, the lawsuit, the strike, the petition, complaints to the press, action through established grievance procedures, and so on.

One hears a special justification in the case of the recent ghetto riots. The riots were necessary, it is argued, to produce fear in the power structure and thereby to get action on the social front. And those who make that argument now insist that the tactic succeeded, and they advocate its continued use.

It is true that the riots provoked fear. But there were a lot of consequences besides constructive social action. The riots led a lot of Congressmen and a lot of citizens to resist further Federal programs for the cities. The riots led both police and citizens to arm themselves heavily, and led to a heavy vote for right-wing political candidates. The riots strengthened every right-wing extremist group in the country.

To cite only the favorable consequences of the riots and ignore the unfavorable is disastrously near-sighted. The provoking of fear is a dangerous form of brinkmanship. It may bring constructive results or it may unleash emotions that will lead to the suppression of all freedom.

I do not blame the ghetto residents for being angry. I am with them. But they must not let their anger lead them into self-destructive moves. They cannot out-hate the whites or out-do the whites in violence. They must seek—as the college activists must seek, as we all must seek—a world in which man's destructive impulses are brought within a framework of law and rationality.

It is an old failing of the liberal that he has fantasies of a rather genteel revolution in which the revolutionaries stir up just enough turmoil to make comfortable people thoroughly uncomfortable. But you can't have revolution in carefully measured doses. Events will not be kind to those who unleash the furies of human emotion in the service of their own carefully calculated goals. Emotions get out of hand. No one knows what climax they will build toward, nor who will get hurt, nor what the end will be. Anyone who unleashes man's destructive impulses had better stand a long way back.

No society can give itself over to those whose purpose is civic tumult. The anarchist paves the way for the authoritarian. Either we will have a civil order in which discipline is internalized in the breast of each free and responsible citizen or we will see repressive measures designed to re-establish order. Everyone who cares about freedom will pray for the former and seek to avoid courses of action that lead to the latter.

For some years now the conscientious, generous-minded citizen has greeted each new outbreak of disorder with a determination to try even harder to correct the social injustices that seemed to lie behind such disorder. But correcting injustice is slow, and the disorders spread like summer grass fire. The serious citizen will have to learn a simple truth: one must act forcefully to combat injustice and at the same time one must oppose disorder and violence.

NORTH DAKOTA FUTURE FARMERS OF AMERICA CONVENTION

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. KLEPPE. Mr. Speaker, this past weekend I attended the 40th anniversary convention of the North Dakota Association of Future Farmers of America. One cannot attend a meeting of this kind without being very impressed.

This organization of Future Farmers fosters the aspects of character and life that are truly representative of America and all she stands for. Among them are leadership, cooperation, character, scholarship, thrift, service, recreation, patriotism, agriculture, and citizenship. Their motto, "Learning To Do, Doing To Learn, Earning To Live, and Living To Serve," spells out qualities that all men could follow.

In North Dakota we have 3,461 young boys, who belong to this organization and to listen to them express themselves on the values of life that bring out the good in people is heartwarming indeed.

I salute the Future Farmers of America and all those who participate in making it such an outstanding program for the development of the whole man.

LT. GEN. DUWARD L. CROW
AWARDED THE DISTINGUISHED
SERVICE MEDAL

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ANDREWS of Alabama. Mr. Speaker, on Thursday, June 5, I was privileged to attend an award ceremony for Lt. Gen. Duward L. Crow, Comptroller of the Air Force, at which time he was presented the Distinguished Service Medal. Indeed, this was a most impressive ceremony—focusing on the successful endeavors and dedicated leadership demonstrated by General Crow during his service in the Air Force.

The Honorable Robert C. Seamans, Jr., Secretary of the Air Force, made the announcement of the award, and Gen. John P. McConnell, Air Force Chief of Staff, pinned the Distinguished Service Medal on General Crow.

In these days when our Nation has great need for men of General Crow's caliber, it is well we recognize and commend the service and accomplishments he has exhibited in performing his duties. Mr. Speaker, it gives me pleasure to share the content of this citation with my colleagues in Congress and with people of this Nation which he serves, as follows:

CITATION TO ACCOMPANY THE AWARD OF THE DISTINGUISHED SERVICE MEDAL TO DUWARD L. CROW

The President of the United States of America, authorized by Act of Congress, July 9, 1918, awards the Distinguished Service Medal to Lieutenant General Duward L. Crow, for exceptionally meritorious service in a duty of great responsibility. General Crow distinguished himself as The Director of Budget, Comptroller of the Air Force, Headquarters United States Air Force, from 1 November 1964 to 16 March 1969. In this important position, General Crow's vast experience and comprehensive knowledge of data automation, financial management, and analysis of management problems, resulted in numerous programs to support logistical demands, and played a vital role in maintaining a sound defense posture. His presentation of the Air Force budget to the Air Staff Board, Office of the Secretary of Defense, Bureau of the Budget and the Appropriations Committee of Congress resulted in appropriations that enabled the Air Force to

meet its world-wide commitments in a most effective and economical manner. General Crow's managerial ability, executive leadership, and foresight contributed directly to the development of plans to insure equitable distribution of funds for use in Air Force programs. The singularly distinctive accomplishments of General Crow reflect the highest credit upon himself and the United States Air Force.

ANNIVERSARY OF ROBERT F. KENNEDY'S DEATH

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BOLAND. Mr. Speaker, June 5 is the first anniversary of Senator Robert F. Kennedy's death. Just 1 year ago today—at the very pinnacle of his political career—Senator Kennedy was shot down as he and his aides shouldered their way through a crowd in the serving pantry of a Los Angeles hotel. An entire Nation stood vigil 24 hours before Senator Kennedy finally succumbed to his wounds. And an entire Nation—black field hands in the Deep South, middle-class whites in their trim suburbs, political leaders in Washington's power center—grieved his death. His older brother, John, had fallen victim to another assassin just 5 years earlier. The Kennedy family's remarkable record of sacrifice again touched and sorrowed the American people.

Robert Kennedy's personality was a curious blend of traits—strength coupled with gentleness, a consuming dedication to hard work coupled with a frolicsome playfulness when in the company of friends or children, a romantic idealism tempered—but not diluted—by keen political savvy. Most of all his life represented courage, both physical and intellectual, a willingness to take a kayak down a turbulent mountain stream or to tackle awesome social problems that others considered insuperable. His widow, Ethel, has maintained that tradition. Still merry and energetic, still a wholly devoted mother to her celebrated brood of 11 children, Ethel Kennedy has seldom revealed the depth of her grief. Senator JACOB JAVITS was not exaggerating much when he described her as "the greatest of the Kennedys, male or female."

A newspaper column by Anthony Lewis, published yesterday in the New York Times, discusses Robert Kennedy and his contributions to American life. With permission, Mr. Speaker, I put this column in the RECORD at this point:

[From the New York Times, June 4, 1969]

A YEAR WITHOUT ROBERT KENNEDY

(By Anthony Lewis)

LONDON, June 3.—On Thursday morning it will be a year since Robert Kennedy was shot. Time has not diminished the sense that life without him is incomplete.

The memories are not, in the main, solemn or sentimental, though men ordinarily rated skeptical still use the word love in talking about him. What is missed is the vitality—the force of personality that made him impossible to ignore or take for granted.

There were so many contradictory qualities in him. He could be moodily silent and ex-

uberant, tender and harsh, uproarious in self-mockery and bewildered at the thought that some people hated him.

REALIST AND DREAMER

He was a realist and a dreamer, a man who knew as few did the depth of the difficulties facing society but who insisted they had somehow to be met—the last of the romantics, someone said.

His romanticism, if that is what it was, was not sustained by the elements that nourish most of us liberal optimists. He drew little inspiration from political theory or philosophical abstractions, no deep solace from music or painting. His restoratives were children—really any children—and family and challenge for its own sake.

From all this it follows that he could not be a conventional politician. He was no good at constructing the externals that shield most politicians, the bland or confident facade. His emotions, his doubts, his regrets were all too exposed. And he was so happily irreverent about politics.

The critics said he could never have been a candidate for President if his brother had not preceded him, and they were doubtless correct. But it is not necessarily wrong that, through such an accident, a country should have the chance to choose an unconventional leader.

It is all a year ago now, and far away. But there is still implicit in the American scene the question whether someone representing what Robert Kennedy did is acceptable or necessary in our society now.

One view is that the tide had turned irresistibly against the politics of action.

There certainly was, and is, a national weariness—a revulsion against being driven on toward heroic social goals. Robert Kennedy kept reminding Americans of their country's troubles and inadequacies, of the unfairnesses in life, and it is understandable that many people preferred to be left alone for a while.

Many liberal activists would say now that the United States had come to the right time for a pause. They approve of President Nixon's undramatic tone. They may think that a Republican Secretary of State with no rooted commitments is preferable to a Democrat who is a tireless, dedicated, effective advocate of the policy that brought us to where we are in Vietnam.

EISENHOWER INTERLUDE

We needed the Eisenhower interlude, some have said, with reason, and now we need another. But that view carries its own warning. For whatever else of value the Eisenhower years represented, they were also a time of insufficient action on the racial problem—for which the United States will pay indefinitely.

That is the imponderable in today's politics of calm: What may the eventual cost be? The underlying torments of race and poverty and frustrated youthful idealism are not going to go away.

There, because of his puzzling, unpolitical personality, Robert Kennedy could have made a difference. America's dispossessed and disaffected were somehow able to identify with him. He offered them hope as apparently no one else inside the system could. And life without hope must produce frustration.

It is current wisdom that the political majority in the United States is unblack, unpoor and unyoung. But that does not mean that the majority can afford to become increasingly separated from the minority.

REACTION TO VIOLENCE

That most Americans are fearful and angry at the violence of the internal attacks on our society is understandable. But it cannot be enough, in the long run, for political leaders to make the majority feel righteous by underlining that anger and fear.

Someone, sometime, will have to try again to find a common vision for those inside and outside the society. That could have been the role of Robert Kennedy.

A PLEA TO SAVE THE MAIN-STREETER PASSENGER TRAIN

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OLSEN. Mr. Speaker, about a year ago the Interstate Commerce Commission took a good look at a request of the Northern Pacific Railroad to discontinue its Mainstreeter passenger train between Fargo, N. Dak., and Seattle-Takoma, Wash., and denied its request. The railroad is again asking that it be permitted to discontinue this service. I wish to go on record as opposing the discontinuance of the Mainstreeter.

In its decision to deny the request for discontinuance, the Commission pointed out that to allow the carrier to cancel this train would deprive the public of a needed service, and would seriously harm the substantial number of small communities which would be left without rail passenger service. Out of 88 stations now served by the Mainstreeter, only 24 would have alternate rail service. The balance of the 88 would have none.

At the hearings held by the ICC 145 persons testified in opposition to discontinuance of the Mainstreeter, and the Commission stated that 43 additional witnesses would have similarly testified if time had permitted. Included in those asking that the service be retained were representatives of student bodies of several colleges who presented the results of polls indicating the use and need of students of the Mainstreeter. Other students and college staff members also expressed their opposition to elimination of the train.

The Commission's decision reflected that in each of the years 1966 and 1967 a quarter million passengers used the service, although not all of them went the entire length of the route. The average trip in 1966 was shown as 390 miles. Also, the Commission pointed out that the 1966 total was up 8 percent over 1965, while the 1967 preliminary estimate showed a 9-percent increase over 1966. The Commission was forced to conclude at this point that "we consider it clear beyond dispute that the public has not abandoned the Mainstreeter."

Mr. Speaker, in voicing my opposition to the discontinuance of this important rail passenger service, I join with my esteemed colleague in the other Chamber, Senator METCALF, who also comes from my State—Montana—in a request for an investigation by the ICC of a matter related to the discontinuance of the Mainstreeter. The investigation was proposed by the National Association of Railroad Passengers in a letter to the Commission dated May 1, 1969, in which they declare, in part, that—

Within the past year we have received several reports that the railroad has deliber-

ately removed mail and express formerly handled on the trains and placed such traffic on freight trains. The Commission should thoroughly explore this matter, and if it finds that such action was taken to prepare a foundation for the present discontinuance proposal, it should require continued operation if the record shows any significant public demand for the service.

Mr. Speaker, the situation regarding our Nation's rail passenger service is cause for alarm. It is all the more so because I am certain that the general public, and perhaps even Congress itself, is not fully aware of what is happening.

The ICC has declared that we are in danger of losing significant segments of the remaining long- and medium-distance railroad passenger service within the next few years unless the present trend is reversed. The Mainstreeter is one of these trains in danger. The Commission pointed out in a 1968 report to Congress on intercity rail passenger service that during the last 10 years the service has declined sharply. The number of regular intercity trains fell nearly 60 percent in that time, with 13 of our railroads having abandoning all such service, while seven roads are down to a single pair of trains each.

The Commission emphasized that the movement toward discontinuance had accelerated during the last 2 years. For instance, during the 12-month period ending in early 1968, the number of trains proposed for discontinuance had more than doubled.

And I call attention that the brunt of such curtailment is falling on the West. The Commission said in its report that—

While it is important to note that the volume of filings under section 13a has been sharply increasing, the most critical problem is presented by the recent receipt of several proposals to discontinue the last remaining rail passenger service between major areas in the country, particularly in the West.

Mr. Speaker, this is what is happening to railroad passenger service, particularly in the West. The ICC has given us clear warning that such service is disappearing faster and faster. This, in part, is why I strongly oppose the removal of the Mainstreeter. I know that it is an important service to the people of my State, and to the other States through which it passes.

Moreover, discontinuance at this time could prove untimely, for several reasons. First, the growing affluence of our society, coupled with increased leisure time and greater mobility, point to sizable increases in intercity travel in the years ahead. Long- and medium-distance rail passenger service could be on the threshold of a revival, especially if properly promoted.

Second, we are just beginning to probe the techniques and possibilities of intercity high-speed service. While it is true that the immediate application is confined to the Northeast Corridor, is it not entirely possible that some of the knowledge gained, and the developments achieved, will be applicable to other sections of the country? I am confident that it is so.

Third, the railroads themselves recently asked for financial aid for passenger

service. I presume that a first step would be a determination of the amount of loss involved on which to base such aid. Other studies likely to be needed cover areas such as the essential of particular service, and of alternate means of assistance. Pending a broad survey of all the ramifications involved in the proposal, important rail passenger trains such as the Mainstreeter should be retained.

Let us be forewarned that once trains are gone, they are gone for all time.

PROTESTORS SAY: YOU DO THE JOB

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MICHEL. Mr. Speaker, now that the college year has ended at most schools around the country, it might be a good time to look back and reflect a bit upon the tragic series of violent demonstrations which took place on campuses around the country and determine just what the protestors were trying to say.

An editorial appearing in the Sunday, June 8, edition of the Peoria Journal Star gets right to the heart of the matter without a lot of the fancy verbiage and gobbledegook which has been a feature of so much of the writing on this serious problem.

I include the editorial in the RECORD at this point:

PROTESTORS SAY: YOU DO THE JOB

We've been told over and over again not to be diverted or disgusted by the slogans, the shouts, the obscenities, the vandalism, etc., of "activist" youths—college or slum—white or black.

They are trying to tell us something, and we should concentrate on listening. We should try to find out what they are saying through all the racket!

I've been listening for a few years. Listening in seminars. Listening in long talks at home with visitors from here and yon. Listening in my office to those who came through the open door. And "listening" through long and extensive reading of their effulgences and apologists.

I think I've finally figured out what they are saying!

And it was hard to grasp because it is so idiotic in one way—and so totally natural in another.

Are they great idealists, or a bunch of slobs?

They are both. It depends on whether they are setting standards for others, or setting standards for themselves. For others they want the highest ideals followed. For themselves, they want the "freedom" to be slobs.

GLIB PHILOSOPHY

Some of them simply want the privilege of "running the college" because in that way they can effectively "drop out" and still technically keep their draft deferments—and they have learned one thing from their glib professors. They have learned how to cover these natural desires with a lovely smokescreen of "philosophy" . . . even good, old-fashioned self-delusion.

But I promised to reveal what they are really saying.

It is this:

"Society should be perfect and infallible. (Translation: that means all of you.) It (you) should provide us plenty of everything

without effort on our part, including peace, prosperity, and personal freedom of every sort.

"The standard for 'society' should be one of absolute perfection and total infallibility. It should provide errorless machines, endless and total peace, plentiful production without hazard of either health or safety, without breakdown and without cost.

"The standard for 'people' should be none whatsoever. All should enjoy plenty of necessities, conveniences, and pleasures, without effort and with no limits on sex, pornography, drug use, destruction of property, arson, interference, or mob action—and no unpleasant penalties for robbery, murder, arson, vandalism, or assault. Amnesty for human imperfections!

"YOU WORK, WE PLAY

"We want you to be productive and infallible and demeaned if you fall short! We want us to be nonaccountable for anything, free to do as we please, completely irresponsible for what we do or its real consequences, and cared for all the while!"

No wonder they say it is such complex blizzards of baloney!

They don't want to face up to what they are really saying, themselves!

Above all, these word-juggling activists, young and not-so-young refuse to admit that the standards for "society" and the standards for "people" are the same thing.

The idea that we can increase the demands for perfection on "society" while reducing it altogether on "people" is truly an "impossible dream."

As Einstein once said in response to a clever argument he couldn't refute with rhetoric: "Look at the mathematical equation. It simply won't work."

Or as I once heard a disgusted New Englander say to a fiery southerner: "OK. You win the argument about the Civil War. Now let's see you spend that confederate money!"

It just doesn't "compute."

Thank Heaven there are also a few million college students trying to learn how to better approach perfection in their own efforts—rather than demand it of others . . . and know that baying at the moon is no substitute for self-improvement.

CORRECTION OF STATEMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OTTINGER. Mr. Speaker, on May 21 I called to our colleagues' attention a speech delivered by Mr. Franklin H. Williams, "Race and American Foreign Affairs." In his address, Mr. Williams stated that Africa would not be included in a five-volume Documentary History of American Foreign Affairs, 1945-70, to be issued next spring.

I wish to correct the RECORD and advise our colleagues that a volume on Africa will, in fact, be published. I insert herewith, for inclusion in the RECORD, a letter recently addressed to Mr. Williams by the managing editor of the compilation:

THE CITY COLLEGE OF
THE CITY UNIVERSITY OF NEW YORK,
New York, N.Y., June 3, 1969.

Mr. FRANKLIN H. WILLIAMS,
Director, Urban Center, Columbia University,
New York, N.Y.

DEAR Mr. WILLIAMS: I noticed that Congressman Richard Ottinger had your speech delivered at Stetson University reprinted in the Congressional Record of May 21, 1969. I

am pleased to inform you that the five volume Documentary History of American Foreign Affairs, 1945-1970, of which Arthur M. Schlesinger, Jr. is the General Editor and I serve as the Managing Editor, will contain a volume on American relations with Africa. Dr. Jean Herskovits, Professor of African Studies at The City College of New York is the Editor of this volume. She has published several monographs on African History as well as scholarly articles on the subject.

Chelsea House Publishers will be issuing this compilation in the Spring of 1970.

Respectfully yours,
Cordially,

FRED L. ISRAEL,
Associate Professor.

NEED FOR GUIDELINES URGENT FOR CONGRESS REDISTRICTING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, the need is urgent for Congress to set guidelines in law for drawing new congressional district lines after the 1970 decennial census. The harassing court challenges cannot be allowed to continue ad infinitum.

I was joined by a number of New York colleagues in sponsoring appropriate nonpartisan legislation in the House last Tuesday. The response to my bill has been heartening and I hope that the measure will receive early consideration.

The Supreme Court in its several decisions under the one-man one-vote ruling has made no attempt to set guidelines—and I do not think it is the job of the Court to set them.

That job belongs to Congress. Since the Census Bureau itself acknowledges that its population data was only 97 percent accurate in 1950 and 1960, I believe it is entirely reasonable for Congress to set a leeway of 2½ percent either way from the mean average in setting district lines.

Supporting editorial comment appeared in the Washington, D.C., Post, as follows:

[From the Washington Post, June 7, 1969]

TO EQUALIZE CONGRESSIONAL DISTRICTS

A bill introduced by 17 New York Congressmen affords another chance to lay down a set of rational guidelines for the creation of congressional districts within the states. Last year the House foolishly killed a bill for this purpose because the Senate insisted that districts should not be permitted to vary in population more than 10 percent. Since then the Supreme Court has upset redistricting laws in both New York and Missouri. The maximum deviation from the average in New York was 6.6 percent and in Missouri 3.1 percent.

The most troublesome aspect of these decisions was the Court's unwillingness to tolerate any variation in population between districts, "no matter how small." Justice Fortas pointed out that, under the Court's demand for mathematical precision, state legislatures "might have to ignore the boundaries of common sense, running the district line down the middle of the corridor of an apartment house or even dividing the residents of a single-family house between the two districts." Some authorities also fear that, with such exacting demands for population equality without regard for political bound-

aries, geographic barriers, tradition or economic interests, the door will be opened wider to gerrymandering.

The argument which may spur the House to action, however, is the very practical one of relieving the states of an exercise in futility. Forty-four of the states have districts that are unequal in some degree. But there is no hope whatever of eliminating all these variations, even if it were desirable, before the 1970 census figures are available. Redistricting on the basis of the now obsolete 1960 census might in some instances produce greater disparities, and at best would produce a fictitious equality of representation. Congress could reasonably relieve the states from further costly redistricting until after the 1970 census, except in cases where flagrant inequalities exist.

This is what the new bill is intended to do. It would permit the states to use their present districts for the 1970 election if those districts are within 10 per cent of the average district population. But in the 1972 and subsequent elections variations from the average would be forbidden if they should exceed 2.5 per cent. Perhaps that figure is too low to make reasonable allowance for political boundaries and geographical barriers, but it has the virtue of not authorizing any variation which the Supreme Court has found unconstitutional.

Another aspect of the problem may also spur Congress to action. Under the Court's rulings, New York and Missouri must redistrict before the 1970 election, while various other states with greater disparities between their districts have no such specific obligation. Georgia has two districts with about 15 per cent too many inhabitants and two districts with about 14 per cent too few. Iowa, Minnesota, Pennsylvania and Washington also have much greater variations than the two states which have been ordered to redistrict. No doubt challenges will be pressed in these states, but there is little chance for Supreme Court rulings in time for the 1970 election. This in itself would be a source of inequality in the 1970 election unless remedial legislation is passed.

The question before Congress is not one of challenging the jurisdiction of the Supreme Court in the redistricting field. The Court has been floundering around in this so-called "political thicket" because Congress has failed to meet its own responsibility of laying down guidelines for the states. Congress should now act as promptly as possible to avoid chaos as well as to promote equality in the 1970 congressional election.

PUTTING PRESIDENT EISENHOWER'S WORDS IN CONTEXT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RHODES. Mr. Speaker, for months now the people who have been carrying on the campaign against American preparedness have been invoking the name of Dwight Eisenhower. "Ah," they said, "it was General Eisenhower who warned us against the dangers of a military-industrial complex."

What they have been doing is taking that great man's words out of context and distorting them to serve their own purposes.

President Nixon was thrown the sharp light of fact on this distortion in his speech at the Air Force Academy commencement.

The President quoted in full the key sentence of General Eisenhower's comment on this subject and this is it:

We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.

I call your attention to the word "unwarranted."

Then President Nixon pointed out that "in that same farewell address, President Eisenhower made quite clear the need for national security."

This is how President Eisenhower put it:

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

When General Eisenhower's words are examined carefully, we see how those who would minimize the importance of America's defenses are distorting his position and his words.

Now that the President has announced a well-calculated plan for withdrawal of U.S. troops from Vietnam, I hope that there will be no distortions in comment on his program for peace. There is too much at stake to permit anything but a clear and balanced perspective of this country's policy of strength and willingness to negotiate.

STATISTICIAN STUART A. RICE DIES AT 79

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BOLLING. Mr. Speaker, on June 4, 1969, Stuart A. Rice, one of the ablest statisticians it has been my pleasure to encounter during my many years on the Joint Economic Committee of the Congress, died here in Washington, D.C. I was sorry to learn of his death. During his appearance before the subcommittees of the Joint Economic Committee, his testimony was informed and highly useful.

I believe an obituary printed in the Washington Post on June 6, 1969, will give a proper indication of Mr. Rice's contributions:

[From the Washington (D.C.) Post,
June 6, 1969]

STATISTICIAN STUART A. RICE DIES AT 79

Dr. Stuart A. Rice, noted statistician and sociologist in this country and abroad, died Wednesday in Doctors Hospital after a long illness. He was 79.

At the time of his death, Dr. Rice was adviser-consultant to the Surveys and Research Corp., which he helped found in 1955 and of which he was president for 10 years.

He was assistant director for statistical standards in the Bureau of the Budget when he retired from Government service in 1955. His work in helping to improve the Federal Statistical System of the United States and in international statistical development spanned many years.

A native of Wadena, Minn., Dr. Rice received his bachelor's and master's degrees from the University of Washington and his doctorate from Columbia University. He taught at Dartmouth College, the University of Chicago and the University of Pennsylvania before coming to Washington.

He was president of the American Statisti-

cal Association in 1933, when he was named assistant director of the Bureau of the Census. The Association and the Social Science Research Council, aided by a grant from the Rockefeller Foundation, organized official procedures for welding Federal statistical activities into a system that became the office of statistical standards of the Bureau of the Budget.

Dr. Rice also had served as president of the International Statistical Institute. He was chairman of the organizing committee and first vice president of the Inter-American Statistical Institute.

He has served the United Nations as chairman of the Nuclear Commission on Statistics, had been United States representative on the U.N. Statistical Commission and a member of the U.N. Contributions Committee.

As a consultant to industry, Dr. Rice participated in the preparation of "A Metropolitan Statistical Program for the National Capital Region" for the Joint Committee on Washington Metropolitan Area Problems, as well as in programs and surveys for Congressional committees, the Defense Department, the President's Commission on Veterans Pensions, the Federal Reserve System, the Department of Health, Education, and Welfare and many other agencies.

He had been on a number of statistical missions to London, The Hague, Japan, Korea and elsewhere.

The author of numerous articles, Dr. Rice had been a vice president to the American Association for the Advancement of Science and a member of the Social Science Research Council, the American Council of Learned Societies, the American Sociological Society, the board of editors of the Journal of American Sociology, the Population Association of America and the Sociological Research Association.

He is survived by his wife, Sarah Alice Mayfield, of the home, 1870 Wyoming ave. n.w.; a son, Stuart Arthur Rice, of Santa Barbara and Los Angeles, Calif., and a sister, Anna Louise Gilbert of Washington.

PRESIDENT GEORGE WASHINGTON ON FOREIGN ALLIANCES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MADDEN. Mr. Speaker, this morning, in examining my office files of 27 years ago, I found the following editorial from the Christian Science Monitor of February 20, 1943.

The editorial reveals some interesting history on President George Washington's advice on our Nation's foreign alliances in 1796.

It contains some good advice for our Congress to read in 1969.

I hereby submit the editorial for information on pioneer international problems to the Congress:

GEORGE WASHINGTON—1943

Perhaps relatively few holiday orators on February 22, 1943, will dwell on George Washington's aversion to alliances. But wondering what the United States would do today without allies against world tyranny, some Americans may feel confused about those oft-quoted remarks in Washington's Farewell Address.

The confusion arises not from what Washington said but from partial quotation of what he said. It has suited isolationists to picture Washington as one of themselves by repeating those passages in which he warns against the "insidious wiles of foreign in-

fluence," points out that the Europe of 1796 "has a set of primary interests which to us have none, or a very remote relation," and advises against "permanent alliances with any portion of the foreign world."

Such a limited interpretation of Washington might lead one to conclude that the efforts of the United States to defend itself today in company with allies would be deplored by "the Father of his Country." But Washington also declared that "we may safely trust to temporary alliances for extraordinary emergencies," and advocated "liberal intercourse with all nations."

Moreover, he qualified his advice to steer clear of alliances by adding, "so far, I mean, as we are now at liberty to do it." For even when he spoke, the United States was part of the world, with international responsibilities and definite debts to others for the liberty that Americans had achieved.

To interpret Washington on foreign policy it is necessary to remember not only part of what he said in this famous Farewell Address, but all he said there, and also why he said it. Europe was a long way from America in 1796. George Washington was not a trans-Atlantic commuter-by-air. He might well speak of Europe as "remote."

Then too, the United States was among the weakest, not the most powerful, nations in the world. ". . . Attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter." No nation is seeking to make the United States its satellite today; the world is asking America to become its leader.

What would Washington think of America's position today, and of the course it should follow in the future? We should not presume to say. But we know that in the Farewell Address he advised Americans to "avoid the necessity (italics ours) of those overgrown military establishments, which, under any form of government, are inauspicious to liberty." Would he discourage those who today seek to avoid this necessity by co-operating in common efforts for an orderly world? Would he say that world-wide organization to this end is impracticable?

Of the effort to organize order in the New World he said, "Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it." We are faced today with uncertainties in the world sphere as disquieting as those which existed in the new America of 1796. We cannot believe, however, that Washington would ask us to turn back because of them from the hope of securing peace with freedom for mankind everywhere.

A BILL TO AMEND THE FISHERMAN'S PROTECTIVE ACT OF 1954

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. POLLOCK. Mr. Speaker, Thursday I introduced a bill which would amend the Fisherman's Protective Act of 1954 inasmuch as this legislation will strengthen the provisions which relate to the protection of American vessels operating upon the high seas.

Under the Fisherman's Protection Act, when an American vessel is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, the Secretary of State is directed to take action to collect the unjust fine which has been levied on an American vessel. If the offending country

fails or refuses to make payments within 120 days, today the Secretary of State is required to withhold an amount equal to such unpaid claim from any funds programmed for that country under the Foreign Assistance Act of 1961. My bill, Mr. Speaker, would require the Secretary of State to take additional measures against the offending country if he determines that country refuses to pay such claim or will not negotiate in good faith. By certifying to the Secretary of the Treasury such facts, the Secretary of the Treasury would then be required to prohibit importation into the United States directly or indirectly any fish or fishery products caught or processed by any person subject to the jurisdiction of the offending country. This bill also provides the mechanisms for enforcement as well as penalties and fines which may be levied against violators.

SENATOR KENNEDY UNDERCUTS POLICY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MICHEL. Mr. Speaker, we have heard a good deal of discussion in the other body in recent weeks on the subject of military tactics in South Vietnam as well as our Vietnam policy in general. The senior Senator from Massachusetts has been one of the most outspoken critics of that policy and I am sure you all noted the response from the minority leader, Senator DIRKSEN.

An editorial appearing in the June 6 edition of the Peoria Journal Star touches upon this issue and I insert it in the RECORD at this point:

SENATOR KENNEDY UNDERCUTS POLICY

There is a divisive feature in Washington politics today that is unique.

We haven't had anything like it in a generation, because the Democratic congress in Eisenhower's time felt some joint responsibility to see national policy succeed whether it was THEIR policy or not. Likewise, under John F. Kennedy and Lyndon Johnson, the GOP congress under Everett Dirksen's leadership, felt some responsibility to the national policy—even though the President was of the opposite party.

However, since the election of Richard Nixon, and the rise to a formal as well as informal position of leadership of Sen. Ted Kennedy, a young man possessed of two priceless advantages—his father's money and his brother's reputation—this has changed.

Suddenly, after years of silence or support, we discover that everything JFK did was wrong, from the moon program to support of South Vietnam and the welfare program system. Everything Lyndon Johnson did was also wrong. And everything Robert McNamara purchased or had researched for the Defense department was unneeded, turned out not to work anyway, and cost too much money!

And whose fault is the endless series of mis-begotten boners by McNamara, JFK and LBJ?

Why, Richard Nixon, of course!

SEWER POLITICS

What a weird, blind, cut and slash style of politics this is!

It isn't gutter politics. It is sewer politics.

The climax is a campaign of psychological warfare directed against our own youth withstanding the shock of combat, quickly trumpeted by Radio Hanoi, gleefully using Sen. Ted Kennedy's name, slandering battle leaders making the hardest of decisions while under enemy fire, themselves, on the basis of the rankest of amateur opinions made 12,000 miles away without knowing anything about the circumstances in detail!

This beats anything, including the brief team-up of Hitler's and Stalin's psychological war efforts against the French forces on the eve of the moral collapse of the French army in World War II.

ANOTHER AXIS SALLY?

Hitler never had anything nearly this good in Axis Sally and General Tojo never had anything half this good going for him with Tokyo Rose.

Neither had a Roosevelt providing them the roughest and earthiest of propaganda attacks against U.S. troops in the field.

And who would have dreamed that Uncle Ho would have a Kennedy to exploit as he is now so eagerly doing—with such an obvious effect on our efforts in the peace talks!

Have we lost our senses?

You can't win anything this way! Least of all, a peace!

SGT. EARL A. GODMAN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. LONG of Maryland. Mr. Speaker, Sgt. Earl A. Godman, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

SERGEANT GODMAN SURVIVES TRAP, IS KILLED DURING VIET PATROL

A 21-year-old Baltimore soldier who was wounded last February when a booby trap exploded has been killed in combat in Vietnam, the Pentagon said yesterday.

Sgt. Earl A. Godman, who had been in Vietnam since January with the 9th Infantry, was shot while on patrol May 28, the government said.

The three-year Army veteran was awarded a Purple Heart for wounds he received in the February incident, and spent two months in a military hospital recovering from the injuries.

His body is to be returned to Baltimore this weekend for viewing at the Walters funeral establishment at Pratt and Stricker streets, his family said. Burial will be Monday in National Cemetery.

A construction worker before he was drafted in March, 1966, Sergeant Godman was the father of a 5-month-old daughter, Tammy Sue, and a 3-year-old son, Earl, Jr.

"He hoped to make the Army a career," said his wife, Mrs. Sue A. Godman, who has been living with the sergeant's parents in the 1700 block Ramsay street.

Sergeant Godman attended Baltimore city public schools through the ninth grade before taking a job with a construction firm in Pennsylvania in 1962. He returned to Baltimore in 1965.

Stationed at Fort Hood, Texas, for his basic training, Sergeant Godman later was assigned to Army headquarters near Frankfurt, Germany, and to infantry units at Fort Lee, Va.

Besides his wife and children, he is survived by his parents, Mr. and Mrs. Arthur A. Godman of the Ramsay street address; a brother, Ray, 19, and a sister, Cynthia, 13.

GOT A LIGHT, McLAREN?

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OLSEN. Mr. Speaker, a great deal of attention has been focused recently on corporate mergers within the American business community. It has stimulated hearings before Congress, studies by several Government agencies and, more recently, some direct action by the Justice Department.

This once again brings to the forefront the delicate balance between free enterprise and legitimate Government intervention. Therefore, I read with interest the views of the Fortune magazine, one of the leading journals of the business community, as expressed in an editorial in its May 1 edition. I believe it should be of interest to all Members of the House. The editorial follows:

GOT A LIGHT, McLAREN?

Jonathan Swift once boasted that he had prevented an official pardon for a violinist condemned to death on a charge of rape. Although evidence at the trial had been far from conclusive, Swift brushed doubts away saying that the accused "was a fiddler, and consequently a rogue, and deserved hanging for something else."

Conglomerate companies are not in good repute these days with the public or with staid elements of the business community, which regard them much as Swift regarded fiddlers. Applause, therefore, may greet the suit brought by the Antitrust Division of the Justice Department to upset the proposed merger of the Jones & Laughlin Steel Corp. into the capacious maw of Ling-Temco-Vought Inc. But the Antitrust Division's reasoning on this matter is so outrageously Swiftian that, if adopted by the courts, it would further tighten the antitrust straitjacket on legitimate business change.

Any big company might be forbidden to diversify its product lines by merger with another company. The prosecution would not need to prove that the two companies had ever competed in any market. The offense would be the accused company's status (i.e., its bigness), which, in the unverifiable opinion of antitrust enforcers, would make more likely a future impairment of competition.

Richard McLaren, the Nixon Administration's newly appointed chief of the Antitrust Division, has opened his campaign against conglomerate mergers with the L-T-V case. It's important to understand the implications of McLaren's doctrine.

First, the antitrust aspects of conglomerates must be separated from other aspects that have caused anxiety in the recent merger wave. The tax laws contain kinks and gimmicks that load the dice in favor of certain mergers; these distortions should be removed. Sloppy accounting practices and untrue statements by acquiring companies have been factors in some mergers; the SEC ought to have the power to stop such practices. Stockholders have been bemused by hot arithmetic that relates price-earnings ratios in such a way as to indicate that everybody automatically makes money out of mergers; the stock market has cooled off some of these calorific calculations by a sharp drop in the price of conglomerate shares.

But such abuses are not the business of the Antitrust Division. Its proper field of responsibility is to restrain or punish anti-competitive acts (e.g., price conspiracies, market allocations). Life becomes easier for

a prosecutor if, instead of producing evidence of wrongdoing, he can base his case on a prediction that the accused will or might or could or may do something contrary to public policy.

The weird wording of the Clayton Act facilitates prosecution by prophecy. It forbids mergers where "the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly." Note the words "may be" and "tend." Is a man who buys a box of arsenic tending toward wife murder or roach extermination? In advance, it's hard to be sure. Suppose a legal fiction is invented: since the arsenic buyer *may* be tending toward wife murder—and is more than six feet tall—he will be treated as if he had committed wife murder. Potential guilt will be equated with actual guilt.

McLaren's doctrine of how antitrust law applies to conglomerates works on the same principle. All he has to do is prove that the two companies are large. In speeches and statements about conglomerates he has set forth three assumptions on which the illegality of acquisitions may rest without proof of any specific anticompetitive act:

1. A conglomerate merger would lessen "potential competition." Applied to the L-T-V case, this assumption might take the form of a question: Who knows that Jones & Laughlin, if left to itself, would not someday go into the sporting-goods business, where L-T-V is already big?

2. Merger would enhance the "reciprocity power" of the two companies. Reciprocity can be an anticompetitive practice by which two or more companies deal with each other on terms that discriminate unfairly against other companies. But any two companies have such power, just as any person has the power to commit arson. Matches, clearly, enhance arson power. Got a light, McLaren?

3. Mergers involving large companies necessarily concentrate control of the nation's assets. A very high proportion of guitar players believe this assumption, but nobody can prove that it's true. It's easy enough to show that the assets in the hands of the 100 or 200 largest companies are increasing. But concentrated control cannot necessarily be inferred from such calculations. Nearly forty years ago it was discovered that stockholder power over corporations was decreasing and control was assumed to be passing to a relatively small group of industrial managers. But gradually all sorts of other—unpredicted—trends appeared. The number of "managers" with a significant voice in decisions multiplied as companies became internally less centralized. Mutual funds provided a new lever of indirect stockholder influence. The recent merger wave, especially the take-over bids, has powerfully revived the influence of stockholders. So after forty years of apparent concentration, U.S. business power today is probably less concentrated than it ever was—although nobody could prove that in court, either.

The main fault of McLaren's doctrine is not that it is anti-business, but that it's anti-law. The standards of proof required from the prosecutor are so modest, the assumptions framing the charge are so unsubstantiated and unrealistic as to leave the decision of whether or not to declare an act illegal almost wholly in the discretion of the prosecutor—and the chief of the Antitrust Division is a political appointee, subject like any other political appointee to pressures.

In the L-T-V case—and as to conglomerates in general—it is well known in Washington that great pressure on the Administration came from businessmen who don't like conglomerates and don't like the merger wave (see Report from Washington, page 43). Some of these, perceiving the merger movement as a menace to the status quo, ask the govern-

ment to suppress the upstarts, the outsiders—what Swift would call the fiddlers.

The wholesome side of the trend to conglomerates derives from the very fluidity and uncertainty of the American market. Investors and managers, knowing that their products are vulnerable to consumer whim, technological change, and managerial innovation, naturally try a form of company that diversifies the products, spreads the risks, and decentralizes the management. Maybe only a minority of present conglomerates will be successful. But that's no reason to try to freeze the U.S. business scene by McLaren's doctrine, where evidence of future illegality is found in a crystal ball.

Fifty years ago, when a migrant member of the I.W.W. turned up in a western county seat, the sheriff was likely to clap him into the hoosegow before he had "a chance to make trouble." Often the charge was vagrancy, defined as having "no fixed place of abode" or "no visible means of support." Vagrancy isn't an act that the prosecutor has to prove. It's a status, a condition, deemed potentially dangerous by the "respectable" members of the community. For the last few decades, legal theory and practice have increasingly frowned on charges derived from status rather than acts, holding these "status crimes" to be unfair attempts to enforce conformity to the standards of the upper crust.

But antitrust enforcement moves steadily against this liberalizing trend of legal thought. McLaren, more blatantly than any Antitrust chief before him, wants to make the condition of corporate bigness sufficient reason to forbid those mergers he disapproves. Before any businessman cheers that doctrine, let him remember that business perishes when the discretion of officials is substituted for the rule of law.

PRAISE FOR PRESIDENT'S DRAFT PLAN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. SCHWENGEL. Mr. Speaker, one of the most disruptive factors facing the lives of our young people today is that of the draft. In many cases a young man's liability for induction extends over an 8-year period during which he could be called at any time. The problems which this system presents is painfully obvious to us all. President Nixon promised during the campaign that he would move to end the inequities in the Selective Service System, and he has fulfilled this pledge with his recent message to the Congress on draft reforms. The President's proposals are excellent. I concur wholeheartedly in the comments in this respect in a recent editorial on radio station WMT at Cedar Rapids, Iowa:

A GOOD PLAN FOR DRAFT REVISION

Last November we expressed the hope the incoming national administration would give priority to revision of the military draft.

We are gratified that the executive branch has moved decisively to develop a draft revision plan which President Nixon sent to Congress earlier this month. Like everyone else, we would prefer no conscription. But in the present state of world affairs, it simply is not practical to do away with the draft.

As long as military conscription is maintained there will be some inequities and uncertainties. But we think the plan proposed

by the President would help minimize the inequities and it would greatly reduce the uncertainty which has been one of the great frustrations of the present system.

This would be accomplished mainly by limiting to one year the period during which a young man is most likely to be called. The draft-vulnerability period now extends over seven years. By switching from an *oldest* to a *youngest-first* order of call, the system would permit the majority of young men by the time they reach their 20th year either to be serving their military obligation or know they were free from it.

The impersonal hand of random selection would determine which it would be. The system is designed to distribute the risk of call equally—by lot—among those who are subject to call during a given year.

The President's stated objective for the revision he has proposed is to limit the disruption caused by selective service and make it as fair as possible.

We think the plan is well-designed to accomplish this and Congress should move promptly to give the President the authority he needs to put it into operation as soon as possible.

CROMWELL, CONN., HONORS A FALLEN HERO

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ST. ONGE. Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the text of an address which I delivered on May 29, 1969, at the Cromwell High School in Cromwell, Conn., on the occasion of the dedication of a memorial drive in honor of the late Capt. James E. Mann. Captain Mann, who had been a teacher at the school, was killed last October in Vietnam when his helicopter was shot down. The address was as follows:

DEDICATION OF CAPT. JAMES E. MANN MEMORIAL DRIVE

(Remarks by Congressman WILLIAM L. ST. ONGE, Cromwell High School, Thursday, May 29, 1969)

Dr. Moore, members of the family of the late Captain James E. Mann, officials of the town of Cromwell, faculty and students of Cromwell High School, ladies and gentlemen:

When your school superintendent and my very dear friend, Dr. Simon H. Moore, recently asked me to participate in today's memorial dedication in honor of a fallen son of Cromwell, I accepted without hesitation. I appreciate this opportunity of paying homage to the memory of one who so well deserved it.

Unfortunately, I was not privileged to know the young man in person, but I do know his father, Edward F. Mann, your first selectman, for a number of years. Dr. Mann was kind enough to send me some background material on James Mann. I can see why Cromwell is so proud of him and why you have decided to dedicate this street running in front of your high school as Captain James E. Mann Memorial Drive. It is a signal honor in memory of a loyal son who has made the supreme sacrifice for his country and for his people.

James Mann was a native of Middletown. He moved to Cromwell with his family at the age of 13, but continued to study at Middletown High School from which he was graduated in 1952. That same year he entered Central Connecticut State College, where he

excelled in track and football. He was graduated in 1956 with a bachelor of science degree in education, then served two years in the U.S. Army, and upon his return joined the teaching staff at Nathaniel White School (in Cromwell).

In 1960 James Mann began a very happy association with Cromwell High School which lasted for six years. He began as a teacher of mathematics and history, and later became head track coach and assistant basketball coach. He gained wide recognition for his coaching ability and was considered one of the most promising young coaches in the State. Meanwhile, he continued his education at Central Connecticut and received a master's degree in history.

When James Mann was discharged from active duty in the U.S. Army in 1958, he received a commission as second lieutenant in the active reserves. He was subsequently promoted to the rank of captain. In May 1966, with the intensification of the war in Vietnam, he was recalled to active duty. He attended a special officers school at Fort Benning, Georgia, graduating first in a class of 200 officers. After some additional specialized training he was sent to Vietnam, where he became operations officer of the 3rd Mobile Strike Force.

During his tour of duty in Vietnam, Captain Mann received the bronze star for gallantry in action, three air medal awards, two purple hearts for wounds and three Army commendation medals for bravery. On October 2, 1968, his helicopter was shot down by the enemy while Captain Mann was on a relief mission to help one of our units which was besieged near the Cambodian border. He was killed in the crash of the helicopter.

Such is the history of a gallant young man, who fought for his country and defended it with his very life. Today we are gathered here to dedicate a memorial, a street which from now on will bear his proud name, and which will serve in loving memory of this brave man. We are gathered here to recall his heroic deeds, his unforgettable services to our Nation. He came from our midst, he spent many years in this community, he lived among you as a neighbor, was a friend of many and was loved by all who knew him.

It is therefore fitting on this day, as we dedicate the James E. Mann Memorial Drive, to also rededicate ourselves and reaffirm our beliefs in the solemn purposes and high ideals for which he—and others like him—have fought and died. It is people such as James Mann, who, by their deeds and beliefs, help to preserve our Nation and the most precious heritage of the American people—our freedom, our independence, our way of life.

This dedication occurs during the memorial weekend. Whether this is by coincidence or purposely planned is not important. What is important, however, is that this should not only be a day of remembering and memorializing, but also a day of reflecting on wars, a day of examining the reasons for it. Let us examine the motives and the logic—if there be any logic to it. Let us consider the reasons and the motives for war from the standpoint of history, how they have affected mankind in the past, where they have brought us in our own tragic days, and where they will lead in the future.

I do not propose to do so today. This is neither the place nor the time for it. I merely bring attention to the fact that the time is ripe for such reflection on the motives and logic of war. Could be, if we had done so several years ago, our approach to Vietnam would have been different, its tragic consequences could have been avoided, and the fine young man whose name we are memorializing here today would still be in our midst teaching math and history and coaching track and football.

Now we can only stress his heroic deeds,

his loyalty to his country, his spirit of sacrifice. These will never be forgotten in our hearts, especially in the hearts of his loved ones who knew him best, irrespective of the passing of time. James Mann now belongs to eternity and to that long list of immortal heroes who fell on the field of battle in defense of their country. It was of such immortal heroes that Abraham Lincoln spoke when he said:

"Let us take increased devotion to that cause for which they gave the last full measure."

Captain Mann's days of strife and sacrifice are ended. But as we pay homage here today to him, let us remember that the strife is not over, that his comrades in arms are still fighting and dying on the battlefield of Vietnam. The sacrifice of Captain Mann—and all the others—should serve as inspiration to us to redouble our efforts to bring peace, justice and mercy to all mankind.

John Henry Newman, in a poem which sounds more like an evening prayer, said this:

"May God support us all the day long
Till the shades lengthen.
And the evening comes,
And the busy world is hushed,
And the fever of life is over,
And our work is done.
Then, in His mercy,
May He give us a safe lodging,
And a holy rest,
And peace at the last."

May the memory of Captain James E. Mann, to whom we are paying this tribute today, be blessed and honored for all eternity!

May this street, which will proudly bear his illustrious name from now on, serve as a path toward learning and as a road toward peace and justice.

WILLIAM J. DRIVER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DORN. Mr. Speaker, many times in the past 4½ years I have praised the retiring Administrator of Veterans' Affairs, Mr. William J. Driver. As a member of the Veterans' Affairs Committee and a staunch supporter of veterans, I maintained close contact with Bill Driver. The passage of time confirmed my belief that he is an exceptionally fine man and was truly a great Administrator. I believe it only fitting to summarize the regime of Administrator Driver by reviewing the record of major accomplishments recorded during his tenure of office. These include:

LEGISLATION

A new, third-generation GI bill.
First-time education and training benefits for certain wives and widows.

Two major increases in disability compensation, including a 60-percent increase for the 100-percent disabled.

Two laws providing \$295 million annual increase in VA pensions.

A boost in VA's maximum loan guaranty ceiling from \$7,500 to \$12,500.

Creation of special educational opportunities for disadvantaged veterans.

Record total appropriations for VA, and unprecedented appropriations for medical care and research.

A reopening of GI insurance.

A \$39 billion, VA-supervised insurance program for members of the Armed Forces.

A new, three-pronged program that has provided 8,000,000 patient-days of nursing-home care for veterans.

A program of community sharing of medical training and education and hospital equipment.

ADMINISTRATION

VA representatives sent to battlefields for the first time, where they counseled 600,000 servicemen in Vietnam.

Bedside counseling for the disabled in every military hospital.

VA counseling at all 304 military separation points.

An outreach program, including letters, telephone calls, and personal visits to assist veterans in taking advantage of benefits.

More patients treated and lower waiting lists at VA hospitals than ever before.

Management improvement and cost reduction activities resulting in \$192 million in savings during the past 4 years.

Major gains in the improvement of employment opportunities for women, minority groups, and the physically and mentally handicapped.

Establishment of the U.S. Veterans Advisory Commission.

Mr. Speaker, the following editorial appeared in the Stars and Stripes-The National Tribune, on Thursday, June 5, 1969. It expresses the feelings of so many Americans. I commend this excellent editorial to the attention of the Congress and the American people, as follows:

VA LOSES A STRONG HAND

Leaders of National veterans' groups last week said farewell to a federal servant who over a lot of years had earned their trust and respect. The retiring federal man was William Driver, who resigned as Administrator of the Veterans Administration.

Under his direction many forward steps have been taken in handling veterans' problems. He was not one to have subordinates wave off inquiring veterans with a genial but meaningless letter. He tried to give the veteran an honest answer. Doing so is a difficult job. Some of the laws concerning veterans, their pensions and compensation are confusing, sometimes hard for a man with a fair education to understand. In this field of dealing with millions of veterans he sincerely tried to have the job done rightly and with sympathy and understanding.

Driver had the virtue of being able to get along well with Congressional committees concerned with veterans' legislation. Many of these members of Congress had deep regret over his resignation.

If Driver's place is filled with a man of equal stature, veterans will not suffer in the long run. But it will take a lot of time for a new administrator to get a confident hold on the post.

Vast problems loom ahead in the veterans' field. Their numbers are increasing by great blocks due to the protracted Viet Nam war. More hospitals are certain to be needed.

Older veterans devoid of pensions are in need of more aid than they are receiving. Their voices will not be stilled; nor should they, particularly the men of World War I, and veterans of Mexican border service. Officially, the government has never recognized the border duty as a war. Their number is relatively small, but they are entitled to recognition in the field of veterans' benefits.

A sympathetic, able director in the VA can do much in helping effect logical legislation, not to mention running the vast Veterans Administration.

Whoever takes over the job, The Stars and Stripes wishes him well, and hopes he will show the calibre of "Bill" Driver.

RENAISSANCE CITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MOORHEAD. Mr. Speaker, my city of Pittsburgh has rightly earned its title of the "Renaissance City." The rehabilitation of downtown Pittsburgh and the development of the famous Golden Triangle, where the Allegheny and Monongahela Rivers meet to form the Ohio, are hallmarks in Pittsburgh's recent history.

Pittsburgh is currently taking on a new form of revitalization in its commendable efforts to develop the marvelous water resources of the three mighty rivers that bisect the city.

TRIAD, the Three Rivers Improvement and Development Corp., has spearheaded the dynamic program to recover 90 percent of Pittsburgh shoreline from its current use—or more precisely, misuse—and turn over this reconstituted property to its citizens for recreational and commercial purposes.

Water activities can be fun for the entire family. Utilization of water area can provide a new playground for an entire city, without the demolition of one building.

New waterfronts and cleaner rivers also attract new businesses, whose worth to a city is incalculable.

Recently, Mr. Arthur Harris, president of TRIAD, delivered a speech in Pittsburgh to the 22d annual parks and recreation conference.

I would like to introduce Mr. Harris' remarks into the RECORD now as a solid example of how one city and one organization can successfully grapple with the problem of how to make its natural waterways clean and usable again:

REMARKS OF Mr. A. V. HARRIS

The past three days have been very busy for everyone who has attended this conference, and it has been reported. I'm happy to say, they've been very interesting and instructive. While I haven't been to all your sessions, I have been able to keep in touch with your program as it has progressed from Sunday. The news media has given excellent coverage, and I see by this morning's *Post Gazette* that beaches are being set up for nude swimming in a California park near Santa Barbara. Perhaps the measure of TRIAD's success will be when our rivers will be clean and attractive enough to promote similar activity. But seriously, TRIAD has had representatives at some of your sessions, and a number of our good friends have commented on the fine program that has been arranged. Certainly, you've had a very interesting assortment of expert speakers, and I understand that some of your workshop sessions have given you ample opportunity to cover the main issues.

With what I know about the success of your conference so far, my attitude as I

stand before you now is one of humility, especially as a speaker on matters concerning parks. So I don't want to intrude into the area of your expertise, but I cannot let such an important occasion go by without making some very brief comments about a particular park. That park is Pittsburgh's own Point State Park. It's beautiful, isn't it?

When it comes to making a great park, concept is the basic ingredient. The concept on which John Grove is building Point State Park to greatness is that parks are people and people are parks. The beauty and grace of Point Park provide refreshing relief from the erectly postured aluminum and steel structures of the Gateway complex that is the heart of Pittsburgh's famous Renaissance. Point Park is the epitome of the bright sunshine one finds as he emerges from the forest formed by the sturdy city buildings. But John Grove has made it much more. Under his direction, it has become a place for people.

Some of you have had occasion, during your current stay here, to visit Point Park. There must have been many comments among you on its beauty and value to the City. And those of you who are so inclined may have felt a trace of the gratification John surely feels, knowing that he has successfully developed such an outstanding place of recreation and relaxation for many Pittsburghers, and others who come here from far and wide. Point Park dominates the scene.

This is not to ignore the other fine parks in this area, especially the good system of regional parks that provide a place for a good deal of outdoor recreation for Allegheny County's nearly two million residents. Nevertheless, Point Park is the focal point of the downtown scene.

And Point Park is the focal point of TRIAD's River Renaissance Weekend, the annual river show that was conceived to help Western Pennsylvanians appreciate better the marvelous river resources this area has. It is TRIAD's appreciation of the value and meaning of the aesthetic, historic and functional importance of the park that led us to bring 150,000 persons to the Point last year for our first annual weekend celebration. It's a weekend for people. Our purpose in putting on two days of river activity is to bring the people in this part of the State, as well as parts of West Virginia, Maryland and Ohio, a little closer to their rivers. Our objective is to create an awareness of the rivers and their usefulness, a new awakening that may have been dulled by years of inactivity. It is a little paradoxical that our rivers seem to go unnoticed, for the most part, in the daily routines of the thousands of persons who cross them every day. Many of Allegheny County's 1700 bridges were built to carry people across the rivers and their tributaries. But as you drive across a river, because of proper attention to automotive traffic, you seldom get a chance to look down. And many people never take time to visit the rivers.

Now, with TRIAD's River Renaissance Weekend there is a time each year when going down to the river has become practically an irresistible attraction. There is an undeniable fascination about watching the "Big Company's" tow boats lead the armada of pleasure craft in the annual boat and float parade. The spectacle of day-long activity on the river, on the wharf and out of the sky overhead holds an irrepressible charm for young and old alike. And from it all, thousands of people gain a new awareness of the usefulness of their rivers, not only for the commerce that carries more tonnage past the Point than goes through the Panama Canal, but for their own personal enjoyment, as well.

TRIAD, to me, is the people who make up this Western Pennsylvania community. After all, it is out of the intelligence and common sense of human beings that the appreciation of our natural resources grows. Only man

has the faculties to really conceptualize the value and function of the natural state. Our well-developed senses are tantalized by the beauty and scent of a flower, by the sound of a rippling stream.

This message was brought home to us ever so forcefully a short time ago. Even though man has been on this earth for millions of years, it was only when the astronauts looked back at us from the threshold of the moon that so many millions of us gained a real appreciation for the first time of the beauty and glory of the earth we live on. From that distance, the polluted air and lakes and streams, the improperly back-filled strip mines and burned out or wasted forests—the sore spots on the earth—did not show. Despite man's long existence here on earth, it has only been in the past one hundred years or so that he has had the capacity to destroy it. And I think it can be said that without some change in our attitude and outlook toward the natural beauty and resources of this planet, we might succeed in destroying it—not so much by wars as by careless and indifferent despoiling of our great assets.

Of course that is not going to happen. Being creatures of intelligence, we already realize what we've been doing and have begun to turn our attention to saving this earth's natural beauty. The very fact that the three hundred or so persons who have registered at this conference are here to talk about the future applications of our natural resources to the useful pursuits of human beings is a strong indication of that fact. There are more indications of the new attitude toward conserving our natural resources, especially those very fundamental and vital necessities: air and water. In fact, I think we are reaching a point at which we are completely reversing the ratio of concern to indifference with regard to conservation matters. Before long, it will be most of the people who are concerned and only a few who are indifferent to our conservation needs.

It is only because that is true that an organization like TRIAD can hope to begin an effective movement to improve, develop and beautify the rivers. Being able to recognize the need to make our rivers more useful for all the people is not enough, if it takes shape only in the pious preachings of a group of do-gooders engaging in committee-style self gratifications. TRIAD, is not that! We certainly don't think of ourselves as do-gooders in that negative sense of the expression.

We do think we're practical people, with some knowledge of how to get important things done. As a result, the corporation is comprised today of persons who represent all levels of public and private life. The support of industry is a vital plus, and so is the effective assistance of government agencies and persons in the public sector at every level. TRIAD began as an organization designed to bring together all the elements of our society. It is our strong belief that it is not enough to improve the recreational uses of the rivers and riverbanks. Nor would it be enough to be over-attentive to the needs of the industry and commerce that are so essential to the continued vitality of the area. Actually, in fact, the vitality of the area might need a little shot in the arm, some stimulation to rejuvenate tired arteries. River Renaissance could be that shot in the arm. Fortunately, for the Greater Pittsburgh area, I think we've got all the basic elements of the needed therapy right here in the rivers.

These admirable objectives, however, cannot be accomplished by any single organization alone. All sectors will have to work together, to grow together, to be able to succeed in accomplishing the improvement, development and beautification of the Allegheny, Monongahela and Ohio Rivers.

We in TRIAD have assigned ourselves the task of getting things done that need to be done, and since our incorporation in March of 1968, we have sought to develop the best, most effective ways to accomplish these desirable ends. That sometimes means staying out of the limelight, rather than the opposite. What is needed in some cases is just a catalyst to fire energies that exist all about us just waiting to be turned loose on the solution of an important problem. At other times, direct action is called for. Frequently, however, TRIAD sees itself as both a coordinator and an innovator.

In the process of our brief development, of course, we have already learned a lot. Perhaps the basic thing we learned is that there is a crying need for some real coordination among the various levels of government, among the myriad of private industries and businesses in this great industrial headquarters area and certainly between the public, the Government and the economic sector. A few months ago we brought together, representatives of the major industries and river enterprises with representatives of the various Government agencies that have responsibilities on our rivers. The Government agencies, both State and Federal, were asked to outline briefly the scope of their responsibilities on the rivers. From that short meeting a new body of knowledge and a new area of communication have begun to be formed. With TRIAD as the coordinating agency, we will move on now to the development of what we are calling an Industry Preparedness Committee. This group will have as its purpose the formation of a sort of protective shield over the rivers to help prevent the occurrence of a pollution catastrophe. The expertise of industry will back up the responsible government agencies in the event of a serious pollution spill. I like to think of it as being like a volunteer fire company, one that answers every major alarm. Actually, we hope that this protective mechanism against chaotic pollution may never be needed. If it is needed, we want everybody in this area to be secure in the knowledge that it is there to respond.

TRIAD feels that in its Industry Preparedness Committee, a new facet of industry-government cooperation has been developed for the benefit of the entire community.

I don't want to give you the impression that TRIAD is an organization to police pollution. There are enough qualified people and agencies doing that job right now, both in government and in industry. One of our basic assumptions, in fact, is that government and industry, working together, can and will produce increasingly cleaner waterways. Only a few short years from now, I expect our rivers to be clean enough for excellent fishing and fine swimming. As a matter of fact, there already is much better game fishing here than most folks believe.

Cleaning these rivers, you know, doesn't really have to be such a difficult thing at all. After all, they're not like Lake Erie, which some people say is becoming a cesspool. But that is a relatively constant body of water. They say it takes about two years for the water in Lake Erie to change. Some bigger lakes take much longer. The water in our rivers is moving constantly. They could purge themselves relatively quickly. The continuing and expanding success of government and industry programs to reduce and finally eliminate the buildup of impurities in the rivers is bringing us closer to that day of clean, pollution-free waters.

What is needed now is the planning for the utilization of our rivers, and especially the improvement and development of the riverbanks. There is no time to waste. The long range plans that bring into account all the elements of future development, especially as they relate to the needs of the total community, cannot be started too soon. Mr. Mott spoke to this point so ably in his

remarks of yesterday morning. Planning for river use should be relatively easy. After all, a river is a fixed thing. It's there to stay. We can't change the course of our rivers, or their volume, or any of those natural things. They are pretty much the constants we have to work with as we plan. Accepting them and then utilizing them for the benefit of all, needs planning of a high order. We know that our Pittsburgh economy depends on commerce and that we need to assure that future river plans recognize and enhance the increased use of our rivers for industry and business as well as for recreation. It may be that we have given too much thought to planning around our rivers and not enough to planning from them.

What about the banks of the rivers? They always seem to get such little consideration except from industry and only when they are needed for access to the water. They have suffered greatly from neglect in the Pittsburgh area. The great, world-renowned Renaissance ended at the riverbanks. A majestic plan for the maintenance of the riverbanks is important for the future usefulness of these rivers. High maintenance of riverbanks not only enhances their attractiveness and value, but prevents the kind of despoiling that made possible a series of pictures, depicting them as trash-strewn dumping grounds that appeared last week in a Pittsburgh newspaper. We'd like to see the riverbanks built up, foliated and cared for on a regular basis. These are some of the elements of the kind of long range planning that TRIAD is engaged in at the present time.

TRIAD is planning for maximum use of the rivers and the riverbanks. The riverbanks should be places for picnic areas, horticultural gardens and parks. The banks along these rivers should have appropriate public docking places for pleasure boaters. River recreation, including pleasure boating is an objective of TRIAD, with emphasis on safe boating. In TRIAD's concept there is room and a place on the rivers for everybody—to ski, to swim, to tow a barge. Basically, the rivers are roads for commercial and private use and a plan must be worked out that will satisfy the needs of both. The banks offer great promise as places to build, to work, to learn and play.

Since many of you represent government agencies of one sort or another and must seek your support from revenues provided by taxpayers, you may ask, "Where does TRIAD get its financial support?" TRIAD, being a private, non-profit organization accepts contributions from any source. We look for contributions from industry (on and off the river) from foundations, from boaters, from government agencies, from any person or any organization interested in the betterment of the community. Numerous charitable foundations operate in the Pittsburgh area. Some have given TRIAD financial support in the past, and we are looking to all of them for further and continuing help. As you know, foundations all over the country, from the very biggest to the smallest, are being asked to justify their programs. There is no more valuable community improvement program than the one encompassed in TRIAD's objectives. If there are any foundation people in the audience, any who are looking for something really worthwhile to support, this is it. It is an effort to keep renaissance in the Greater Pittsburgh area on the move, and extend it to the rivers and riverbanks, out into the County, through Western Pennsylvania and even into the other states that enjoy the benefits of these greater rivers.

In Pittsburgh, everybody gains because the rivers are here. That is just as true today as it was 100 years ago, if not more so. The great industries that are headquartered here in more abundance than almost anywhere else in the United States, support TRIAD. They

find it easy to see that even if their plants and factories and offices are not located right on the 170 miles of shoreline in Allegheny County, the rivers still are important to them. In a very real sense, everybody is on these rivers.

It is very reasonable to assume that industry wants to help remake the rivers into the attractively useful arteries they once were. There is no law that says that rivers used as much as these are by industry and commerce must be unattractive and worthless for everybody else. There is no law, physical, natural or otherwise, that says that industry cannot put back into the rivers water that is as clean as, or cleaner than, the water it takes out. But TRIAD's approach to industry is more positive. Clean water is more economically useful for industries than dirty water. Rivers that can support the increasingly important recreational needs of employees are important to industry. Attractive riverbanks that can be enjoyed by employees, and can comfortably form the setting for such recreational vehicles as picnic areas, parks, boat launching sites, gardens and walkways will enhance employment recruitment efforts. I want to see the day, when we'll be able to say that many young people would rather work in Pittsburgh than any other part of the country—that we have more recreational opportunities than most.

I'm sure I don't need to tell you the importance of TRIAD activity to the various government agencies. Pennsylvania is actively engaged in a continuing campaign to attract new residents to the State. Allegheny County and the City of Pittsburgh also seek to encourage new people to come and live and work here. They know Pennsylvania, Western Pennsylvania, this county and this city have a lot to offer. The countryside is beautiful, the city is alive. Only the rivers have been neglected. The government response to our efforts reflects that interest. At the same time that TRIAD was receiving its Pennsylvania Commission as a non-profit corporation, the State House and Senate were adopting unanimous resolutions in support of our activities and commending TRIAD's work to their constituents. Similar resolutions followed from the Allegheny County Commissioners, the Pittsburgh City Council and the Mayor of Pittsburgh, Joseph M. Barr, and the Association of Borough Mayors of Allegheny County did likewise. In fact, earlier today I was with Mayor Barr down on the Allegheny River as he proclaimed the week of May 26 to June first as River History Week in Pittsburgh and urged the schools to pay special attention to the history of these great rivers during that period.

In the next couple of weeks, the County Commissioners will once again proclaim Three Rivers Week, the week leading up to the Second Annual River Renaissance Weekend celebration, which, if I haven't said it before, will be held this year on June 14th and 15th, and, of course, you're all invited. The resolution that the Pittsburgh City Council has agreed to adopt in support of TRIAD's work will establish River Clean-Up Week, a time when emphasis is placed on the importance of making and keeping our rivers and their banks clean, not only through organized efforts but by individual and personal care and attention as well.

Even the total support of the industries and the government agencies is not enough to accomplish the all pervasive commitment to the total usefulness of the rivers that TRIAD seeks. Everyone in the community has to participate. The third major stage of TRIAD's program to gain the necessary support goes directly to the people who live, work and play in this area. When you get right down to it, the people who live in this area are the major users of the rivers, regardless of whether they own boats, or fish or swim—or even if they never go near the rivers. For the rivers still supply the great volume of the

water we use to drink and bathe. To reach them, TRIAD is mounting a big public support program through the fourth major support element in our society, the communications media, as well as the time-honored communicator—word-of-mouth. That's an important function of our big weekend program, also. But in addition to that TRIAD exhibits appear in such places as the annual boat show and home show, the County Fair and in shopping center malls. There are opportunities to address local civic clubs, boat clubs, garden clubs and other such organizations that have an interest in helping us to get the job done. And while it is true that TRIAD lists on its board of directors executives of major industries and some of our most important government officials, we don't want to overlook the man in the street. We want and need his support.

The rivers, as TRIAD sees them, are great in history—and believe me the people of this area are as intensely proud of their heritage as people anywhere—but they've got a future, too. I can see a day when the banks of our rivers will be busy with commerce, with people picnicking, fishing, perhaps just walking or sitting. There will be trees and flowers along those banks. There won't be trash and rubble to be washed away at high water just to be deposited somewhere else. There will be hotels and motels, marinas and bright new businesses whose own attractiveness will add to the over-all beauty and enjoyment of Western Pennsylvania.

These are just some of the things that TRIAD is doing to bring about the new River Renaissance, and some of the ways we are going about it. There is no one who cannot appreciate the value of trying to improve upon even your greatest asset. The rivers are our greatest asset. As we plan for the future, we are obliged to plan for the rivers, too. TRIAD will take an active part in that planning.

OUR FLAG: RESPECT NOT COERCION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, recently a very well intentioned resolution was offered to our Buffalo, N.Y., Common Council to adopt an ordinance requiring the display of the American flag in any parade or march on the city streets or public parks.

This proposal, as I said, was well intentioned. But there also is the danger of going too far, even to the point of coercion.

When I see our American flag being carried down the street at the head of a parade, I want to know that it is being done voluntarily; that it is being done with due respect for the flag and what it represents.

When the ordinance was proposed to the council, the Buffalo, N.Y., Evening News had editorial comment which is worthy of wider circulation, as follows:

[From the Buffalo, (N.Y.) Evening News, May 28, 1969]

NO FLAG COERCION

While we enjoy as much as any man the sight of Old Glory being carried proudly aloft at the head of a line of march, we believe the Common Council would be well advised to forget Councilman William F. Lyman's proposal to require display of the flag in granting city parade permits.

Aside from strong questions about its constitutionality (and here we respectfully differ with a recent city legal opinion), compulsory flag display smacks all too strongly of an authoritarian practice. The next step, presumably, would be to compel every citizen to wear a small flag in his lapel as a patriotic condition for using the public streets and parks.

Let us by all means protect the flag from acts of desecration, but let us not undertake to dictate the kind of banners which public marchers shall display. We doubt that it would shake the foundations of our free Republic too greatly if the Buffalo Common Council were to forgo coercion and continue to make flag display a voluntary decision of paraders, as it has been safely doing all these years up to now.

DOUGLAS URGED TO RESIGN

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HALL. Mr. Speaker, the silence of Supreme Court Justice William O. Douglas, in the face of continued revelations of his highly unethical dealings outside the bench, has created another "credibility gap" in our High Court, and reflects poorly on the Federal Government. It is time that Justice Douglas either gives a public accounting of his actions or voluntarily retires himself from the Court, if indeed he, like Fortas, is considerate of the Court.

In the June 8 edition of the Des Moines Register, the distinguished journalist, Clark Mollenhoff, has written an article where he quotes my good friend and our colleague, the gentleman from Iowa, Hon. H. R. Gross, as ready to instigate impeachment proceedings against the apparently senile and debilitating Justice.

Congressman GROSS has compiled a convincing dossier on Douglas. Apparently Mr. Mollenhoff has also done so, and he presents his facts in a straightforward and dramatic way.

I place the news story in the RECORD at this time to be read by all those concerned with preserving the dignity of our courts, and in preparation for procedures leading to the Congress working its will, when others fail:

JUSTICE IS URGED TO RESIGN

(By Clark Mollenhoff)

WASHINGTON, D.C.—Representative H. R. Gross (Rep., Ia.) will initiate an impeachment action against Associate Justice William O. Douglas charging that the Supreme Court justice permitted syndicate gambling interests and a convicted pornographer to use the prestige of the high court.

Gross said his impeachment resolution probably will be filed within "a week or two." "On the basis of the information now in the public domain this is a grave matter," Gross said. "And I have reason to believe that other information will emerge shortly."

Representative Gross said he hopes that the investigations by the Internal Revenue Service, the Securities and Exchange Commission and the Justice Department "will cause Justice Douglas to submit his resignation, as he should have some time ago."

If Douglas fails to resign, Gross said, he will file an impeachment action on these specific counts:

"First, Justice Douglas violated the American Bar Association canon of ethics and may have violated the federal criminal law in a letter of May 14, 1969, to Albert Parvin giving advice on legal matters involving the Parvin Foundation and a controversy with the Internal Revenue Service.

"Second, Justice Douglas accepted a fee of at least \$350 for an article published in Ralph Ginzburg's magazine, "Avant Garde." A full-page picture of Justice Douglas and his article on folk singing were featured in the advertising and general promotion of this magazine with its sordid contents of pictures, poetry, and articles that can only be described as filth. Justice Douglas voted against a 5 to 4 Supreme Court decision in 1966 that upheld conviction of Ginzburg for selling hard-core pornography. There are several other suits involving Ginzburg that are in the appeal process and could come before the Supreme Court.

"Third, Justice Douglas has continued his association with the Parvin Foundation despite knowledge as early as 1966 that its funds came from Las Vegas gambling casinos that were well publicized as fronts for notorious syndicate gambling and "skimming" operations. The fronts of the syndicate mobsters would appear to include Albert Parvin, Edward Levinson, Edward Tores, and others according to information obtained through federal law enforcement sources."

SENATORS ACT

Senator John J. Williams (Rep., Del.), Senator Carl Curtis (Rep., Neb.) and Senator Paul Fannin (Rep., Ariz.) have said they believe the activities of Douglas are as serious as those that caused Justice Abe Fortas to resign on May 14.

Douglas has received \$12,000 a year as president of the Parvin Foundation.

Senator Curtis and Senator Williams, both active in pushing the Robert G. (Bobby) Baker investigation have stressed that the gambling figures involved in the Parvin-Dohrmann Corp. activities were major characters in the Baker investigation.

KEY FIGURE

The key figure is Levinson, a convicted bookmaker and convicted evader of federal taxes on money "skimmed" from gambling.

Levinson was the owner of record of a large block of stock in the Fremont Hotel and Casino, and he took a large block of stock in the Parvin-Dohrmann Corp., with a value in excess of \$250,000.

In 1966, Levinson also obtained a five-year contract at \$100,000 a year from the Parvin-Dohrmann Corp. to manage the Fremont Hotel and Casino, but was forced to cut his ties with his plea of nolo contendere on a charge of federal tax evasion in failing to report the winnings of the Fremont Casino on federal tax returns.

FIRM MEMBER

He was fined \$5,000, but received no jail term in a much criticized compromise decision engineered by then assistant Attorney General Mitchell Rogovin, now a member of the Arnold and Porter law firm (Fortas?).

The Levinson plea of nolo contendere and the continuing notoriety resulting from his dealings with Baker did result in the Nevada Gaming Control Commission questioning his role in the Fremont and his interest in the Parvin-Dohrmann stock. Levinson got out.

Levinson settled his management contract for the Fremont for \$375,000, and last fall sold his 40,000 shares of stock in Parvin-Dohrmann.

STOCKHOLDER SUIT

The manner in which Levinson sold this stock to undisclosed friends for \$14 a share, his acquisition cost, rather than to the corporation for the going price that was double the \$14 caused concern among some stockholders and one stockholder suit was brought questioning the whole arrangement for letting Levinson out. That suit is pending.

The Securities and Exchange Commission took note of the transactions to move Levinson out, and also took a note a few months later of spectacular jumps in the value of Parvin-Dohrmann stock and the purchase of 80,000 shares of the stock by the mysterious Seiss firm known as the Fund of Funds that deals through numbered Swiss bank accounts.

The SEC probe that is now being conducted of the Parvin-Dohrmann firm centers on the question of trading and control of the Parvin-Dohrmann stock and embraces the question of whether syndicate gambling controls the Parvin-Dohrmann firm through the use of millions of dollars of "skim" money that had been channeled to Swiss bank accounts.

IMPACT ON MARKET

Officials of the Justice Department and the SEC have been greatly concerned over the impact of the \$12 million to \$24 million a year estimated to have been "skimmed" from various Las Vegas gambling casinos sent to Swiss bank accounts and used through Swiss and other foreign corporations to control legitimate business and to cause unusual fluctuations in the American stock market.

Tax court records indicate there was a "skim" of \$2 million a year from the Fremont alone, and that Levinson did not report this on Casino books but delivered it in cash to others.

Senator Curtis has called attention to as early as 1967 magazine reports that identified Levinson, Benjamin Sigelbaum, and Edward Torres, all Las Vegas gambling figures, have been serving as "fronts" for the Cosa Nostra mobsters in Las Vegas, and have been delivering millions of dollars to Meyer Lansky, the man who handles Cosa Nostra financial matters in Miami.

Reports made to Congress in the last week allege that Albert Parvin, the 69-year-old originator of the Parvin Foundation, has been a long-time associate of such syndicate gambling figures as Frank Costello, Meyer Lansky, and the late Benjamin (Bugsy) Siegel.

The hearings and reports of the Baker investigation show that in 1963 Levinson, Sigelbaum, and Torres were working with Robert G. (Bobby) Baker, then the secretary to the Democratic majority in the Senate, to obtain contracts for the operation of gambling casinos in two Caribbean hotels owned by Intercontinental Hotels Corp. at Santo Domingo and at Curacao, International is owned by Pan American Airways.

Baker contacted Samuel Pryor, a vice-president of Pan American, to arrange for Levinson to accompany him to meet with John Gates, president of Intercontinental Hotels, to help Levinson and his Las Vegas group to obtain a contract to operate the casinos in the hotels in Santo Domingo, Dominican Republic, and Curacao, Dutch Antilles.

Pan American and Intercontinental Hotels informed Baker and Levinson that the casinos in the hotels are "treated as a concession" and would be let out to professional gamblers "acceptable to the local government."

VISITED ISLAND

Juan Bosch, the college professor, had just become president of the Dominican Republic in February, 1963, and Baker was in Santo Domingo on at least four occasions in March, April, May and June, sometimes with Levinson and sometimes with American political figures in an effort to convince Bosch and other Dominican Republic officials that they should do business with Levinson and his Las Vegas associates.

The Bosch regime lasted only about seven months before it was ousted by a military junta in September, and it was also in September that the Baker case broke curtailing his political influence in the United States and made him more of a liability than an asset to Levinson, Torres and other members

of the Las Vegas gambling community with whom he had been doing business.

Although the Baker-Levinson moves fell apart, it is still important to establish what help they received from other U.S. officials at that time.

NEW YORK STATE COMPTROLLER ARTHUR LEVITT SPEECH AT WEST POINT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OTTINGER. Mr. Speaker, on June 1, New York State's outstanding comptroller, Arthur Levitt, spoke at the baccalaureate service for Jewish graduates at the U.S. Military Academy at West Point, N.Y.

His theme and his message have profound meaning for all of us, and I am pleased to bring it to the attention of my colleagues in the House to give this fine speech the broad audience it deserves and I present it herewith for inclusion in the RECORD:

SCATTERED FEW AND FAR

(Address by Mr. Arthur Levitt)

My theme this morning was given me—perhaps unwittingly—by your dedicated chaplain, Rabbi Soltes. In his gracious letter inviting me to take part in this Baccalaureate Service he mentioned that each of you will soon become, not only a leader in the service of our nation, but at times a representative of our faith. But let me read the portion of his letter, in which he poses this theme, this challenge, so eloquently:

"The young men who will be graduated from the Academy and those who follow in subsequent years, who will be in attendance at the service, have selected careers of leadership in which they will be called upon not only to make decisions for other men in times of personal and national crisis; they will also, in most instances, be the only or the ranking Jewish officer in the area of their service and called upon, therefore, to be the representatives of their faith at unpredictable times. As a minority we are scattered few and far between and the responsibilities that devolve upon each of us extend beyond the normal limited challenges to a leader who is one of many."

These words by Rabbi Soltes are the more poignant because of the troubled world all about us. A generation ago, a graduate of West Point might have accepted such a challenge as a matter of course—something wrapped up in such words as "duty" and "loyalty" and "conviction". The pattern of life was clear to a young man brought up in the faith, educated in a great military academy, trained in the field, and about to enter active service. There was no cry against the establishment, no skepticism about accepted values, no doubting of our national purpose or destiny. And faith was a constant—unshakable and eternal for the true believers.

Has it all changed? Must we cry out, as did the ancient psalmist: "Help, Lord; for there is no longer any that is godly"? In the quiet of this old chapel, in this one great hour of devotion, surely there is a voice that answers, as did the psalmist, "His steadfast love endures forever, and his faithfulness to all generations." And on this eternal truth must be founded all else.

I do not underestimate the challenge of the dark days in our history. But what we have really learned, or should learn, is as old

as the wisdom of the ancient prophets. The ills of the world are the ills of man himself, and the only hope for man is a living faith in his higher destiny. This is the one great cure, from which all other remedies are derived. In this sense, there is nothing new in the trauma of the sixties, although it is newly and terribly significant.

Indeed, if I were a college student today, faced with the tensions and injustices of the age, then I too would want to find my own place, my own destiny, my purpose in such a turbulent world. This yearning would not be satisfied by all the ivy on the old walls, all the courses in the catalogue, nor by all the names of illustrious alumni on plaques and monuments scattered around the campus.

There can be no quarrel, then, with the desire of a student to assert his own individuality. There can be no quarrel with the right of any citizen in a democracy to challenge the establishment, provided he presses his cause by regular and legal means. But revolt for the sake of revolt is not a true cause; it is a malignant disorder. And it is this disorder, wherever it exists, which we must root out of the academic and civil world.

Having said these things—having acknowledged the ills of mankind in a strife-torn world, in our disturbed nation, and even in our colleges and universities—just how do we achieve the higher destiny I mentioned earlier? Just how are you to be leaders of men and counselors in their time of trouble? What is demanded of you, beyond military proficiency? The answer is to be found in the three attributes of every truly civilized man: education, respect for law, and faith. And I submit that most Americans—certainly you who are graduating from West Point, your parents, your friends, and your faculty—have these attributes in abundance.

Civilized man must begin, then, with education. It is to the lasting credit of our nation that the United States Military Academy believes in the education of the whole man. In addition to your rigorous military training, you have had a thorough grounding in the humanities, science and mathematics. Here there is no undue emphasis on the one-sided military officer, something I learned during my own army career when I met a great many West Pointers. Brilliant officers that they were, they were also men of culture and perception.

The challenge is to make our knowledge productive of a meaningful life, but our tendency is to confuse productivity with utility. We look to graduation, sometimes, as a mere stepping stone to a career, forgetting the greater endowment of a life enriched by philosophy and art if we but pursue them. We want education to amuse us, not discipline us. Cardinal Newman warned of this a century ago: "Recreations are not education," he wrote, "Accomplishments are not education. Do not say, the people must be educated, when after all you only mean amused, refreshed, soothed, put into good spirits and good humor, or kept from vicious excesses. I do not say that such amusement, such occupations of mind, are not a great gain; but they are not education." And there is a more recent precept that "Education consists essentially of preparing man for what he must be." I fear that today we expect education to prepare us, not for what we must be, but for what we must get.

Then there are those who go to the other extreme and worship education as an end in itself, an honorable escape from usefulness, a life dedicated to footnotes and bibliographies. The very name of education becomes sacred, the scholar sacrosanct. Listen to G. K. Chesterton who wrote: "No man who worships education has got the best out of education; no man who sacrifices everything to education is ever educated. . . . What is wrong is a neglect of principle, and the principle is that without a gentle contempt for education, no gentleman's education is com-

plete." Albert Einstein, in a celebrated epigram, said much the same thing when he defined the education of a man as "that which remains, when he has forgotten everything he learned in school."

But your belief in the education of the whole man, the complete training of a man in the total service of his country, is the very reason you have attended West Point. Otherwise your path to a career, whether military or not, could have been much easier, with much less discipline of mind and body. Your studies and your attainments in self-discipline have already prepared you, then, for the next attribute of a leader and counselor: respect for law.

Much as we have talked about a climate of lawlessness in America, there is also a climate of sincere concern; and our colleges share that concern in large measure. So do our religious institutions, our governmental agencies, and our communities throughout the nation, and indeed, our armed forces.

Law is both the guarantor and—to use a phrase one commencement speaker has suggested—the gyration of freedom. Much of our society has confused freedom with self-determination of the law. The truth is that no man is free if his neighbor is completely uncontrolled. Truly this is the lesson from history—for man himself, for groups of men, for nations, and for the world. Indeed, our military might is involved in internal and external law and order.

The basic concept of our law guarantees each man his freedom to live and act within a democratic society with the same rights and duties as any other man; but, by this very definition, no man's freedom may invade the rights of other citizens. That would be the end of freedom, not its exercise. And that is why the violence we have witnessed is not only criminal, it is treasonable to the very causes the perpetrators so loudly proclaim.

But I do not despair of the law, nor respect for the law. It seems to me that our revulsion for what has happened is now turning into national reappraisal—a reawakening, let us hope, to the basic endowments we have as citizens of the greatest nation on earth. I confess we do not see the way clearly, and I cannot tell you that you are about to emerge in a bright well-ordered world, but I can tell you—as a lawyer and as a public officer—that there is strength, great strength, in the law by which most of our citizens live and live in peace. And let us hope that this concept may some day be true throughout the civilized world.

The third attribute I mentioned—the one on which all other quests in life should depend—is faith, faith in a higher destiny for man than his day-to-day contentions. Today, the expanding frontiers of our knowledge reveal the limitless wonders of creation. But in all the universe the human mind finds no wonder as great as the mind itself, no mystery as deep as the human spirit. Through mind and spirit man reaches out to seek the true purpose, the true meaning of what we know as life. As our minds are enriched, as we are lifted up in spirit, so do we come nearer to a perception, however, dim, of eternal truth. There is no greater knowledge.

Now I know that it is not intellectually fashionable in certain circles these days to speak of the spirit or the soul. The analyst can't measure them, the biologist can't dissect them, the lawyer can't put them on the witness stand. Certainly the tactician can't pin them on the map of a battle plan. But some things will remain forever beyond the scope of the computer, or the laboratory, or the rules of evidence, or of tactics. As the physical limits of the universe are pushed beyond millions of light years, so does the mystery of life, the wonder of creation, deepen. Thinking scientists bear witness to this today as readily as do philosophers.

It may seem strange that a speaker with a background primarily in law and govern-

ment should be saying these things to you this morning. But intellect, self-discipline and faith should be part of every walk of life. I go further and say to you that never before have we so needed in government, and in our military forces, men of intelligence, of conviction, of vision and culture. A republic is truly representative only when it is responsive to all interests, all the aspirations of a free society. Here is the hope of America and here is your place in this remarkable age of growth and opportunity.

With these three attributes in mind—the education of the whole man, his respect for law and order, and his devotion to his faith—let me return to the theme suggested by your chaplain. I have been speaking rather generally, without particular reference to the fact that you and I are members of a minority religious group within American society. I have done so deliberately, because I think we must first understand that we are a part of the vast majority of Americans who respect the beliefs of each other. And surely there is more that unites us in things spiritual than separates us.

But there are times when you and I must draw upon our ancient religious heritage in the service of our fellows. I have found this happening in a lonely vigil, or in the plight of a distraught family, or in the tortured decision of a public officer who deals with human welfare. At such times we look at life around us and find it meaningless, when measured by ordinary standards. We search for something deeper, something that will give strength and direction to some despairing person. Education is not enough in itself, rules and regulations are not enough, even hope is not enough—unless there be faith.

If I have witnessed these things, how much more so will you when you are scattered few and far between, as Rabbi Soltes has written. In a sense, you will be part of a larger chaplaincy—not one within walls and with orders of worship, but one endowed with the supreme grace of one man serving another. At such a time all the well springs of life converge in one great act of the spirit. There are other names we have given it in our military history—courage, valor, sacrifice—but the basic name is compassion for our fellow men. And without a spiritual insight, there is no real compassion.

We need not fear for our nation, nor for its role in this troubled world, when men as individuals guide their lives with the precepts we have been discussing this morning. Your own preparation for a meaningful life has been superbly moulded by the homes you come from, by your religious training, and by the high quality and discipline of a West Point education. As we leave this Baccalaureate Service this morning, in this Old Cadet Chapel, we can do no better than to remember the words written by Moses of Evreax in the year 1240:

"Busy yourself as much as possible with the study of divine things, not to know them merely, but to do them; and when you close the book, look round you, look within you, to see if your hand can translate into deed something you have learned."

Faith is for action, gentlemen—perhaps heroic action, when you are scattered few and far between.

DR. MATT GAJEWSKI NEW HEAD OF BUFFALO EDUCATION BOARD

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, the city of Buffalo, N.Y., has a new president of the board of education. He is a longtime

personal friend and a distinguished citizen of our community, Dr. Matt A. Gajewski.

In these days of considerable attention upon our entire educational system, it takes more time and attention than ever before to serve your neighbors on the public body supervising the local school system.

It is a tribute to Dr. Gajewski and to his colleagues on the board that they are willing to devote their energies to this most important work.

Dr. Gajewski, a physician, already is active in the Army Reserve and is one of the most active members of the American Legion. As a member of the Adam Plewacki Post 799, he has been president for 13 years of a stamp club which has gained national recognition for its activity.

Mr. Speaker, the Am-Pol Eagle in Buffalo has paid high tribute to Dr. Gajewski in a recent article. It follows:

DR. MATT GAJEWSKI—A MAN OF MANY INTERESTS

An eminent physician, soldier, ardent stamp collector, active in American Legion circles and servicemen's organizations throughout the Western New York area. Dr. Matt A. Gajewski was unanimously elected president of the Buffalo Board of Education last week.

Dr. Gajewski, who holds the rank of a Colonel in the Army Reserves, serves as the Commanding officer in charge of the 338th General Hospital of Buffalo, which has jurisdiction over administration and training of hospital reserves units in Rochester, Syracuse and Binghamton. This unit has a personnel of 510 members, 15 nurses and two non-commissioned women officers.

During World War II he served in Alaska, the Northwest Territories and in Central America. He was graduated from the University of Buffalo Medical school, earning an Army commission through ROTC. For several yrs. he served as the secretary of the Canisius College Alumni association.

He is the Past President of the Mercy Hospital medical staff, also serving as Chief of Staff of the Medical unit, which renders medical and dental assistance to units managed by the Felician Nuns, at Villa Maria Academy, Villa Maria College, Immaculate Heart of Mary Home, Felician Day Nursery, St. Rita's Home for Retarded Children, St. Felix Home for working girls. He is also the Past President of the Medical Arts Society.

He is the Past Commander of Adam Plewacki Post 799, American Legion, the largest Post in New York State and one of the largest nationwide. He is President for the past 13 years of the Plewacki Stamp Club, which has gained renown and recognition throughout the country.

Each year in spring the Plewacki Stamp Club holds an exhibit of variety stamps, which assembles stamp and coin collectors from scores of cities throughout the country. His personal collection is considered by experts as one of the finest and is the envy of many collectors.

He is the founder and charter member of the Cardinal Spellman Philatelic Museum in Newton, Mass.

Of agreeable personality, Dr. Gajewski is faithful to his profession as a physician answering emergency calls at all hours of the night. His heavy schedule includes activities in the ranks of the Polish National Alliance. He and his family are members of Tadeusz Rejtan Branch 259, PNA. His father, Walter, and mother, Helen, have been members of this lodge for a number of years.

He served on the national committee of the Polish Millennium jubilee and was instrumental in the issuance of the Polish Millennium Stamp. He attended the ceremonies during the unveiling of the Polish Millennium Stamp in Washington, D.C.

His address during the banquet was recorded. The transcription was aired over station WMMJ 1300 by Stanley (Stas) Jaszinski to a large audience in the Western New York area and parts of Canada. The transcription now is together with other Polish Millennium jubilee exercises held in Buffalo, N.Y., in the Buffalo Diocese chancery records.

For relaxation Dr. Gajewski retreats to a farm in nearby Eden, where planting commands his attention.

CZECH PLOT FOR FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RARICK. Mr. Speaker, a special news release from Prague, Czechoslovakia, would seek to justify the Soviet invasion because of a sinister plot—the Czechs were seeking to dissolve communism and return to a free government.

If the Soviets interpreted an attempt at self-determination by the Czech people as valid authority to invade, occupy, and by force perpetuate a Communist dictatorship—the concern of most Americans is where and how did the Russians get this aggressor authority? Yalta?

Our administration owes to the American people a duty of full disclosure. Our people are entitled to know the truth about these secret deals and hip-pocket diplomatic arrangements as well as the extent we have compromised our sovereignty as well as the liberty of our Nation.

A Prague dispatch of June 6 follows:

CZECHS LINKED TO PLOT PRIOR TO OCCUPATION

(By Dan Morgan)

PRAGUE, June 6.—For the first time since the August invasion, Czechoslovak citizens reportedly have been linked to an alleged foreign plan for "changing the social system" of the country in 1968.

The connection was said to have been made by the country's highest security officer, Interior Minister Jan Pelnar, at a Central Committee meeting last week which approved a return to full orthodox principles. Pelnar has normally been rated as a moderate.

Under present controls on dissemination of information, it was not possible to confirm the accounts with officials.

Western diplomatic observers said that if accurate, the speech marked the closest the party leadership has come to acknowledging that there was good reason for the Soviet August intervention.

These observers said that if the reports, which came from a number of quarters, are spurious, they would still serve conservative purposes by acting as a stern warning to Czechoslovak citizens with contact with Westerners.

SPEECH PUBLISHED

The West German news agency, Deutsche Presse Agentur (DPS), published details of the Pelnar speech yesterday.

According to information received here, Pelnar told the committee members that the "dissolution" of the Communist Party and the eventual changing of the social system

of Czechoslovakia was the goal of a plan, with the cover name "Laytey," worked out by foreign espionage agencies.

Czech emigrants and members of the Czechoslovak non-Communist parties in the National Front were said to have been involved.

The core of the effort was said to have been in the Catholic-oriented Peoples Democratic Party, in the Socialist Party and in the since banned Society for Human Rights. The main target of the alleged plan was to the then National Assembly, in which non-Communist parties are represented, and the Czech National Council, which serves as the legislative assembly for Bohemia and Moravia.

The Socialist Party, like the Communist Party, gained quickly in membership early in 1968.

The plan was to have been carried out by creating tensions in the population, organizing mass demonstrations and staging strikes.

Among those said to have been mentioned in connection with the plan were Pavel Tigril, a Czech-American who edited a Paris-based Czechoslovak exile periodical; Dr. Václav Cerny, a philosopher; Prof. Ivan Svitak, a renowned Marxist scholar now a guest lecturer at Columbia University's Russian Institute; Ludek Pachman, Czechoslovakia's leading international chess player; and Janyr Kaven, who was associated with efforts to reinstitute a Social Democratic Party last year.

The Tigril reference was seen as ominous, because alleged "subversive activities" arising from contacts with him were the basis for a public trial in 1967 against writer Jan Benes, who was sentenced to five years at hard labor. He was released in 1968.

Pelnar was also reported to have singled out three radical student leaders still in Czechoslovakia, Jiri Mueller, Karel Kovanda and Lubos Holcek, for activities which discredited the Communist Party. The three recently signed a letter to the Bertrand Russell Peace Foundation in London which plans an international conference on Czechoslovakia.

Student unrest in the past year, he said, was stirred up by two of the country's best-known progressive journalists, Jiri Hochmann and Jiri Lederer, of Reporter Magazine.

OPPORTUNITIES CITED

The "opportunities" for espionage agencies in Czechoslovakia in the past year were mentioned in a speech following the Central Committee meeting by party leader Gustav Husak. Pelnar said that about 183 of the 850,000 Western tourists in Czechoslovakia in 1968 had been apprehended in connection with illegal activities.

Nevertheless, Husak repeated his commitment to socialist legality and specifically ruled out a return to the persecutions and purges of the 1950s. According to the reports, Pelnar at no time urged the need for processes or trials.

However, he was said to have complained that important questions discussed by the Party and state apparatus have been made available to the Western press in exceedingly short time, and announced that stricter surveillance of their activity was necessary. He said that Western journalists continue to have "channels" to upper Party members and warned that sharpest measures would be taken against officials who reveal confidential material.

During the week, Communist officials and miners in Ostrava, where a Party purge was recently carried out, also took a step toward legalizing the Aug. 20 invasion. They demanded that the Prague leadership "reasses" the Presidium's declaration of that night disavowing knowledge, or approval of the invasion then under way.

HONEST REPAIRMAN—A VANISHING AMERICAN

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PETTIS. Mr. Speaker, American manufacturers and the honest repairmen in the United States are in deep trouble if the problem portrayed by Ken W. Purdy in the June 1, 1969, issue of Parade magazine is not solved. My own personal experiences and those of my colleagues with whom I have discussed this issue have convinced me that this House through a thorough investigation by the appropriate committee could bring about reform and self-policing which is long overdue. The dishonest and unscrupulous repairman cannot long stand the heat and publicity of an aroused citizenry and a responsible business community.

The text of Mr. Purdy's article follows:

HONEST REPAIRMAN—A VANISHING AMERICAN

A few weeks ago I took a Minox camera into a New York shop for repairs. The trouble seemed simple enough: I couldn't load it, the film cassette wouldn't go in. The clerk told me it needed cleaning and lubrication, one week, \$6.50. When I came back the camera was taken out of a drawer in an elaborately wrapped stamped, tagged package. I paid the \$6.50. It didn't look any cleaner than it had been, but I thought the important work had been done on the inside.

I bought a cassette of film. It wouldn't go in. Amusement and bafflement were registered by the clerk. He tried to load it. Another clerk tried. Another. No use, it would have to "go back to the shop." Ten days. Right.

Next time, when the Minox was taken out of its official-looking wrapping, I realized I was being hustled: when I told the clerk I wanted to see if it would take film there was a pregnant pause. I pointed to an open cassette on a nearby shelf. It was "new" and I couldn't use it. . . . I used it anyway. It wouldn't go in, as everybody in the shop had known it would not.

I raised the roof. I made a phone call to a famous New York photographer who knew the president of the Minox importing company. Unpleasantness followed, and by next day I could prove that the camera had been nowhere near the repair shop and that it had not even been dusted off, much less cleaned and lubricated. The store returned my \$6.50 without a word of argument or defense. The Minox company cleaned, lubricated and practically rebuilt the camera for me without charge, entirely as a courtesy, since the company itself had been in no way involved. But this happy ending came about only because I knew whom to call. Most customers being deliberately cheated are helpless.

Unless he's lucky the cheated customer may never find out. I took my daughter's expensive watch, made by an internationally known company, to a shop displaying the company's dealership sign. The watch had been running badly. It needed, the man said, a complete cleaning and adjustment, \$20. He was an old-world-craftsman-type, with just a trace of accent, probably fake Swiss, and he looked as trustworthy as your grandmother. When I came back for the watch he said he needed "another three days for checking, just to be sure." I returned, gave him the \$20 and took the watch. It stopped dead four days later. Even in my rage, I had to admire the subtlety of his technique. Who could suspect a man who wanted three extra days just to be sure he's done a great job?

I went to the U.S. headquarters of the company. A woman clerk in the elaborate and luxurious repair department took the watch away, brought it back and told me it needed a complete cleaning and adjustment, \$30, ready in 12 weeks.

INFORMATION GAP

I told her that since the watch had just come from one of its dealerships, I required to know its precise condition.

"We don't give out that information," she said.

I explained the position more fully: somebody, I said, was a liar and a cheat. After a considerable discussion, and one more trip to consult with the technicians in the back room, she was able to say that the work did in fact need to be done, and that, yes, that indicated pretty clearly that it certainly had not been done by the little old watchmaker with the winning ways.

I entered a complaint with an official of the company, but he chose to make no comment.

It used to be that occasionally one would find repair work had been badly done. Now it seems to me that more and more one finds it hasn't been done at all. I suspected that a garage was cheating me. I took a car in for gearbox adjustment, but I sealed the gearbox lid. It could be opened easily enough, but it would show. When the car came back, with a bill for over \$30, the seal hadn't been broken. Nobody had even looked into the gear-box, much less adjusted anything. I screamed. I refused to pay. I let it come to suit and settled for 50 percent. So, after a great deal of trouble, I came out only half-cheated.

Legally to prove a case of non-service, Better Business Bureau officials say, the customer must be expert or sophisticated or lucky or all three. Probably for this reason, and also because often the customer doesn't know he's been victimized, non-service complaints are uncommon. What is not uncommon are complaints about incompetent or careless service and repair, or fraudulent guarantees, or "hijacking," the technique of enticing a customer with a promise of a low-cost minor job, then hitting him with expensive, unnecessary work—which may or may not be done at all.

"We just don't have enough people to go out and thoroughly investigate non-service complaints," the Metropolitan New York Better Business Bureau says. "Often it's a case of one man's judgment or opinion. And it's very difficult to get people to testify. One mechanic bills a customer \$189 for new transmission parts, let's say. A week later another mechanic, one whom the customer knows and trusts, tells him that no such work has been done. But will he make an affidavit, or testify in court? No, he won't. Almost never.

"All we can tell people is to deal with reputable stores and shops, and get written guarantees for work and parts clearly spelled out on the bill. Beware of come-ons, of big bargains. Today it's hard enough to get something for something, you certainly aren't going to get something for nothing."

There is no doubt that the standard of morality has dropped sharply in recent years (shoplifting and cheating by customers is booming, too) and there are probably many repairmen who consider themselves honest because they don't do anything worse than persuade a customer to buy something he doesn't need. After all, if the customer actually gets the part or the service he paid for, that's not stealing, is it?

TV AND RADIO BETTER

The TV and radio field, which used to be rich ground for swindlers, has been notably cleaned up. Most manufacturers now maintain factory service or use authorized service agencies which are tightly checked and

supervised. A service agency with a good company is lucrative, it's well worth having, and smart operators won't risk losing it for the sake of a couple of hundred dollars on the side. If a shop does start to cheat, the word soon gets out. The BBB recently took a Bronx repairman to court when he billed a customer \$47.50 on a TV "repair." The set was a plant, in perfect order except for a \$7 tube. It was taken straight from the crooked shop to a reputable one, where it was established that \$40.50 of the bill was overcharge.

A current gold-mine for crooked repairmen is the air-conditioner field. The BBB says that there are no authorized service agencies for air conditioners. A standard ploy begins with a baited offer to recondition your machine for \$8.95 or so. The repairman arrives and goes into a well-rehearsed act: your freon is missing, the frattistat valve is completely shot, you could be asphyxiated in your sleep, the conditioner has to go into the shop. The next bulletin is that the bill won't be \$8.95, it will be \$34.95. You still want the \$8.95 special? Well, there's a trucking charge of \$7.50 and the conditioner is now all taken apart, it will have to be put together again. . . . most people finally authorize the \$34.95 overhaul.

Some mechanics find woman customers irresistible targets. Mrs. Anita Lemberg of Brooklyn went to a muffler shop for a while-you-wait replacement. When her car was on the hoist, the mechanic told her a horror story about the condition of her steering system, it was so dangerous she shouldn't drive another foot, and so on. In only two hours, he said, he could "replace all the bushings" and perform other wonders. The bill was \$51. Her regular mechanic, doing a lube job a week later, showed her that the grease and grime on her steering system was a year old if it was a minute. She went back to the muffler shop, where she was told that her mechanic was a liar.

THROUGH THE WRINGER

An Ellenville, N.Y., woman, Mrs. Marian Talken, had trouble with her clothes dryer. The repairman told her it needed a new drive-shaft and bearings. The bill was \$72, and when the original trouble recurred, he wouldn't come back. Another repairman charged \$13 to take the dryer apart and show Mrs. Talken that the same old drive-shaft was still in business at the same old spot. He would not, however, be her witness. "I don't want to get involved," he said. "You'll have to settle it yourself."

Doesn't anything good ever happen? Well, yes. A few months ago a friend of mine asked a jeweler how much he would charge to fix an old watch. The man said he didn't like to work on anything but brand-new watches. A second watchmaker said, reluctantly, that he'd do it, for around \$150. My friend kept shopping around until he got a better price—\$72—and a prompt, superb job. How? That part was a little tricky: he asked a friendly airline pilot to take it to a shop in London. But even that is not a guaranteed solution. A London jeweler charged me twice the list price for a wrist-watch crystal three years ago, probably because I had an American accent.

Maybe the answer is to do it yourself, or forget it.

LOW-COST HOUSING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PICKLE. Mr. Speaker, we are well into a housing shortage in this Nation. It took more than 300 years for this country

to reach a population of 100 million—and it took less than 50 years to double this figure.

Before this century ends, the next 100 million will be born. Estimates are the population will jump another 100 million 20 years after the turn of the century.

Where will these extra 200 million Americans find adequate housing? Costs of construction and financing are soaring. Production of low-priced homes—those under \$12,500—declined 70 percent between 1965 and 1968, according to information released by the U.S. Savings and Loan League. At the higher end of the scale, homes costing more than \$30,000 had a production increase of 53 percent in the same period.

The question is, will homeownership become a luxury item available only to the rich?

An obvious sideplay is the dramatic increase in apartment construction starts—up 40 percent of all starts in 1968. There are many factors involved in the shift to apartment living: greater numbers of older and younger people needing less space, the high cost of land, lack of space near suitable transportation, and changes in life styles according to the league.

Tight money, too, is a contributing factor. Three years ago, FHA and VA loans were available at 5¼ percent. The Mortgage Bankers Association presented this chronology of the rise in FHA interest rates over the last 10 years:

| | Percent |
|---------------------|---------|
| 1969: January | 7½ |
| 1968: May | 6¾ |
| 1966: | |
| October | 6 |
| April | 5¾ |
| February | 5½ |
| 1961: | |
| May | 5¼ |
| February | 5½ |
| 1959: | |
| September | 5¾ |
| July | 5¼ |

VA interest rates have paralleled this increase.

All of this data compounds the problems of low-income Americans seeking homeownership, one of the promises to all Americans.

No quick answer is readily available. The entire economy must be cooled before the housing industry can begin to catch up. I would point out the extent of research into low-cost housing underway at the University of Texas, a longtime leader in experimental housing research. The university is moving to implement a program to aid low-income families in making their own decisions on what they need and what they can afford in a new home.

Ten homes have been built, in what is called Austin Oaks, for low-income families. Grant money from HUD made the project workable.

President and Mrs. Lyndon B. Johnson attended the groundbreaking ceremonies, and fittingly so. President Johnson has done more than any other President, more than any other person, in providing housing for the poor of this Nation. We were proud and honored that he would be present for these ceremonies.

This project might have always been a dream and never a reality had it not been for the legislation passed by Congress under the leadership of Lyndon B. Johnson.

Dr. J. Neils Thompson, director of the Balcones Research Center, has kept constant surveillance on this project since its conception. The program is too new to judge accurately, but indications are that it will prove successful.

The 10 houses and the families in them have provided the springboard for related research by the Housing Evaluation Center in Austin.

The center, which opened this month, will become the focal point for collection, evaluation and dissemination of information for anyone interested in low-cost housing. It is the culmination of a project that involves a cross-section of academic departments at the University, including engineering, architecture, sociology and psychology.

Dr. J. Allen Williams, associate professor of sociology, said the objective of the center is to find out what families really want and what kind of housing best fits their individual needs and pocketbooks.

One room of the center will contain models of the 10 occupied homes in Austin Oaks. Visitors can compare those models with slides of the area.

A second room will have floor plans which can be altered by a visitor to suit his family's needs as he sees fit after he has had the opportunity to see what floor plans are available.

Cost estimates will be drawn up on the selected plan, and if the visitor feels the cost is too high he will be able to select less expensive alternatives to some of the items he has chosen for the home he wants.

Dr. Williams said:

It's possible that this program may be innovative in terms of architecture, because the people, in designing what they consider the best home for what they can afford, may come up with new ideas that may not be immediately evident to architects.

The program also serves an educational function in that individuals learn what is available, costs of available structures, and the means by which they can finance construction of their new homes.

The center counselors will furnish visitors with information about existing State and Federal programs to which they can apply for loans.

After the architects and engineers complete the work on the center's physical plant, the sociologists will continue a cooperative interchange of information with them so the men who design and build the homes will be made aware of the real needs.

Collection of data at the center will continue through September. During that time anyone interested in low-cost housing is invited to go in and express his ideas.

By helping the UT Austin researchers and the Austin citizens working with them, those low-income families who will be affected most by the results will essentially be helping themselves.

HOW RELIABLE IS OUR NEWS?

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 9, 1969

Mr. SCOTT. Mr. President, two of America's most influential columnists, Roscoe Drummond and his son, Geoffrey Drummond, have taken a hard look at the role of our mass media in shaping public opinion. They were not totally pleased with what they saw. I ask unanimous consent that the article, entitled "How Reliable Is Our News?" published in the June issue of the American Legion magazine, be printed in the RECORD.

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

HOW RELIABLE IS OUR NEWS?

(By Roscoe and Geoffrey Drummond)

The peaceful processes of democratic government are in serious jeopardy in the United States today. We'd better look long and carefully at what's happening—and do something about it—before it's too late.

It was about a year ago that Life magazine put this caption on a somber and foreboding editorial: "Wherever We Look, Something's Wrong."

That's fair comment. There's much that's wrong and much that needs to be corrected.

But what is most wrong and most needs to be corrected is a false image of America which is being imposed upon the American people by much of its mass media—the image that wherever you look, nothing's right.

This distorted image is a perilous disservice to the nation.

Have no doubt about it, such a continuously projected image leads to national impotence.

It tends to produce such a sense of helplessness and hopelessness that public support for what needs to be done weakens and wanes.

If we are to succeed in freeing the aggrieved, the frustrated and the impatient from the temptation to yield to violence, they must be able to see that the democratic process in America has worked, is working and can be made to work even better.

But much of the media is undermining confidence in democratic institutions by making government almost always look as bad as it sometimes is.

We are not appealing for a Pollyanna to guide television or radio or the press. We are not appealing for counter distortion. We are not advocating government censorship. We are not proposing to break the mirror of a free press because so much of the image it is presently reflecting is out of focus.

We are appealing for perspective and balance and for a wider awareness by the media that they have a responsibility to do more than sell bad news because it is more exciting. They have a responsibility to use that precious guarantee of the Bill of Rights—freedom of the press—to help democracy work better at a time when it must be near its best to survive. Without it there will be no freedom of the press for anybody.

Ponder these bleak words from John W. Gardner, former Secretary of Health, Education and Welfare and one of the most thoughtful commentators on the state of the nation:

"Our honored tradition of dissent has undergone an unprecedented debasement. Protest has become a disorderly game for 12-year-olds. Reasoned debate has given way to bullhorn obscenities. The loudmouth and the hothead reign unchallenged.

"Among the dissenters today we hear a few with a special message. They say, 'we don't need reform, we need revolution. The whole system is rotten and should be destroyed.'"

They are a minority, a minute minority, and some of them don't really believe what they say. But don't let this be reassuring. There is a deadly peril imbedded in it. The peril is that if any large number of Americans are induced to accept the false image of their nation—the image that wherever you look, virtually nothing is right—then we will be standing at the brink of national impotence, political lethargy and the pervasive conviction that nothing can be put right because so much is wrong.

This is why it is so vital to see how this false image is being spread.

It is being spread by many commentators willing to distort and slyly conceal in order to manipulate our opinions.

It is being spread by much of the mass media which make trouble their favored client. They have so long accepted the premise that bad news produces readers and viewers and good news produces only boredom that they have neglected to examine whether this premise isn't out of date and whether it is adequate to enable today's democracy to function as it must function to survive.

And, finally, these false images in which, wherever you look, nearly every thing is wrong—because what is right is too widely ignored—are promoted by a range of purposeful destructionists who think that the Bill of Rights is for burning for everybody but themselves and whose goal is to tear the nation apart without offering any idea of how they want to put it together again—if it could be put together again.

In watching for distortions in the press, it is a fair question to ask why relevant material was omitted in two recent book reviews of the late Robert F. Kennedy's recently published "Thirteen Days," dealing with the Cuban missile crisis. In each case the same omission permitted conclusions which the full facts could not support.

One review was by David Schoenbrun in the New York Times Book Review. The other was by Prof. John Kenneth Galbraith in Book World. In the first case the late Adlai Stevenson is made to appear to be a martyred dove, wrongly abused in the highest councils of President Kennedy's Administration. In the second case a similar conclusion is implicit, though not so clearly stated.

Read normally, by the normally informed reader, these reviews would seem pretty innocent and persuasive. But when read closely by one whose work brought him in contact with most of the facts, then their tactic emerges.

Here is the subtle paragraph from Mr. Schoenbrun, former CBS radio and TV correspondent in Paris and Washington and now a free-lance newspaper and magazine writer:

"... Stevenson ... alone suggested we accept Khrushchev's offer of a trade-withdrawal, our missiles in Turkey against their missiles in Cuba, for which he was soundly chastised ... Why are the doves always considered less patriotic, less courageous than the hawks?"

Who would say that is not a reasonable question—at least on the facts as Schoenbrun stated them?

To the same point, here is the way Harvard Professor Galbraith, economist and National Chairman of Americans for Democratic Action, wrote it in his Washington Post Book World review:

"In contrast, the man who calls for caution, a close assessment of consequences ... must have great courage. He is a real hero and rare. ... In particular, it was Adlai Stevenson who was willing to trade some

obsolete nuclear weapons in Turkey ... for similar action by the Russians in Cuba."

But the facts are not as stated and the facts Schoenbrun and Galbraith should have stated, to be honest with their readers, were explicitly set out in the Kennedy book they were reviewing.

Here they are verbatim, and the italicized words show what was omitted by the two reviewers:

"(Stevenson) at the Saturday meeting strongly advocated ... that we make it clear to the Soviet Union that if it withdrew its missiles from Cuba, we would be willing to withdraw our missiles from Turkey and Italy and give up our naval base at Guantanamo Bay."

Obviously there is a considerable difference between proposing that "we trade some obsolete nuclear weapons in Turkey" and the actual proposal Stevenson advanced, that we also abandon nuclear weapons in Italy and give up the base at Guantanamo Bay.

President Kennedy rejected this proposal, not with any implication that Stevenson was considered "less patriotic," as Schoenbrun wrote, but on the ground that the United States "could not abandon Guantanamo Bay under threat from the Russians."

Stewart Alsop of Newsweek was the first to spot the revealing omissions in these two reviews and he offered this warning to future unwary readers:

"The reasonably sharp-eyed reader will note how in both reviews the suppression of a vitally important fact makes it possible to suggest a false conclusion. This is symptomatic of a larger phenomenon—the tendency of liberal-intellectuals to transform into nonfacts all facts that do not fit neatly into the current fashionable liberal-intellectual dogma ... Adlai Stevenson, in the Pavlovian world of the liberal-intellectual, was a certified Good Guy. Therefore it is not necessary to examine what he actually proposed—it must have been good.

"The Pavlovian tendencies of the liberal-intellectuals constitute a serious political-phenomenon. They are politically influential, especially in New York, where most American opinion is manufactured ... It could turn out to be a very serious matter for President Nixon who is, in the Pavlovian liberal world, a certified Bad Guy."

Take another example of the art of switching facts. Early in his campaign for the 1968 Democratic Presidential nomination, Sen. Eugene McCarthy advocated that the best way to end the Vietnam War was for the United States to pressure the elected South Vietnamese government to accept, without any elections, members of the Viet Cong into a coalition as a pre-condition to peace.

Vice President Hubert Humphrey retorted sharply. He said that's like "putting a fox in the chicken coop"—putting unelected Communists into a coalition government so they could later stand for election as part of the government.

Now, a year later, Senator McCarthy is musing in a conversation with Look Senior Editor Joseph Roddy, and Roddy records it as follows: "... (Senator McCarthy) knew he had had some effect on the stand the U.S. took now in Paris. 'I didn't ever ask them to do what I said they should do,' he insisted. 'I only asked them to do what they would have to do.' He knew the National Liberation Front would have to be represented in peace talks, and he had said so a year back. 'Now, we've agreed to put Humphrey's fox in the chicken coop. But a year ago, we all knew that would have to be done. Why did they wait the year?'"

Sounds pretty farseeing, doesn't it? McCarthy showing how right he was all along and now proved so by events—with Humphrey's phrase thrown back at him with apparently telling effect.

But is it true? Is there something missing, a misplaced fact, which makes McCarthy's

words seem devastatingly conclusive because of a crucial omission?

There is a distortion; there is an omission. Probably you have already noticed it. Humphrey did not say that having the National Liberation Front (political arm of the Viet Cong) represented in the Paris peace talks would be like putting a fox in the chicken coop. Humphrey, as did President Johnson, always said the Viet Cong could be represented at the conference table, but what Humphrey opposed was putting unelected VC into the government of South Vietnam as a condition for settling the war.

But, as reported in Look, McCarthy took Humphrey's opposition to an enforced, unelected Communist coalition and applied it to the peace talks and thus sought to show that Johnson (together with Nixon) had wasted a year by not "putting Humphrey's fox in the chicken coop" much earlier.

No reader of Look, a year later, should be required to spot the switch.

Here's another example. At a Congressional hearing before the Joint Economic Committee, a well-known professor of economics was testifying on the annual report of the President's Council of Economic Advisers. He tore it apart. He could find nothing good to say about any of it. He would summarize statements he attributed to the Council and then proceed to show how utterly untenable they were.

When the President's chief economic adviser read this testimony later, he scratched his head in disbelief. He couldn't recall any of the views which this very quotable professor so easily tore apart as ever having been put into the report in the first place. So he wrote the witness a letter asking him if he would cite the passages from which he had so vigorously dissented. He got his answer right back. It said in effect: "My Dear Friend ... Surely you've been around Washington long enough not to be naive. You know I can't cite the reference which you request. I was only having a little fun."

It may have been fun for the professor. It may not have hurt the standing of the Chairman of the Council of Economic Advisers. But do you think many of the nation's lawmakers knew that their witness was tossing imaginary balls in the air to see how they would bounce? How many TV viewers and newspaper readers, when they got a headline like, "Professor Deprecates Economic Report," realized that he was making things up in order to tear them down—and that it was just fun and games?

It is not amusing. It is evil. One antidote is: Readers, be aware.

The mass media are beginning to examine themselves with more than ordinary critical detachment. Usually the press goes after everything and everybody but itself. There is a new mood, at least a beginning mood, of self-examination and self-questioning. That's good.

Alan L. Otten, one of the knowledgeable and perceptive writers for the Wall Street Journal, put some facts forthrightly in an article on the pervasive public dissatisfaction with much reporting.

"Almost everyone these days," he wrote, "has his favorite story about inaccurate or distorted reporting in newspapers and magazines, on TV and radio."

Then he listed a wide range of complaints. He told of a neighbor who taxed him with the fact that so many reporters showed surprise that President Nixon was handling his job so well. "Why should they be surprised," he asked, "except that they have been wrong about him for years?" Wallace supporters felt most of the press wholly unfair. Humphrey often found his campaign speeches buried at the bottom of the accounts of militant protesters who were heckling him. The critics went on and on.

"Skepticism about news stories is, of course, nothing new," Otten continued. "For

decades, the far left decried the Capitalist press, and more recently, the far right weighed in with attacks on major newspapers and magazines and broadcasters as corrupt cohorts of 'the Eastern liberal Establishment.'

"Now, however, more and more ordinary middle-of-the-roads seem to be joining the extremists in proclaiming 'you can't believe a word of it.'"

This is a serious credibility gap, a widening credibility gap between the media and the public. It should give the media concern. This lack of credibility grievously impaired the effectiveness of President Johnson. Since a credible, fair-minded, responsible, fair-reporting press in all its forms is essential to democratic government, any wide and continuing credibility gap between press and public cannot fail to impair the functioning of our free society.

This is why it is vital to look at what's happening.

Something dangerous is happening and no one has put his finger on it more earnestly than W. Willard Wirtz, former Secretary of Labor, who during his years in public life became deeply concerned by the gap between what he saw as reality in American life and the image of America mirrored in the media.

The Overseas Press Club of America, made up mostly of U.S. correspondents who have served abroad, asked Mr. Wirtz to lay it on the line—and he did. Here is the way he sees it:

"First, if the idea of democracy should ever be invalidated, it would be because it came about that more and more people knew less and less that was true about more and more that was important.

"Second, this is the direction of things today.

"Third, the responsibility for this lies significantly, though not by any means entirely, with the mentors of the mass media."

This kind of indictment has been made before and neither the press nor the nation has fallen apart.

Is it any different today than before?

It is. It is so different that the survival of a free press and the survival of democratic government in America is at stake.

Why? Why are the stakes so great today?

Because in the past most of the criticism of the media came from extremist minorities or from those who had a grudge or a special bias of their own. But today, as the Wall Street Journal article pointed out, "more and more ordinary middle-of-the-roads seem to be joining with the extremists in proclaiming 'you can't believe a word of it.'" What Otten is saying here is that there is developing a mass distrust of the mass media on the part of rank-and-file viewers, readers and listeners. This is why the media must stop, look and listen.

The situation is different today because we are confronted with such very acute and lacerating national problems—racial tension, rising crime, poverty in the midst of plenty, unlivable and almost ungovernable cities—that unless the media reflect a true and balanced picture of the nation, democratic government will falter and we will have neither the unity nor the spirit to do what is needed. When "more and more middle-of-the-roads proclaim that 'you can't believe a word of it,'" than a confused and distrustful public opinion is the easiest prey to the extremist and the destructionists.

What's wrong? We wonder if too much of the media isn't continuing to practice an outdated and, in today's world, a dangerous and self-defeating journalistic theory—the theory that bad news gets readers and viewers and good news turns them off, that conflict sells and news of things going rather well bores?

At any rate, the mirror which much of the media holds up to the nation has so many built-in distortions that the reflection is almost constantly out of focus, a false image of America in which, wherever you look, nearly everything is wrong.

This isn't telling it like it is; it is telling it like it isn't. The worst is magnified; the best comes into view like what you see through the wrong end of a telescope.

Isn't this what is causing many to wonder if the media aren't greatly overplaying the draft-card burners, the drug addicts and the lovers of four-letter words, and underplaying the generation of students now harder at work than ever before and demonstrating it by manning the Peace Corps to the brim?

Isn't this what is causing many to ask why the media give such alert attention to every incident of isolated indecency and immorality at Job Corps camps. And did it without putting it in the context of tens of thousands of inherently decent but previously dead-end kids—many of whom are being pulled back at these camps from what would otherwise have been lifetime commitments to indecency and immorality?

Isn't this part of what is causing two dangerous trends in the United States—more and more middle-of-the-roads proclaiming they can't believe a word they read and many others tending to accept as true what is substantially distorted.

These effects, ominous unless checked soon, imperil the media themselves and impair the functioning of democratic government.

Whose side is the press on in the cause of racial justice, Willard Wirtz asked the reporters, and his answer was:

"Any self-righteous answer about neutrality on the side of truth leaves the question of what ethic there is—except selling more papers—for giving daily front-page advertising to any white supremacist or non-white racist who coins an ugly phrase—while there is only occasional notice on the inside page of the rest of a nation's throwing off the shackles of centuries' bondage of bigotry.

"This overstates it. But not much.

"Nobody wants the press to play Pollyanna. But why shouldn't the causes of riots be covered as fully as their consequences?"

A Duke University student wrote his parents that he had pleaded with a national TV network to cover a significant, campus-wide student protest which turned out to be highly successful. The network said no. It looked to be too peaceful. It was—and hardly anybody knows about it.

It seems evident that the character of oral and printed journalism is changing and the talent is not equal to the change. The trend is away from old-style, straight reporting and toward much more interpretive and analytical reporting. This can be valuable if there is no other purpose than to bring out the meaning of the news, but it needs great skill and maturity on the part of the reporter and a degree of objectivity which many of today's ideologically oriented reporters disdain.

During the past year it was frequent that a major speech by the Secretary of State or the Secretary of Defense or some other public official, dealing with the complex problems of peace and security, was dominated by an account of a few student militants with pictures of the pickets in an adjoining front-page column and the speaker's main point buried in the "continued" part of the story.

This is coverage which distorts and hurtfully falls to inform.

Recently several hundred editors and correspondents were guests of the Department of State at a wide-ranging, two-day background briefing at which the new top officials of the Department spoke. Toward the end of the first day two or three of the guests, well-known for their opposition to much of U.S. foreign policy, got up during the question period and attacked the speakers as "banal" and "untruthful." This was a minor incident in the proceedings but it dominated news stories the next day.

Following is a shocking case of inaccurate, in absentia, unverified reporting and editorial writing which explains why "more and more

middle-of-the-roads proclaim that 'you can't believe a word of it.'"

Mr. Fred L. Hartley, president of the Union Oil Co., whose firm's drilling produced the oil leak off the Santa Barbara coast, was testifying before a Senate subcommittee.

He was quoted the next day in The New York Times, which reported he had said: "I'm amazed at the publicity for the loss of a few birds." This made Mr. Hartley seem completely calloused.

He didn't say it—either to the Committee or to anyone else. It doesn't appear in the transcript of the testimony. The New York Times reporter wasn't even present during the period of Hartley's testimony when he was supposed to have said it. Another reporter filled him in—on what wasn't said.

The Times reporter didn't check.

The same misquotation—or imagined quotation—appeared later in the Wall Street Journal. It wasn't checked.

It appeared in Time magazine. It wasn't checked.

David Brinkley picked it up—without checking it.

Finally, the Washington Post wrote an editorial using the non-quote as a real quote with a title which read: "The Loss of a Few Birds." [It said, in part, "for sheer insensitivity, blind and arrogant, this seemed unbeatable."]

Hartley wrote quite a few letters to the editors protesting being "maligned by a grossly inaccurate quotation." In the end, Union Oil bought ad space in about 100 papers to tell the truth. Let it be said that the Post, the N.Y. Times, The Wall Street Journal and Mr. Brinkley all publicly apologized after Mr. Hartley and his company started their war of protest.

It certainly seems to many that too much of the media give more than due attention to the militant and violent destructionists, particularly those non-student leaders who go under the deceptive title of "Students for a Democratic Society" who want to demolish our democratic society to see if something else wouldn't be nice to have.

But all responsibility for the out-of-focus image of America does not belong to the media.

There are other causes and they, too, bear upon whether democratic government is going to survive in the United States or be stifled by national confusion and impotence.

Too few people are drawing the necessary line between civil rights and civil wrongs and too few leaders either among the political liberals or the academic community are speaking out against those who want to use freedom of assembly for themselves only and deny it to others.

The Christian Science Monitor said in an editorial more than a year ago:

"To date the forewarners of possible McCarthyism (Joe McCarthyism) have been shown to be largely wrong. Free speech, free disagreement, free protest are strong and open in the United States. This is no small victory in times of such tension and disagreement. Let nothing come along to spoil it."

But something has come along to spoil it. We refer to the mounting instances in which the most extreme anti-Vietnam, anti-draft, anti-university, anti-almost-everything protesters resort to harassment and violence to prevent others from peacefully using the rights of free speech and assembly.

The Bill of Rights is a single garment. It can't be divided. Unless the right of the majority to expound its views and to assemble freely is protected from those who resort to force and disorder to suffocate public debate, we are undermining everybody's right to free speech and assembly—minority and majority alike.

It's happening.

Last year the Vice President of the United States, the Chairman of the Joint Chiefs of

Staff, the Secretary of State, the Secretary of Defense, the U.S. Ambassador to the U.N. and the Secretary of Agriculture were all targets of violent, anti-free speech demonstrators who either attempted to rough them up, overturn their automobiles, prevent them from entering an auditorium or stir up such jeering that they could hardly be heard.

The worst thing is that the nation has seen so much harassment and disdain for peaceful assembly that we have gotten used to it. Those who understand the Bill of Rights are neglecting to speak out. They even condone its callous violation.

Example: At the University of Wisconsin, two members of the Johnson Cabinet were hooted and heckled so raucously and so violently that the civil right of free assembly was turned into a civil wrong of a free-for-all and they couldn't finish their speeches to students who wanted to listen.

And what was the odd and disheartening response of such a supposedly civil libertarian as Senator McCarthy? Did he condemn this civil wrong? Did he say that now is the time for every man to come to the aid of the Bill of Rights? What he said was that spokesmen for the President of the United States ought to be able to find places other than college campuses to expound their views!

What better place for the exposition of controversial opinion than the college campus? What more appropriate place to practice free speech than the home of free inquiry?

On another occasion, an undergraduate at Columbia University maneuvered his way to a middle-row, front seat in the college hall where the Selective Service Director of New York State was—at the request of the students—to discuss the draft and its application to them. After the introduction and opening remarks, this young man rose to his feet, reared back and hurled a big, fat, mushy pie into the face of the speaker.

Some may have been disposed to laugh. We weep—and we hope others will join in crying, at least when we pause to realize that this act did not just smear the face of one individual; it stained the face of the Bill of Rights.

The heart of the matter is that in a free society, with free speech, peaceful assembly and the secret ballot, anyone who tries to hinder others from using these rights is undermining everyone's freedom, including his own.

If we are going to continue to turn peaceful assembly into a free-for-all, there will be more than pies thrown and the end of that road will be the assassination of the Bill of Rights itself.

Liberal columnist Max Lerner, who gives no comfort to the destructionists, wisely notes:

"The same college instructors who are shocked by the ax-handling minorities blocking Federal marshals from entering school buildings in Georgia and Alabama, will find themselves on the side of the bat-wielding minorities trying to close down a university building in San Francisco."

Now, if the central theme of this article is to be fully proved, it must be demonstrated with evidence that the image of America, which flashes so constantly before the minds of Americans, is, in fact distorted—the image that wherever you look, hardly anything is right—and that what's right with America usually comes out muted and murky.

Has the democratic process in America been working and can it be made to work even better if we don't lose sight of what's right with it?

It can, but only if we get a truer image so that what's right can be seen in perspective.

The evidence of what's right with America is impressive and heartening. Here are salient samples; many more could be cited.

Racial Justice: More wrongs have been righted and more things which are just have been achieved in the past decade and a half than were accomplished over the 90 years from the end of the Civil War to the milestone decision of the Supreme Court in 1954, which laid the legal basis for complete racial justice and equality of opportunity.

Except for hard pockets of delay, public places are open on an equal basis, the right to vote is assured and black and white voters are joining to elect Negroes to posts of high governing authority.

Human Welfare: In the last four years the federal government has invested twice as much in education as it invested in the previous century. It is now investing three times as much in health programs as it invested five years ago. Government and private enterprise jointly accept the proposition that "poverty has become intolerable in this country because it is unnecessary" (from a report by the National Association of Manufacturers), and are beginning to do more about it. Not enough? Of course not, but enough to provide the evidence of things to come.

American Youth: We should reject the idea that most young people and students have lost their way smelling flowers, smoking marijuana and storming around the campus. Alienated over politics? It only seems so. College students used the political process by springing to the aid of Senators Kennedy and McCarthy. Gravely alienated over the Vietnam war? Nobody likes war. Nobody wants to be drafted. But the desertion rate of GI's in South Vietnam is lower than it was in Korea and 50% lower than in WW2. We have, for the most part, a committed and compassionate younger generation. More than 300,000 college students are voluntarily helping the disadvantaged.

State of the Economy: The United States, including the government, has been managing in economic affairs with increasing wisdom. Not one of the bleak predictions that large-scale unemployment would follow the end of WW2 and that another depression would be upon us in the 1940's, in the 1950's, in the 1960's has come true; all have been proven wrong. Today, the U.S. economy is the most productive in the world. Khrushchev's boast that "we'll bury you" is ashes. Nixon is taking the hard decisions necessary to reduce inflation and there is evidence he will stay with them to the benefit of everybody.

Foreign Policy: There is a tendency among many to believe that the United States bungles just about every enterprise to which it puts its hand in foreign policy. False. All is not well in this turbulent world but everything has not gone wrong for this democracy of ours by any means; and we ought not to forget how much has gone right during all the postwar years when we've been acting to protect our own freedom by helping other nations protect theirs. There is no reason for defeatism or apology in a record like this:

(1) saved Greece and Turkey from being dragged behind the Iron Curtain; (2) rescued Western Europe by means of the Marshall Plan from the overhanging threat of Communist take-over; (3) saved West Berlin from the Soviet attempt to starve its two and a half million people into submission; (4) turned back the armed Communist aggression against South Korea; (5) acted to protect the independence of Lebanon and Taiwan; (6) struck from the hands of Nikita Khrushchev the instrument of nuclear blackmail in Cuba.

Every country whose safety from oppression we have helped secure—because our own safety was at stake—is a free and independent nation today. When we ponder these achievements in the cause of human freedom, we have every reason to shed the myth of helplessness and frustration.

All this and much more show that the American system of government by peaceful

consent of the governed has been animate, vital and productive. One of the first requirements of making it more productive, more vital, more animate is to proclaim the story of what has been done, not hide the light under a bushel.

The purpose is not to promote smugness, not to slow needed reform with self-satisfaction, but to accelerate it by giving those who are understandably frustrated the evidence of things to come and a determination to use democratic institutions, not erode them through despair.

Consider these words from Washington Star writer Crosby S. Noyes:

"Where is that old fighting spirit that Americans were supposed to ingest with their breakfast cereal? As things are now going, we are well on our way to becoming a race of Pavlovian pessimists in which anyone who tries to sound the faintest note of encouragement is booted out of the hall.

"Somewhere in this large land, there are surely plenty of holdouts who still believe that we are capable of facing up to our problems and who are willing to come up with the resources, the talent and—yes—even the optimism to try."

There surely are—and let's make way for them.

THE PLIGHT OF SOME CHILDREN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PHILBIN. Mr. Speaker, the plight of thousands and perhaps hundreds of thousands of young children currently in detention in various disciplinary or children's care institutions throughout the country is shocking to the conscience of America. The celebrate of Christian Science Monitor has exposed some of these outrages.

Some retarded, disabled, backward children are not being given adequate care, food or necessary medical treatment, and many normally healthy, young children with nothing wrong with them at all are being confined in various types of institutions without attention, proper food training, or care just as if they were criminals.

This condition is widespread in almost every State of the Union. What is worse, little if anything is being done about these terrible conditions.

Does Congress have a responsibility in this area is a question often asked. Clearly, we must fully discharge our responsibility to these children.

Social service workers and other experts have provided startling evidence of appalling conditions, and have urged immediate sweeping reform backed by the State government and the Federal Government, but up to this time, there has been hesitant, meager, inadequate response, and nothing approaching a properly effective, organized effort to alleviate, let alone eradicate, conditions that are a blot upon this Nation, and upon many of its communities and States.

I think that the Congress must take the leadership in uncovering the scope, character, and terrifying conditions that exist, and more importantly, strike out boldly with new programs to lay down guidelines and provide funds to launch a national cleanup of these deplorable

conditions, which have developed as a result of callous, neglectful policies verging on criminal malfeasance or nonfeasance.

The abuse of helpless, young children incarcerated in these institutions, as well as some living in homes under harrowing conditions in the communities, must be vigorously attacked and corrected, so that young children of tender years, and all children, can grow up without being victimized by negligent officials and their underlings, or neglectful, criminal-minded parents or relatives, or anyone else.

The problem of guarding our children against the nightmares of neglect, callous mistreatment, and abuse that plague them in this generation is one that must be vigorously tackled with every resource and organized effort that the Nation and the States can command.

There is no time to lose because starving, imprisoned, abused children must no longer be neglected anywhere in this country.

I am urging appropriate committees of the Congress and administrative agencies of the Government to attack these unspeakable conditions affecting our children at once.

Under unanimous consent I submit several articles from the Monitor setting forth the ghastly evidence of neglect and maltreatment of children which this noted paper describes as a national scandal for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Christian Science Monitor, Mar. 29, 1969]

THE UNNECESSARY SCANDAL

The presence of hundreds of thousands of American young folk in detainment and reform institutions, their often brutal and shameful treatment there, and the public's blindness to these conditions—these facts point to the threefold nature of a major national scandal. A 15-part Monitor series beginning elsewhere in this edition explores this scandal—and the possible lines of solution—in detail.

At the outset it should be said that this scandal is as unnecessary as it is inexcusable. Our society is not inherently callous; it is generous and protective of the defenseless. Its officials are not inept administrators; the startling efficiency of space exploration efforts, which place a high premium on the welfare of our human voyagers, gives the lie to this claim. And the concept of the strong and wholesome family unit, far from being past usefulness in our fast-changing times, is instead being proven all the more needed to stabilize modern life.

The first indictment is of the home. In one juvenile case after another one sees the failure of the home as the cause of the trouble. Surely if intelligence, integrity and, above all, love were shown in greater measure in the home, there would be little need for correctional institutions and juvenile jails.

The second indictment is of the institutions society has set up to compensate for the family's failures. These institutions are often overcrowded. In some of them children are beaten and sexually attacked. Youngsters are often thrown in with hardened criminals—and are almost certain to leave as worse risks than when they entered.

The third indictment is of society itself. Through ignorance or willful neglect it has let the present wretched conditions come to pass. It's a measure of the public's indifference that the number of young folk held in reform or welfare agency centers isn't even accurately known. And the public hasn't even

demanding it be told about juvenile home conditions, let alone demand that they be improved.

The evidence shows that youngsters are being capriciously jailed for truancy. Homeless children are being locked up for months because of welfare officials' absentmindedness. Correction of these conditions must begin forthwith.

Admittedly, it will not be an easy task. Police, welfare agency, and educational authority is not clear-cut. Involved, too, are not only delinquents, but the neglected child, the physically handicapped, the mentally disturbed or retarded, the one-parent child or the youngster living in harmful surroundings. Each has his specific needs.

But it is a possible task. The nation has a moral obligation to examine its treatment of young folk in trouble. The need is to understand them better and deal with them more constructively and compassionately. Children in trouble need to be lifted out of their despair, not driven more deeply into unhappiness and crime. This is an urgent demand as well as an opportunity.

[From the Christian Science Monitor, Mar. 31, 1969]

SENATE TOLD OF YOUTH TREATMENT (By Robert P. Hey)

WASHINGTON.—A Senate subcommittee continues to gather evidence in its probe of conditions in American prisons. Witnesses before the judiciary subcommittee to investigate juvenile delinquency also discuss the causes of juvenile delinquency, and suggest what the federal government might do to help meet the needs of the nation's penal system.

This past week's witnesses included Howard James, chief of the Midwestern Bureau of The Christian Science Monitor; Randolph E. Wise, Commissioner of Welfare, Philadelphia; and Dr. E. Preston Sharp, general secretary, American Correctional Association.

In his appearance Friday, Mr. James described problems juveniles face during detention in many parts of the nation. He is the author of a 15-article series entitled: "Children in trouble: a national scandal," which begins today in this newspaper.

Mr. James detailed for the subcommittee, chaired by Sen. Thomas J. Dodd (D) of Connecticut, brutalities and official callousness uncovered during his investigation of juvenile institutions across the United States.

As one example he told of a training school in South Carolina, in which "I found, among other things, the children were being beaten with rubber hoses, hoe handles, ropes, chains, and fists." The beatings, he said, apparently have since been stopped.

At another point he said: "In state after state I have seen children held under inhuman conditions. And, with one or two exceptions, even the best institutions are cold and unloving—places where children either give up, or fight back, or run."

Mr. James, who in 1967 won a Pulitzer prize in national reporting for an investigative series on deficiencies in American courts, told the subcommittee that "never in my reporting career have I run into so many half-truths, obvious lies, cover-ups, and defensive answers as in juvenile corrections."

This last point struck a particularly responsive chord with the committee. Committee sources say that in their investigations thus far a major obstacle has been defensiveness and opposition from some prison officials and politicians.

PROBE ATTACKS APATHY

The committee is trying to tread a narrow path in its investigative hearings. It wants to reveal sufficient deficiencies in the prison system to overcome public apathy, and create pressure for Congress to finance improvements. At the same time it does not want to stir up so much antagonism that

prison administrators, and politicians, defensively refuse to cooperate in making needed changes.

However, Mr. James did testify that since his investigations began the treatment of juveniles in three states had improved, or there had been changes in attitude on the part of penal officials.

He read into the record a portion of a letter he received this month from Charles A. Handley, superintendent of the Reception and Diagnostic Center for Youth at Joliet, Ill. In part it said: "Although some of my 'nerve-ends' continue to tingle more than they should, I acknowledge now that your warranted and appropriate (but never wracking) inflexibility was unequivocally the most profound, galvanizing and, for lack of a better word, the best event that could have happened to me and R & D. Yes, the degree of inactivity in our program is worthy of considerable and immediate attention . . . so, in this respect, I sincerely say 'thanks' for a much needed visit."

Earlier in the week Dr. Sharp of the correctional association had hit out strongly at the public apathy and poverty that so severely handicaps penology. The hands of penal officials, he said, "are tied by public apathy and misunderstanding. . . ."

"I have found time and again that it is a great deal easier to obtain funds to build superhighways than it is to create humane living conditions for delinquent, dependent, and neglected children. In many cities, zoo keepers are paid more than cottage parents or correctional officers.

"Mr. Chairman, it is a question of priorities. How far above the welfare and the very lives of children do we value each additional mile of a new superhighway? What is more important, the supervision of human beings or monkeys?"

He called for appropriation of federal funds to build new prison facilities, and to set up adequate educational and vocational training programs for youthful and adult offenders. He added that "there will be need for federal funds both to establish new correctional programs and facilities and to make an evaluation and assessment of the effectiveness of correctional programs."

YOUTHS KEPT WITH ADULTS

Commissioner Wise told the subcommittee that due to overcrowding in Philadelphia facilities some 170 youths must be housed in an adult house of correction. He said its staff is trained to handle adult rather than juvenile offenders.

Commissioner Wise spoke almost despairingly of public and official apathy which he said greets the housing of juveniles in the same building as adults:

"Annually our prisons are inspected by the Bureau of Corrections of the commonwealth's Attorney General's office. These reports are helpful and reflect a thorough evaluation of our penal operations.

"But it is for us after receipt of their report to bring to their attention the fact that we have juveniles housed in adult penal institutions. We have been unsuccessful in our efforts to disrupt community and official lethargy. Maybe this committee can, among other things, attain this very desirable objective."

[From the Christian Science Monitor, Mar. 31, 1969]

CHILDREN IN TROUBLE: A NATIONAL SCANDAL— "WE DIDN'T GIVE HIM ANY HELP"

(By Howard James)

Small, blond, freckle-faced Peter was driving the tractor on a rural Maine road when his brother fell off and was killed by a hay baler.

With reason clouded by grief and anger, the parents openly blamed bright, hardworking, 15-year-old Peter for the accident. Peter panicked and ran, staying away three days. When he returned to school some of the students began calling him "Killer."

His grades dropped. He gave up sports and started smoking. Then he did strange, defiant things in class. Things that upset some of his teachers. Finally he was caught stealing money at school.

It wasn't long before a judge found Peter delinquent and committed him to Maine's reform school for boys.

Peter is just one of the thousands of boys and girls I found locked up. His story, like that of every child, is unique. Some have committed appalling crimes. Many have not. Thousands are sent to reform school by parents under a law that permits them to declare their offspring uncontrollable. Other children simply have no home.

THEY ARE NOT ALL DANGEROUS

This series focuses on children in trouble. Not just dangerous young criminals and tough delinquents, but all children in trouble—the near delinquents, the mentally retarded, the neglected, the abused, the emotionally disturbed. They number in the millions.

To protect the children, their real names are not used in these articles.

This series also looks at what happens to children when they become entangled in the juvenile system of justice. Or when they come in contact with tax-supported agencies that, at least in theory, help children in trouble. Special emphasis will be given to reform schools—places some frustrated professionals cynically call garbage dumps for unwanted children.

In some states these are places where children may be brutally beaten. In many reform schools, as well as jails, boys and girls are forced into homosexual acts. In almost all institutions the child lives a cold unloving life.

WHAT ABOUT PETER?

What will happen to Peter? It is too early to tell. He is better off than many of the nation's children in trouble. While Maine's training school is far from being the nation's best, it is also far from being the worst.

If all goes well, Peter may not be permanently harmed by the experience—as many youths are. Yet the possibility of his graduating from the reform school to an adult prison is high.

If the typical American could visit children's institutions across the country, he would be shocked.

Who could expect, in a Massachusetts reform school, to walk, as I did, through waves of little hands; the hands of boys seven to nine; hands reaching out, pleading; children begging for someone to stop and care.

Who would believe without seeing it, that a tough, ugly member of the Hell's Angels could nearly break down and cry in a California reform school when, in a lengthy interview, his mark of shame was exposed: He could not read.

"WE ACTED AS SERVANTS"

One must meet 17-year-old Sally to understand these young people. She was in the Virginia reform school for girls, committed a week after her mother passed on in 1967 and now serving her second term.

Confused, emotionally disturbed Sally tells you how she was once placed in a foster home with five other girls—a farm "where we had to scrub chicken houses and act as servants." One must see Sally, a girl who finds reform-school life more comfortable than much of what she experienced on the outside since her mother's death, to begin to understand.

It is essential to recognize that only a small percentage of the several million children in trouble have committed serious crimes. Obviously, society must be protected from those who have. But experts ask why the millions of children who are not a threat to society—and may in fact have been neglected by their parents—should be treated like hardened criminals.

These millions of youngsters fall into seven often overlapping classifications: (1) the dependent and neglected—including battered children; (2) those considered mentally retarded; (3) the mentally or emotionally disturbed; (4) children with serious school problems; (5) the one-parent child; (6) youngsters with intact families but fighting to survive in big-city slums and other destructive environments; (7) the physically handicapped, and (8) the outright delinquent.

Of course, not all children in these categories are in trouble. But experts point out that those who are need special help and strong adult support. Specific suggestions will be made at various points throughout this series.

The key to the category a child falls into generally depends upon who first becomes concerned with his behavior. What happens to him depends largely on the interest of his parents, and the interest and tolerance of school officials, neighbors, and others who come in contact with the child daily.

ON THE RECORD

If a child is first noticed by the police, and there is little interest at home, the child probably will end up delinquent. In many police stations, Milwaukee for example, the child's contact with the police is recorded on a card. The contact may be because of a serious crime, or simply because he was out 10 minutes past curfew. The child's record remains in a permanent file until the child reaches age 21, when, in some cities, it may be burned or sealed. In other cities this juvenile police record remains in the files indefinitely.

If the child is first noticed by neighbors, and the behavior is clearly attributed to parental neglect at that time (or the child has broken no laws), then he probably will find his way into the welfare system. This may occur even when the child is as delinquent as those noticed by police. Some also eventually will be classified as delinquent, although the process may take longer.

If the child is first noticed by the school, again he may be classified as a delinquent. The schools are even less prepared than welfare departments to deal with problem children (although more schools are beginning to help physically handicapped children and those classified as retarded).

The child who acts strangely and is routed to a mental-health institution may never become caught up in the delinquency system, although he may end up in an institution for life.

Take the case of Stan, from a small town in northwestern Iowa.

His parents, after a bitter battle, were divorced when he was nine. His mother told the court her hands were full with the smaller children and she didn't want Stan. So he was awarded to his father.

YOUTH BEHAVIOR DETERIORATES

Stan's life was not a happy one. Six years later, both parents remarried, and he was sent back to his mother. She complained that Stan had regular temper tantrums followed by fits.

Again she decided she didn't want him, and in early 1966 Stan was sent to live with his grandparents. They couldn't handle him, and so, in August, 1966, a judge sent him to the states' Annie Wittenmyer Home in Davenport. That institution houses dependent and neglected children, some retarded children, others who are emotionally disturbed, and some delinquents.

There Stan grew more difficult day by day. Finally, on Sept. 5, 1967, he was sent to the Mental Health Institute at Cherokee. In the mental hospital he was placed in quarters with older men. Reports show his behavior grew worse.

Deciding he was not the type of child that should be committed to a mental hos-

pital, authorities sent him to the Woodward State Hospital-School, which handles retarded children and uncontrollable epileptics. (Some doctors believe that Stan has slight brain damage and minor retardation as well as epilepsy because of a skull fracture sustained when he was six months old.)

Woodward officials concluded Stan was "too intelligent" for their program. So he was shipped off to a new institution near Des Moines, the Iowa Methodist Group Home. A few weeks later he ran from there and ended up in court again.

One report in Stan's files states: "... none of the services available to children in Iowa are willing or want to deal with this difficult problem."

SOLITARY CONFINEMENT

The judge sent Stan back to the Annie Wittenmyer School (an institution which felt totally unprepared to care for him) on May 10, 1968.

By this time Stan was reacting violently to what was happening to him. He was often out of control. Twice he assaulted staff members. Officials feared for the smaller children—some as young as eight and nine—at the coeducational Wittenmyer Home.

The home locked Stan in solitary confinement for weeks. He at least had an outside window, was given something to read, and saw a qualified social worker regularly.

Among other things it was suggested that Stan be sent to the state reform school at Eldora. The mental hospital at Cherokee refused to take him back. Finally he was shipped off to the mental hospital at Mount Pleasant.

Stan was still there as this was written, but there was some indication that he would soon be sent elsewhere.

"We didn't give him any help, and I don't think any one else has," admits James Holmes, superintendent of the Wittenmyer Home.

I found hundreds of Stans scattered across America.

Not all children locked up are legally held.

In Rhode Island I found less than 10 of the children held in the training school were committed there. Their status was a kind of limbo called "FOC"—further order of the court—for months.

TRUANCY BRINGS DETENTION

Thousands of other children—some as young as seven or eight—spend months, even years behind bars for offenses that would not put an adult in jail for an hour.

Take James, a 13-year-old Negro from near Savannah, Ga. In late January he was sent to a state detention home by a judge to await an opening in a reform school.

James has committed no crime, other than skipping school. He was placed on probation for truancy last spring and was caught skipping again this winter. State officials say none of his eight brothers and sisters has been in trouble, except for frequent absences from school.

The nine children live with their mother and stepfather in an unpainted four-room shack on a farm owned by a doctor. While they have electricity, there is no inside plumbing, and the only heat is provided by a small wood-burning stove in the living room. Total income for the family of 11: the \$57 a week earned by the stepfather, a man without any formal education, as a farm laborer. James's mother says she went through 10th grade in a Negro school.

It is clear why the children, despite the acute poverty in the home, have never been in trouble before. James's stepfather is described by a worker for the Georgia State Department of Family and Children Services as "the definite head of the household," a man with "a very warm relationship with his wife and children."

The family regularly attends a Methodist church. And their shack is located in a

wooded area with a stream to fish in and plenty of room for the children to play.

The state worker who investigated the case explains the truancy this way: There "seems to be lack of understanding on the part of the parents of the necessity of attending school regularly. James's [stepfather] never attended school regularly and yet managed to support his family. Consequently, he felt the boys had enough school education and did not think it necessary that they stay in school regularly."

TROUBLED YOUNGSTER SLAPPED

There is little or no help for children stumbling along the path to delinquency. Action is seldom taken until its too late. Parents, welfare departments, and public schools often speed up the delinquency process.

In a New York City public school for troubled youngsters I watched a male teacher hit a youngster in the face when the child failed to stand properly in a line after a class. The teacher didn't know I was watching.

In Milwaukee one 11-year-old child locked in the detention center—a jail for children—by the welfare department was forgotten for three months. Jailing homeless or mistreated children is, unfortunately, a too-common practice. The judge in Milwaukee echoed the words I have heard in other cities: "Somebody should teach the welfare department a lesson by charging them with neglect."

Like adults, many children are locked up to await their court appearance.

The National Council on Crime and Delinquency estimates that "every year in the United States over 100,000 children from 7 to 17 inclusive are held in jails and jail-like places of detention."

And, the council adds, "the significance of this situation is not merely the large number held, or the fact that most of the jails in which they are detained are rated unfit for adult offenders by the Federal Bureau of Prison's Inspection Service, but rather that many of these youngsters did not need to be detained in a secure facility in the first place."

HE ONLY NEEDS A HOME

Some have no family, or a family so inadequate they cannot be returned home.

At the Lyman (reform) School for Boys in Massachusetts I found David, a very depressed youth, sitting head in hands on some steps. Asked why, the tour guide said David, who had no parents, could have been released more than a year ago if the school could only have found a place for him to go. One staff member suggested he should never have been sent by the judge in the first place.

There are thousands of Davids locked up. In several states, training-school superintendents told me they would send a third, even half, of the children home the day they arrived if they could.

Not all institutions are bad. A number are conscientiously doing the best they can with their inadequate staffs and limited budgets. A handful are doing a great deal of good. Others are horrible beyond belief.

In a South Carolina reform school I found, among other things, boys being beaten with fists, rubber hoses, ropes, broken hoe handles and broom handles, and other weapons. Beatings were administered both by staff members and by large bully-boys appointed to do the job.

When a lawyer and state legislator, T. Travis Medlock, learned of these findings, I was invited by a legislative committee to conduct another investigation. When Mr. Medlock and Jack Shivers, who is in charge of juvenile institutions in South Carolina, found my allegations to be true, beatings at the school were stopped and other changes made.

In a Delaware boys' school I found children being hit in the face. This was the authorized institutional policy for disciplining a child, established by an ex-football star of the '40's, Caleb Van Warrington Jr., who has

run the school. He publicly called it a "new way" of handling children. The policy was authorized by the Delaware Youth Services Commission. Mr. Warrington was recently promoted to executive director of that commission. Several youngsters, I learned, had punctured eardrums as a result of this practice.

REPORTER THREATENED

A few days later I was asked to return by the youth commission to discuss what I found. Instead of talking, an effort was made to discredit me at the secret meeting held in a motel room. However, Richard Wier, a member of the Delaware Attorney General's staff, was present. He conducted a new investigation and invited me to take part. When we entered the school Mr. Warrington twice threatened—once in the presence of Mr. Wier—to "get" me.

Since then at least one staff member has been suspended and the slapping policy stopped. The Delaware Senate has ordered the Youth Services Commission to hold a "full inquiry" into the operation of all the state's juvenile detention homes and to report its findings to the Senate by June 30.

Until O. J. Keller, new Florida Youth Commission director, put a stop to it last fall, youngsters in the boys' school at Marianna were brutally beaten with a weighted leather flogging strap.

I found children being beaten in several other states, as will be shown in future articles in this series.

It is common for some professionals dealing with children to deny that these practices exist. Some brazenly lie about it. When provided with evidence that their statements are false, some officials try to justify this by complaining of a lack of money. Many go to great lengths to hide brutality and serious shortcomings from me.

MOST OFFENSES ARE MINOR

Who are these children in trouble?

I found the average citizen pictures them as gun-toting hoodlums and their molls.

There is little doubt that juvenile crime is a growing problem in the United States.

But the fact is most children in trouble have either skipped school, run away from home, been in a series of fist fights, stolen small quantities of candy or clothing or toys or jewelry, or been caught drinking on several occasions.

Of those held for more serious offenses, most have either stolen cars for a ride or have burglarized closed stores or homes when the owners were out.

Only a very small percent were armed robbers or children who physically harmed others.

Yet frightened citizens are being furnished incomplete information from such agencies as the Federal Bureau of Investigation—information which is easily distorted by their impact in headlines.

In 1967 Prof. Marvin E. Wolfgang, graduate chairman of the Department of Sociology, University of Pennsylvania, wrote in a little-noticed report published by the U.S. Department of Health, Education, and Welfare:

"There is little more than faulty and inadequate official delinquency statistics to answer basic questions about the current extent and character of youth crime."

He continues: "The public image of a vicious, violent juvenile population producing a seemingly steady increase in violent crime is not substantiated by the evidence available."

The Uniform Crime Reports, published by the FBI, often used to show a soaring juvenile crime rate, really only show that more juveniles than adults are being arrested, Professor Wolfgang points out.

"Most police officers agree that it is easier to effect an arrest in cases involving juveniles than in cases involving adults," he explains.

MISLEADING LABEL CITED

The FBI statistics are based on roughly 30 percent of the serious crimes reported to or uncovered by the police, he adds. That is the percentage solved by arrest. The remaining 70 percent of serious crime reported are never cleared up by police, and so it is impossible to guess how many are committed by adults and how many by juveniles.

"In addition very often crude legal labels attached to many acts committed by juveniles give a false impression of the seriousness of their act," Professor Wolfgang continues.

"For example, a 'highway robbery' may be a \$100-theft at the point of a gun and may result in the victim's being hospitalized from severe wounds. But commonly, juvenile acts that carry this label and are used for statistical compilation are more minor.

"Typical in the files of a recent study were cases involving two nine-year-old boys, one of whom twisted the arm of the other in the school yard to obtain 25 cents of the latter's lunch money. This act was recorded and counted as 'highway robbery.'

"In another case, a nine-year-old boy engaged in exploratory sexual activity with an eight-year-old girl on a play lot. The girl's mother later complained to the police who recorded the offense as 'assault with intent to ravish.'

"Nothing now exists in the official published collection of crime statistics to yield better information about qualitative variations of seriousness," Professor Wolfgang concluded.

The yearlong study just completed by this newspaper clearly indicates that what Professor Wolfgang said in 1967 remains true in 1969.

Juvenile delinquency is serious. But the American people too often are being frightened and misled. One theory is that it is part of a growing effort to pressure the Supreme Court of the United States into reversing rulings of recent years in the field of juvenile and criminal justice.

The most reliable statistics are seriously outdated, for they are based on 1960 census reports. And the figures show only a fragment of the total picture, since children are shuffled in and out of institutions daily, and the census is representative of a single day in 1960.

On this representative day in 1960 there were 306,325 Americans under the age of 21 living in various kinds of institutions.

Of these, roughly a third (101,420) were in so-called correctional institutions: 44,366 in reform schools; 28,325 in prisons and reformatories; 17,598 in local jails and workhouses; 9,903 in detention homes (juvenile jails); and 1,228 in centers awaiting placement in reform schools.

NONCORRECTIONAL INSTITUTION

Another 73,393 were in welfare homes for dependent and neglected children; 78,333 in homes and schools for mentally handicapped youngsters; and 21,986 in adult mental hospitals and residential treatment centers.

There were 28,380 children in institutions for the physically disabled, with the largest number, 11,207, in homes and schools for the deaf.

A total of 2,813 girls were in homes for unwed mothers on that day in 1960.

It is especially important to note that this is only a fraction of all children in trouble in any category. Because of constant turnover in some institutions—especially jails and detention homes—the total is many times larger.

Nor are children always as quickly institutionalized as the Maine youth involved in the tractor accident. In fact many who are mentally ill or retarded or are dependent and neglected may wait for months or years for bed space. Meanwhile, others find themselves in reform schools.

At the reformatory at Cheshire, Conn.—a prison for youthful offenders—I met Jerry, a tall, thin, white boy of 17, who had become involved with a gang of youths who broke into buildings, stole cars, and committed other offenses throughout Connecticut. He was in the reform school in 1966 and 1967.

Jerry began getting into trouble in Hartford at 8, through the encouragement of his then 10-year-old brother. Both have been involved in crime since then. The brother has also been in the reformatory at Cheshire.

"We used to skip church and steal newspapers and doughnuts out of parked cars," Jerry says.

HIS PARENTS DID NOT KNOW

His parents owned a small business that kept both the mother and father busy for long hours, seven days a week. The boys roamed the streets. Because Jerry's older brother fronted for him, the parents didn't suspect. When they finally learned of his criminal behavior and took the time to talk about it, Jerry was beyond their reach. And their approach was always simply to say how bad his behavior made them feel.

By the time he was 13 Jerry "hit it big," finding large amounts of cash in two apartments. Soon he had several other youngsters interested in easy money.

"Then I decided to stop. I had all I wanted. I even bought a horse and kept him at a riding stable. My folks didn't know. The other kids kept goin' until they got caught. They ratted on me, and I got sent to Meriden [the reform school]."

"After I got out of there I was doin' all right for a couple of months. I started workin' at [a drive-in]. Then I met a kid who had a car, and we used to drive around. One day we were both outa money, and I knew how to get some. We broke into a house. The other kid had done it before. I bought a car with the money, and pretty soon we were breakin' in day after day, month after month. He brought in all his relatives and before we knew it there was about 10 of us. Finally about five of us got caught in an apartment."

FAMILY DELINQUENCY

Frequently, entire families are delinquent. Debbie is an attractive blue-eyed girl of 16 from Lubbock, Texas. I met her in the reform school at Gainesville. It was her third time in—each time for a more serious offense. She has had one illegitimate child.

Her 22-year-old brother was locked up in the boys' school. Her 20-year-old sister, now a divorcee, had been in reform school. So has her 19-year-old sister, who at present is living out of wedlock with a boy. Debbie's 15-year-old brother is skipping school. Only a 10-year-old sister is treading the straight and narrow and "even wants to go to college."

All three of the older girls have had frequent sexual relations with their father. Like her sisters, Debbie was forced to start when she was 12. All have run away from home—as have the brothers.

Her father, often drunk, works as a mechanic in a gas station; her mother clerks in a small store. Debbie's father frequently beats her mother when drunk, and he whips the children severely when they misbehave. This simply drives them out of the home and into more serious troubles.

Although whites comprise the largest single group among delinquents, the problem knows no racial, religious, or even regional boundaries.

The number of middle-class and upper-middle-class children finding their way into public institutions is on the upswing.

Experts attribute this to many things: the mushrooming drug problem; the costliness today of enrolling troubled children in special private institutions; the greater number of middle-income families than before; increasing middle-class divorces; a breakdown of traditional values, plus the high mobility

of youngsters in the age of the two-car family. Suburban teen vandalism grows day by day.

Take Carol, a rather plain girl of 16, who, before being locked up, lived with her middle-class parents in Seattle. I found her in one of Washington State's training schools.

TROUBLE TRACED TO FATHER

She has been there five months, after being arrested for pushing dope and for smoking marijuana. She had never been arrested until she became involved with drugs while dating an older boy who had been in a great deal of serious trouble. He was sent to reform school four or five times for car theft, armed robbery, assault, and other offenses, and has graduated to the adult prison system.

When Carol was nine she was sexually assaulted by her father. Her mother found out and sent Carol to live with her grandmother for a while.

"My experience with my father made everything rotten," she told me. "I felt dirty, and I guess I still don't have too high of an opinion of myself."

This is why she became involved with a boy in trouble. She didn't feel she was good enough for better boys.

Beth is a white girl of 15. I met her in the Waxter Children's [detention] Center in Maryland, not far from the nation's capital. Beth, who is a chubby girl, had run away from home. She had been in the detention center for two months when I met her. I asked why she had been there so long and was told her middle-class parents said they didn't want her.

Rural children as well as those from cities have problems.

Bill comes from a small town in Idaho. He was nine when he was first sent to the reform school at St. Anthony. When I met the blond youngster he was 12.

Bill, who is small for his age, has not seen his father, an ex-convict, for several years. His mother, brother, and sister are on welfare as is his grandmother. His family moves frequently, and there is town gossip about his mother—although she is also reported to have serious eye trouble and a heart condition.

When Bill was placed in a foster home in 1965 he "tore it apart."

One Idaho official told me Bill was "learning a good deal of deviant behavior" while in the reform school. And another expects the boy to remain in the institution "until he is old enough to go to the state pen."

In a two-week period before being returned to the reform school, he was accused of enough commotion in his home community to keep the town angry at him for years.

A judge reports that Bill was accused of: "breaking the limb of a neighbor's cherry tree; taking empty popbottles off of a truck; fighting; shoplifting; stealing toys; running through a vegetable garden, pulling up vegetables; entering a dairy and taking small change; stealing a purse from a woman at a laundry; spraying water around a gas station, followed by cussing; getting caught with his hands in a barbershop cash register; getting caught with his hands in a cash register in a laundry; vandalism at a neighbor's; climbing a peach tree, and sassing the woman who told him to stop picking green fruit; and hanging around the railroad station, climbing aboard trains [among other things]."

DELINQUENT, OR JUST NEGLECTED?

Are children like Bill really delinquent? Or are they actually more dependent or neglected?

Experts agree there is a very fine line—often blurred—between the neglected child and one accused of being delinquent. This is also true of those classified as mentally retarded or considered emotionally unstable.

Reform schools are usually poorly equipped to deal with most of those committed because of this. Most courts, police depart-

ments, jails, and institutions just muddle along.

In South Carolina I met Peanuts, a tiny Negro youth who tests out at an IQ of 36, and functions at the level of a three-year-old. He was in a reform school with serious delinquents—a brutal school that reminds one of Nazi concentration camps.

In the reform school in New Hampton, N.Y., I met Al, a 15-year-old Negro who was identified as "definitely retarded," and was treated accordingly.

Yet I found Al easy to talk to. And just as our interview ended a staff member entered and gave Al a small trophy. I asked him what it was for and he smiled and handed it to me.

Al was the chess champ of the reform school.

URBAN DECAY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROGERS of Florida. Mr. Speaker, Americans are concerned about urban decay. We see it all around us, in large city and small. Often it results from a movement of residents and businesses to the suburbs. Shopping centers which are poorly planned or built in areas without sufficient local population to support them.

I was recently sent a copy of remarks made by Robert E. Hood, of Fort Lauderdale, Fla., before the Fort Lauderdale Sales and Marketing Executive Club with the suggestion that it might be of interest to other Members who are concerned about this problem. I therefore include Mr. Hood's remarks at this point in the RECORD:

The Urban area land use must be guarded with great fervor. Shopping areas seem to deteriorate over night. Devaluation of property values of shopping areas, as well as, the effect to adjacent residential areas, is a fact that need not exist. The inevitable result is an ever increasing mortality rate among small businesses within these complexes. Shopping centers mushroom as populations spread or shift.

Inferior planning in types of clients as well as design, color, lighting, and maintenance contribute heavily to the obvious failure soon after the novelty openings wear off. We may no longer encourage the use of land for new buildings that become eyesores soon after they are in operation.

Financial institutions and marketing people are witness to this misuse of land, degradation of communities and individual failures. The developer, architect, mortgagor, the leasee and operator all share in building up or tearing down. The cause and effect are each aside. There is no way to have one side of anything. You cannot slice so thin that you get just the top. There will be the other side, to try and skim the top by cutting costs or hurrying to save time, by making do, without the inevitable effect cannot be done. The fruit of the decision is built in the seed. Entrepreneurs to leasees, every man shares, none are exempt from responsibility.

Experiences viewed as a quarry guarantees us of untold reserves from which we can draw. Specialists in a dozen fields (financing, advertising, designers, marketing, packaging) have vast amounts of information that go unused only because they're not asked.

The time of apprenticeship has come to a close. Great talent stands in the wings. If you but allow the curtain to be drawn, applause will surely follow. The script calls for a Wal-

ter Mitty, one that can harness the knowledge of an architect, the techniques of the building trades, the imagination of the interior designer and superimpose a citizen.

The public will accept for a while the ordinary, appreciation for the excellent will open the flood gates of a great golden river. Beauty is a media in itself.

Re-evaluation is a must in the Urban Shopping area of America. Each store must play its part, take its part, take its place, there are few exceptions. No one store can take a neutral position, each will be recorded in one column or the other.

"DUTCH" ZINDLER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PICKLE. Mr. Speaker, in the town of Schwertner, county of Williamson, State of Texas, there is a good man who obviously has the inside track on life. I refer to H. J. "Dutch" Zindler, blacksmith, welder, repairman and knife-maker without equal.

He is an honest man living an honest style. In his 78 years, "Dutch" has been many things to many people—and he has turned down many a moneymaking deal, just to be true to his own principles, his own philosophy.

Back in the early days, Henry Ford wanted "Dutch" to work in his plant, a move away from Texas. "Dutch" declined because he felt he had more than enough work to do and did not particularly treasure money as a symbol of wealth. He did, however, take time out to invent several parts and gadgets that went into the earliest of Ford's machines. Perhaps out of nostalgia, or perhaps out of utility, "Dutch" still drives a 1930 model A Ford. He used a model T engine as a power-plant to keep his compressed air tanks filled. Compressed air runs his grinder and buffer that "Dutch" uses to turn out handmade knives that are sought after from such faraway places as Santiago, Chile, from Maine, and even Louisiana.

During World War II, "Dutch" re-structured the B-25 bomber to include two more rooms. As he puts it:

I give instructions how to place two extery rooms in a B-25 boomer, in 1945. To win Worlds War No. 2.

Today, "Dutch" makes knives and dispenses philosophy as keen as his blades. Much of the money from his sales has gone to charitable organizations, such as Boy's Town in Nebraska.

Some of the reflections from "Dutch's" lifetime include—on thinking through problems:

You've got to study and study until you lose your mind, then you can get the job done.

On people who think there is nothing more to learn:

The more you know, the more you forget. The more you forget, the less you know. The less you know—the dumber you are.

I am completely taken with this truly fascinating personality. If ever you get down that way, be sure to stop in for a delightful visit. "Dutch" says:

I'll stop my clock and chat with you a spell.

FACING UP TO SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a recent issue of Baptist Standard carried an article by Lory Hildreth entitled "Facing Up to Space." Mr. Hildreth's discussion of our national space effort is a philosophical and profound statement of our need to remain in the forefront in space exploration and its ultimate utilization. Because of the deep and continuing significance of Mr. Hildreth's statement I commend the reading of this brief article to my colleagues in Congress and to the general public:

FACING UP TO SPACE

(by Lory Hildreth)

A boy of six disillusioned with Santa Claus was heard to remark, "I am going to look into this Jesus Christ business."

Every once in a while there are momentous experiences and occasions which come to man that point up the importance of looking into this "Jesus Christ business." I feel that man's space exploration of going to the moon and coming back to the earth is an occasion where we need to be called back to examine the grounds of our faith.

Few of the church's intelligentsia have ventured very far into any serious study of the moral ramifications of space exploration.

Certain critics are asking whether humanity can justify enormous space expenditures running into billions of dollars while so many earth-bound dwellers suffer from the lack of basic necessities.

One of our leading religious journalists, the editor of *Decision Magazine*, Sherwood Wirt, is very blunt about it. He considers interplanetary travel a waste of time and an activity that is contrary to the will of God.

"It would be criminal to go on to another planet. People aren't made for that. God wants us to live on earth until He gives us another body," he says.

QUESTIONS ARE INEVITABLE

Certain questions are inevitable. If there is so much universe, and 250,000 miles in space is an infinitesimal scratch on the infinite, can this little, wee earth of ours be as supremely significant and unique as we have made it to be?

Is man on the earth the supreme creation or may there be more of us elsewhere? If there are beings elsewhere, has God revealed Himself or will God reveal Himself to them as He has to us?

Do we earth-dwellers alone need and deserve a Christ? How can we widen our spiritual ideas and add the dimension of spiritual depth to match our widening space concepts?

These questions are being raised today, but they are not recent in their origin. The question of the Psalmist in the Eighth Psalm deals with the same subject matter.

"When I look at all this expanse of heavens as you work, how can man be important?" he asked.

We can approach such questions without fear of discovering some truth that is going to destroy our faith. Truth in one field is not at variance with truth in another field. Wherever you will find truth, you will find God at the source of it.

Because of this space exploration and moon probe, we have a greater concept of God. A world of lengthening horizons demands a far greater concept of God than we have had heretofore.

Such accomplishments are forcing us to re-examine, to re-interpret, and re-apply our faith. Man's journey to the moon leads us to

face up both to space and to face up to our own faith.

Facing up to space leads us to re-evaluate our concept of God. A minister recently said, "I have been preaching for twenty years assuming that God was merely the God of this earth of ours. Finally it dawned upon me that I was making God a mighty small God."

God is not only the God of this earth. He is the God of this universe. When we face up to space in our thought of God and surmise how far man may go beyond earth's orbit, we need not fear of ever finding a place where God is not.

Two hundred fifty thousand miles from earth, in a Christmas message relayed back to earth, we heard the astronauts reading from the Book of Genesis, "In the beginning God..."

An atheistic cosmonaut came back from space saying, "I found no God out there." From this comparison we conclude that the same conditions to see and know God on earth also apply in space.

This earth of ours is a tiny speck of dust in this universe. One of the astronauts looking at this earth one quarter of a million miles removed from it compared it in its size to the end of his thumb.

The sun has a mass 332,000 times that of this earth. The Milky Way is made up of a hundred billion stars, many of them bigger than the sun.

The end of the earth would not necessarily be the end of this world. The beginning of this earth was not the beginning of this world. As the bigness of this universe unfolds, it will but underscore more and more the greatness of the God who is.

As we face up to space, not only will our fears be alleviated concerning our ever finding a place where God is not, but also any fear we have concerning God being so great and so big that He will not care.

There is no place where God is not. There is no time when He does not care. The God who cared for us in our homes on earth Christmas day cared for the astronauts in their space capsule as they were heading for home.

It is so easy for us to get lost in these quantitative standards. It is so easy to get lost in the mass of anything.

But we are not lost in space. God's love leaps out like a leaping spark over thousands, thousands of miles!

Size, space, and time do not obscure, but disclose the grandeur of His action, the fullness of His purpose, and the constancy of His care. The immensities of the universe need not frighten us. This is our Father's world.

Mary, the mother of Jesus, aids us at this point. She had a two-fold conviction about God. God was a mystery. He was so hard to understand. His ways were past finding out. But she believed that behind the God of Mystery was the God of Goodness.

The universe does not tell us this. It may point to a design and may postulate a designer. Science makes us sure that if there be a God, he must be a great God. But the Cross and the empty tomb reveal how much He really cares.

We have seen the need of facing up to space in our concept of God. It is just as important that we face up to space in our concept of man. We live in an age where man is treated like a thing, where man is nothing but a mere tool, the means to somebody's special end.

In the days of World War I, Donald Hankey painted a picture of a young soldier lying wounded in "No Man's land" under the night sky with its twinkling stars. As he looks up, the mystery of the universe and the darkness oppress him. The heavens seem so cold and unbending. Yet, in a way, he is better than they; He can feel; he can suffer.

After the sinking of the Titanic, newspapers all across the land carried a number of cartoons. One day there appeared a pair

of cartoons. The first pictured the Titanic as she had been crushed like an eggshell by the invulnerable iceberg. Beneath the cartoon was the inscription, "The strength of nature, the weakness of man."

The adjoining cartoon depicted one remaining lifeboat being launched on the bosom of the deep. Strong men were giving way to women and children and bravely facing the grim spectre of death. Under this cartoon was the inscription: "The weakness of nature, the strength of men."

THE HUMAN SPIRIT

No wonder one has said, "Man has an indomitable spirit which transcends the very nature that would destroy him."

Man as he is superior to the universe is capable of mastering the universe. I cannot agree with anyone who says that it is contrary to the will of God for men to probe into space. Is it contrary to God's will for man to deal with death-dealing disease? Is it contrary to God's will for man to venture out into the unknown anywhere?

Man in his exploration of space is following a divinely ordained dominion (Genesis 1:26). The heavens were not designed by God to be nocturnal decorations for earth-bound and earth-dwelling men.

Browning in keeping with the emphasis of man's mastery of the universe states, "A man's grasp should exceed his reach. Otherwise, what's a heaven for?"

God endowed man with creative capacities and through the centuries as man exerted the same, he has climbed trees and mountains to get a higher view; he has pushed back earth's horizons; he has invented airplanes and balloons; now he has gone to the moon!

Man is self-repairing, self-directing, self-knowing, and self-conscious. The computers cannot know what they are doing; cannot understand what they are doing; cannot enjoy what they are doing. A British electronics engineer calls his computer TOM, "Thoroughly Obedient Moron."

Man with his superiority must be warned at the point of pride and the abuse of this power. Through human presumption he may seek to usurp the prerogatives of God. Man will then become a victim of the forces which he was to control.

This peril underscores the importance of discovering where his true value is. We do not have to look at the universe to find that we count.

The God who has this world in His hand says we are more important than the solar system, more important than the expansive universe.

We do not have to look at a moon shot to discover that we count with God. A trip farther than man has ever gone before does not increase our value.

WE DISCOVER OUR VALUE

We go to a little hill, not very high, not very imposing—it looks like a human skull. It is called Golgotha. There Jesus suffered and died that we might have life. Here we discover our real value.

As we face up to space we discover that God is concerned with worlds beyond this earth. We see God's divine redemption and our witness to the same in an enlarged perspective.

Colossians 1:15 indicates the truth: "He is the image of the invisible God. His is the primacy over all created things. In Him everything in heaven and on earth were created, not only things visible, but the invisible orders, the whole universe has been created through Him and for Him." (New English Bible.)

Note also the emphasis of verse 20: "Through Him God chose to reconcile the whole universe to Himself . . . to reconcile all things, whether on earth or in heaven, through Him alone." (New English Bible.)

These verses remind us that the scope of

God's redemption is just as wide as the created order. It is cosmic in its scope.

When Jesus died on the Cross, He died not only to redeem mankind, but died to redeem the entire universe from sin's curse. We look forward "to a new kind of heaven and a new kind of earth in which righteousness dwells."

The most important God for man to know is not to know the God whom the heavens cannot contain, but the God who wishes to dwell in the inner space of our hearts.

We are not a part of a little earth game that consumes our energy and our time here, but a part of something that is all-encompassing as this universe and includes the totality of the individual man, the totality of mankind, and that engaged the best that God had to give.

As we face up to space we serve a bigger God than we have ever dreamed; man has a potential beyond human comprehension; we have a redemptive task that embraces this whole universe.

A NEW PATRIOTISM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROSENTHAL. Mr. Speaker, the Washington Post is the latest major newspaper to respond editorially to the recent report on the Congressional Conference on the Military Budget and National Priorities.

One important issue discussed by the editorial is the nature of patriotism. For too long, the paper notes, Congress has accepted implicitly the judgment that anything requested by the military planners is already stamped with the seal of patriotism. To resist such requests or even to judge them critically with the review given routinely to domestic programs was to jeopardize the conventional view of one's patriotism.

Today, happily, that one-dimensional view of patriotism is changing. To love one's country is to want its domestic life to prosper, its social and economic pains to be eased, its racial harmonies to be enhanced, and its youth to be understood.

We love our country more, not less, by seeking a better understanding of its needs as a society. We express that understanding by retreating somewhat from the view that we can protect ourselves from external threat while postponing our inner growth as a humane and responsive community. When we do this, we seek to become that "more perfect union" which expresses the highest form of patriotism.

The Washington Post editorial, which contributes to that understanding, follows:

[From the Washington (D.C.) Post, June 4, 1969]

A WARFARE STATE?

Even though it comes at a time of increasing fashionableness, the proposal of 45 Congressmen to subject military spending to at least the same intensive scrutiny as, for example, foreign aid should be placed at the top of everyone's It's About Time list.

Questioning the military needs of the country, or more accurately, questioning what the military thinks are its needs, has never been popular with Congressmen. It is not that they

are bullied by the generals and colonels—which, for the most part, they aren't—but rather that they often fear being called unpatriotic. In this context, congressional patriotism seems dependent on giving the military every penny of war money it asks for—as if denying the Pentagon is equal to "denying the boys in the trenches." As shallow as that standard is regarding the fervor of one's patriotism, it has kept quiet more than one Congressman.

In proposing a program to control military spending by applying far more rigorous review, the 45 legislators are only saying that Congress ought to do exactly what it is meant to do: review the military budget and seek to establish some more rational sense of priority between domestic and foreign needs. Eighty per cent of the present Federal outlay goes for defense and defense-related costs, with the amount rising annually. This enormous military budget is reviewed, as if it were throwing a few fiscal crumbs to, say, the Interoceanic Canal Study Commission. Except for a few Senators and Representatives who have already put themselves on the line against the folly of military over-spending few criticisms are made and virtually no questions are asked.

At the same time, there is almost no stopping the critics and questioners when poverty and urban programs come up for review. Apparently, Congressmen never fear being called unpatriotic for abandoning, for example, the boys in the Job Corps, or the boys in the trenches of the ghetto.

What the Capitol Hill 45 call for specifically is the creation of new committees and agencies to bring something like democratic control over our national defense policy. This is a sound idea, but it doesn't solve the question of how do you get men of balance and wisdom on those groups. The machinery to check the military has existed all along, but the seniority system and weak congressional spines have made it a party to the military, not a parry.

Whether through paranoid fear of communism, the zeal of bomb-happy generals or the stupidity of civilian leaders, the United States is rapidly acquiring at least some of the characteristics of a warfare state. The 45 Congressmen who chose to speak out in the manner, as well as others who protest in different ways, are trying to change this. They deserve support. If they get it the day should soon be over when the military and arms industry, backed by civilian leadership, can say jump and expect Congress to ask meekly, "How high?"

JUSTICE DOUGLAS—A CLEAR AND PRESENT DANGER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RARICK. Mr. Speaker, last week's Supreme Court decision, O'Callahan against Parker, outlawing military authority over servicemen involved in crimes committed off duty, off the post, and service connected, establishes a staggering precedent against discipline and control of servicemen by the military authorities.

Once again the vindictive prejudices of Associate Justice William O. Douglas, author of the 5-to-3 decision, are bared. Douglas' extremist utterances and anti-military activities both off and on the Bench can but lead any reasonable man to the conclusion that he prejudiced the

case. His demonstrated bias renders him incapable of a fair and impartial ruling involving the Armed Forces.

This represents a clear and present danger which should be considered at once by the appropriate committees of this House.

When the Supreme Court adjourns at the end of this week, there is no power but his own self-restraint which can prevent Justice Douglas from single-handedly issuing wild restraining orders and stays, as he has done in the past, to interfere with military operations. We must remember that this is the same man who as head of the tax-free Parvin Foundation, employed Soviet economist N. N. Inozemtsev as his consultant. This is also the same man who granted a stay of execution, on the application of a known subversive, to the atom spy Rosenbergs. The Supreme Court had adjourned, the stay was granted to prevent their execution and to coincide with a Communist clemency demonstration in Washington.

Had the Chief Justice not called the Supreme Court into special session to overturn the stay, this abuse would have accomplished its purpose.

Such abuses cannot be tolerated when Americans are engaged in combat.

Mr. Douglas has again demonstrated his intemperance and lack of compassionate understanding of the operation of his Government. His senility and emotion have replaced reason, tradition, and law, to the continued disgrace of the Court and to the detriment of the American people.

Not even a second grade education is needed to conclude that Douglas must resign or be removed from any position of trust from which he can inflict further injury on the Court and the people.

Mr. Speaker, I include several news clippings and the Supreme Court ruling in the O'Callahan case at this point:

[From the Washington Daily News, June 6, 1969]

COURT TOSSES MILITARY JUSTICE INTO TURMOIL
(By Mike Miller)

A Supreme Court decision denying military courts authority to try servicemen for civilian offenses committed off base may throw the services' judicial system into turmoil.

Army officials said some of the 4,000 military prisoners now serving sentences imposed by courts martial probably will have to be freed.

It is also anticipated that thousands of cases could be reopened by defendants or their families. "There will be a vast amount of litigation arising out of this," said Maj. Gen. Kenneth J. Hodson, Army judge advocate general.

The court ruled by five to three Monday that servicemen cannot be court-martialed for non-military crimes committed off military bases in peacetime in the United States.

In the past, common practice has been that military and civilian authorities reach agreement on which should take jurisdiction over such crimes committed in the civilian community.

REVIEW 4,000 CASES

As a result of the decision written by Justice William O. Douglas the services will administratively review the records of the 4,000 men now serving court-martial convictions, Gen. Hodson said. He estimated that perhaps half the convictions could have been based

in whole or part on civilian offenses with "no military significance."

Whether the men would then face prosecution by civilian authorities depends on statutes of limitations in the various jurisdictions and whether the local authorities choose to prosecute.

The decision also opens the way for military prisoners to file habeas corpus petitions seeking release.

The military also anticipates that many past convictions might be appealed by the defendants in an attempt to clear their records.

The Supreme Court's ruling is presumed to be retroactive unless the court later should rule that it applies only to future cases, as was done in the Miranda decision concerning the admissibility into evidence of confessions, the general said.

[From the Washington (D.C.) Evening Star, June 6, 1969]

THOUSANDS OF CASES SEEN AS MILITARY RULING RESULT

A vast amount of litigation, including as many as 2,000 releases from prison and possibly half a million corrections in records, will result from a Supreme Court decision that denies military courts jurisdiction over civilian crimes, the Pentagon says.

Maj. Gen. Kenneth J. Hodson, Army judge advocate general, told reporters yesterday that the Army alone since 1951 has conducted approximately 450,000 courts-martial that may be invalid under the high court's ruling.

Hodson estimated the Army, Navy and Air Force together have 4,000 men in prison, and that about half of these may have been sentenced for the kind of crimes over which the military services no longer have jurisdiction.

The Supreme Court ruled 5 to 3 Monday that military courts do not have the power to try servicemen in peacetime for off-duty off-post crimes that are not service-connected.

What is meant by "service-connected" is now the problem the military is grappling with.

Under the military code of justice, a man could be court-martialed for a civilian offense if it brought discredit to his uniform or to the service.

Hodson said that whether a man wears his uniform when he performs an unlawful act off duty or off base could be a "relevant factor" in the question of jurisdiction. But he said he doubted the uniform alone could provide the basis for military handling of a case.

The court was silent on the issue of retroactivity, but Hodson said, "This opinion is retroactive for 180 years unless the court later on changes it."

Presumably the Supreme Court will clarify this point in subsequent cases.

Hodson said the services will examine the cases of men in prison, and will release those clearly sentenced by procedures now ruled unconstitutional. But there may be many appeals from the administrative judgment.

The correction in records will involve small amounts of back pay, veterans benefits, burial in military cemeteries, and possible claims for damages, he said.

COURT-MARTIAL GETS AWKWARD JOLT
(By Lyle Denniston)

Gen. George Washington's command, encamped at Newburgh, N.Y., in the late winter of 1783, had trouble with soldiers living rather freely off their civilian surroundings.

Men were tried by courts-martial for killing a cow, stealing poultry, or helping themselves to shirts and blankets at the town store. Their trials, recorded in Washington's order book, helped establish an Army tradition: acting as the stern parent watching over the behavior of its own.

This week, the tradition wavered and partially collapsed, under a constitutional assault by a majority of the Supreme Court. Military courts, the justices ruled in a 5-3 decision, may not try servicemen for off-duty crimes that are not "service-connected."

For the services, already under new challenges to their power over misbehavior in the ranks, it was an awkward time to have new and strict limits put on disciplinary authority.

At a time when the military justice system was facing its most severe testing, the Supreme Court had flatly denounced that system as one that is "singularly inept in dealing with the nice subtleties of constitutional law."

To commanders who had come to believe, sincerely, that their system was for the good of their men as well as the good of the military, the court majority had retorted that "the military trial is marked by the age-old manifest destiny of retributive justice."

The courts-martial system, of course, has not been overturned entirely. It still retains power to discipline soldiers, sailors and airmen for any crimes committed on the post or base, and apparently most—if not all—crimes committed on duty or against other servicemen.

But it will be a sizable loss for commanders to have to yield to the local civilian courts for handling of off-duty, off-post crimes. The convenience of local law enforcement officers, the schedules of lawyers, the calendars of courts will have some control over the time and availability of accused servicemen.

Perhaps more importantly, the errant soldiers and sailors may often have to appear before juries of townspeople, and that may raise problems for community-military relations.

Military commanders have always reserved for themselves the right to refuse to let their men come before civilian tribunals, and part of the reason was a suspicion that the local people might be biased against the visiting servicemen.

Government lawyers frankly confessed, in hearings before the high court in January, that the military was worried about the potential of civilian "bias."

In a majority of cases—perhaps 80 percent of the time—servicemen in trouble for off-post misdeeds have been turned over to the local authorities. But that has usually depended upon direct requests from the civilian officials.

A military post or base is, of course, a self-contained community that remains rather inbred no matter how good its relations with the surrounding civilian community. With its own recreation facilities, stores, medical clinics or hospitals, and sometimes its own schools, a military installation is seldom dependent in any significant way upon its surroundings.

That condition, of course, had helped maintain the tradition that the military looked after its own. For a long time, the services had even insisted that they had control, overseas, of the criminal conduct of their men's dependents and of civilian employees. But the high court voided that claim in a series of rulings about a decade ago.

Until just recently, the courts had remained willing to let the services manage the discipline—on or off duty—of officers and enlisted men. The theory, basically, was that the courts-martial system was more a form of internal personnel management than it was a criminal law process.

But as federal courts, led by the Supreme Court, probed more deeply into the procedures of civilian criminal trials, attorneys for servicemen in trouble began bringing test cases on the fairness of military trials. Coincidentally, the chance to raise questions about military justice in civilian courts grew.

It was thus no coincidence that the key constitutional test case on military court

power over nonmilitary crimes had arisen just now, more than 180 years after the Constitution was put into effect.

When that ruling finally did come, it was in the strongly antimilitary language of the services' hardest critic at the court—Justice William O. Douglas. If the usual customs were followed, Douglas was picked to write the opinion by Chief Justice Earl Warren.

The result, of course, is that the military got not only a lecture on its power over nonmilitary crimes, but also a thorough scolding for the supposed inadequacies of the entire system of military justice.

Doubtlessly, the high court has thus encouraged more challenges to its disciplinary arrangements. Civilian lawyers confronted with the never-easy task of representing servicemen in military courts had been taking on that task with almost no encouragement at all. They are not likely to give up now.

[No. 646.—October Term, 1968, Supreme Court of the United States]

JAMES F. O'CALLAHAN, PETITIONER, v.
J. J. PARKER, WARDEN

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[June 2, 1969.]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Petitioner, then a sergeant in the United States Army, was stationed in July 1956, at Fort Shafter, Oahu, in the Territory of Hawaii. On the night of July 20, while on leave with an evening pass, petitioner and a friend left the post dressed in civilian clothes and went into Honolulu. After a few beers in the bar of a hotel, petitioner entered the residential part of the hotel where he broke into the room of a young girl, assaulted and attempted to rape her. While fleeing from her room onto Waikiki Beach, he was apprehended by a hotel security officer who delivered him to the Honolulu city police for questioning. After determining that he was a member of the Armed Forces, the city police delivered petitioner to the military police. After extensive interrogation, petitioner confessed and was placed in military confinement.

Petitioner was charged with attempted rape, housebreaking, and assault with attempt to rape, in violation of Articles 80, 130, and 134 of the Uniform Code of Military Justice.¹ He was tried by court-martial, convicted on all counts, and given a sentence of 10 years' imprisonment at hard labor, forfeiture of all pay and allowances, and dishonorable discharge. His conviction was affirmed by the Army Board of Review and, subsequently, by the United States Court of Military Appeals.

Under confinement at the United States Penitentiary at Lewisburg, Pennsylvania, petitioner filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Pennsylvania, alleging, *inter alia*, that the court-martial was without jurisdiction to try him for nonmilitary offenses committed off-post while on leave. The District Court denied relief without considering the issue on the merits, and the Court of Appeals for the Third Circuit affirmed. This Court granted certiorari limited to the question:

"Does a court-martial, held under the Articles of War, Tit. 10 U.S.C. § 801 *et seq.*, have jurisdiction to try a member of the Armed Forces who is charged with commission of a crime cognizable in a civilian court and having no military significance, alleged to have been committed off-post and while on leave, thus depriving him of his constitutional rights to indictment by a grand jury and trial by a petit jury in a civilian court?" 393 U.S., at 822.

The Constitution gives Congress power to "make Rules for the Government and Regulation of the land and naval Forces," Art. I, § 8, cl. 14, and it recognizes that the exigencies of military discipline require the existence of a special system of military courts in which not all of the specific procedural protections deemed essential in Article III trials need apply. The Fifth Amendment specifically exempts "cases arising in the land and naval forces or in the militia, when in actual service in time of war or public danger" from the requirement of prosecution by indictment and, inferentially, from the right to trial by jury. See *Ex parte Quirin*, 317 U.S. 1, 40 (1943). The result has been the establishment and development of a system of military justice with fundamental differences from the practices in the civilian courts.

If the case does not arise "in the land or naval forces," then the accused gets first the benefit of an indictment by a grand jury and second, a trial by jury before a civilian court as guaranteed by the Sixth Amendment and by Art. III, § 2, of the Constitution which provides:

"The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

Those civil rights are the constitutional stakes in the present litigation. What we wrote in *Toth v. Quarles*, 350 U.S. 11, 17-18, is worth emphasis:

"We find nothing in the history or constitutional treatment of military tribunals which entitles them to rank along with Article III courts as adjudicators of the guilt or innocence of people charged with offenses for which they can be deprived of their life, liberty or property. Unlike courts, it is the primary business of armies and navies to fight or be ready to fight wars should the occasion arise. But trial of soldiers to maintain discipline is merely incidental to an army's primary fighting function. To the extent that those responsible for performance of this primary function are diverted from it by the necessity of trying cases, the basic fighting purpose of armies is not served. And conceding to military personnel that high degree of honesty and sense of justice which nearly all of them undoubtedly have, it still remains true that military tribunals have not been and probably never can be constituted in such way that they can have the same kind of qualifications that the Constitution has deemed essential to fair trials of civilians in federal courts. For instance, the Constitution does not provide life tenure for those performing judicial functions in military trials. They are appointed by military commanders and may be removed at will. Nor does the Constitution protect their salaries as it does judicial salaries. Strides have been made toward making courts-martial less subject to the will of the executive department which appoints, supervises and ultimately controls them. But from the very nature of things, courts have more independence in passing on the life and liberty of people than do military tribunals.

"Moreover, there is a great difference between trial by jury and trial by selected members of the military forces. It is true that military personnel because of their training and experience may be especially competent to try soldiers for infractions of military rules. Such training is no doubt particularly important where an offense charged against a soldier is purely military, such as disobedience of an order, leaving post, etc. But whether right or wrong, the premise underlying the constitutional method for determining guilt or innocence in federal courts is that laymen are better than specialists to perform this task. This idea is inherent in the institution of trial by jury."

A court-martial is tried, not by a jury of the defendant's peers which must decide unanimously, but by a panel of officers² empowered to act by a two-thirds vote. The presiding officer at a court-martial is not a judge whose objectivity and independence are protected by tenure and undiminishable salary and nurtured by the judicial tradition, but by a military law officer.³ Substantially different rules of evidence and procedure apply in military trials.⁴ Apart from those differences, the suggestion of the possibility of influence on the actions of the court-martial by the officer who convenes it, selects its members and the counsel on both sides, and who usually has direct command authority over its members is a pervasive one in military law, despite strenuous efforts to eliminate the danger.⁵

A court-martial is not yet an independent instrument of justice but remains to a significant degree a specialized part of the overall mechanism by which military discipline is preserved.⁶

That a system of specialized military courts, proceeding by practices different from those obtaining in the regular courts and in general less favorable to defendants is necessary to an effective national defense establishment, few would deny. But the justification for such a system rests on the special needs of the military, and history teaches that expansion of military discipline beyond its proper domain carries with it a threat to liberty. This Court, mindful of the genuine need for special military courts, has recognized their propriety in their appropriate sphere, *e.g.*, *Burns v. Wilson*, 346 U.S. 137 (1953), but is examining the reach of their jurisdiction, it has recognized that

"There are dangers lurking in military trial which were sought to be avoided by the Bill of Rights and Article III of our Constitution. Free countries of the world have tried to respect military tribunals to the narrowest jurisdiction deemed absolutely essential to maintaining discipline among troops in active service. . . . Determining the scope of the constitutional power of Congress to authorize trial by court-martial presents another instance calling for limitation to the 'least possible power adequate to the end proposed.'" *Toth v. Quarles*, 350 U.S. 11, 22-23 (1955).

While the Court of Military Appeals takes cognizance of some constitutional rights of the accused who are court-martialed, courts-martial as an institution are singularly inept in dealing with the nice subtleties of constitutional law. Article 134, already quoted, punishes as a crime "all disorders and neglects to the prejudice of good order and discipline in the armed forces." Does this satisfy the standards of vagueness as developed by the civil courts? Is it not enough to say that a court-martial may be reversed on appeal. One of the benefits of a civilian trial is that the trap of Article 134 may be avoided by a declaratory judgment proceeding or otherwise. See *Dombrowski v. Pfister*, 380 U.S. 479. A civilian trial, in other words, is held in an atmosphere conducive to the protection of individual rights, while the military trial is marked by the age-old manifest destiny of retributive justice.⁷

As recently stated, "None of the travesties of justice perpetuated under the UCMJ is really very surprising, for military law has always been and continues to be primarily an instrument of discipline, not justice." Glasser, Justice and Captain Levy, 12 Columbia Forum 46, 49 (1969).

The mere fact that petitioner was at the time of his offense and of his court-martial on active duty in the Armed Forces does not automatically dispose of this case under our prior decisions.

We have held in a series of decisions that court-martial jurisdiction cannot be extended to reach any person not a member of the Armed Forces at the times of both the

Footnotes at end of article.

offense and the trial. Thus discharged soldiers cannot be court-martialed for offenses committed while in service. *Toth v. Quarles*, 350 U.S. 11 (1955). Similarly, neither civilian employees of the Armed Forces overseas, *McElroy v. Guagliardo*, 361 U.S. 281 (1960); *Grisham v. Hagan*, 361 U.S. 278 (1960); nor civilian dependents of military personnel accompanying them overseas, *Kinsella v. Singleton*, 361 U.S. 234 (1960); *Reid v. Covert*, 354 U.S. 1 (1957), may be tried by court-martial.

These cases decide that courts-martial have no jurisdiction to try those who are not members of the Armed Forces, no matter how intimate the connection between their offense and the concerns of military discipline. From these cases, the Government invites us to draw the conclusion that once it is established that the accused is a member of the Armed Forces, lack of relationship between the offense and identifiable military interests is irrelevant to the jurisdiction of a court-martial.

The fact that courts-martial have no jurisdiction over nonsoldiers, whatever their offense, does not necessarily imply that they have unlimited jurisdiction over soldiers, regardless of the nature of the offenses charged. Nor do the cases of this Court suggest any such interpretation. The Government emphasizes that these decisions—especially *Kinsella v. Singleton*—establish that liability to trial by court-martial is a question of "status"—"whether the accused in the court-martial proceeding is a person who can be regarded as falling within the term 'land and naval forces.'" 361 U.S., at 241. But that is merely the beginning of the inquiry, not its end. "Status" is necessary for jurisdiction; but it does not follow that ascertainment of "status" completes the inquiry, regardless of the nature, time, and place of the offense.

Both in England prior to the American Revolution and in our own national history military trial of soldiers committing civilian offenses has been viewed with suspicion.⁸ Abuses of the court-martial power were an important grievance of the parliamentary forces in the English constitutional crises of the 17th century. The resolution of that conflict came with the acceptance by William and Mary of the Bill of Rights in 1689 which established that in the future, Parliament, not the Crown, would have the power to define the jurisdiction of courts-martial. 1 W. & M. c. 2. The 17th century conflict over the proper role of courts-martial in the enforcement of the domestic criminal law was not, however, merely a dispute over what organ of government had jurisdiction. It also involved substantive disapproval of the general use of military courts for trial of ordinary crimes.⁹

Parliament, possessed at last of final power in the manner was quick to authorize, subject to annual renewal maintenance of a standing army and to give authority for trial by court-martial of certain crimes closely related to military discipline. But Parliament's new power over courts-martial was exercised only very sparingly to ordain military jurisdiction over acts which were also offenses at common law. The first of the annual mutiny acts, 1 W. & M. c. 5, set the tone. It established the general rule that

"... no man may be forejudged of life or limb, or subjected to any kind of punishment by martial law, or in any other manner than by the judgment of his peers and accordingly to the known and established laws of this realm."

And it proceeded to grant courts-martial jurisdiction only over mutiny, sedition, and desertion. In all other respects, military personnel were to be subject to the "ordinary process of law."

The jurisdiction of British courts-martial over military offenses which were also common-law felonies was from time to time ex-

tended,¹⁰ but, with the exception of one year,¹¹ there was never any general military jurisdiction to try soldiers for ordinary crimes committed in the British Isles. It was, therefore, the rule in Britain at the time of the American Revolution that a soldier could not be tried by court-martial for a civilian offense committed in Britain; instead military officers were required to use their energies and office to insure that the accused soldiers would be tried before a civil court.¹² Evasion and erosion of the principle that crimes committed by soldiers should be tried according to regular judicial procedure in civil, not military courts, if any were available, were among the grievances of protested by the American Colonists.¹³

Early American practice followed the British model.¹⁴ The Continental Congress, in enacting articles of war in 1776, emphasized the importance of military authority cooperating to insure that soldiers who committed crimes were brought to justice. But it is clear from the context of the provision it enacted that it expected the trials would be in civil courts.¹⁵ The "general article," which punished "all crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war," was interpreted to embrace only crimes the commission of which had some direct impact on military discipline. Winthrop, *1123. While practice was not altogether consistent, during the 19th century court-martial convictions for ordinary civil crimes were from time to time set aside by the reviewing authority on the ground that the charges recited only a violation of the general criminal law and failed to state a military offense. *Id.*, *1124, n. 82, 88.¹⁶

During the Civil War, Congress provided for military trial of certain civil offenses¹⁷ without regard to their effect on order and discipline, but the act applied only "in time of war, insurrection, or rebellion." Act of Mar. 3, 1863, c. 75, § 30; Rev. Stat. § 1342, Art. 58 (1873-1874). In 1916, on the eve of World War I, the Articles of War were revised, 39 Stat. 650, to provide for military trial, even in peacetime, of certain specific civilian crimes committed by persons "subject to military law" and the general article was modified to provide for military trial of "all crimes and offenses not capital." In 1950, the Uniform Code of Military Justice extended military jurisdiction to capital crimes as well.

We have concluded that the crime to be under military jurisdiction must be service-connected, lest "cases arising in the land and naval forces or in the militia, when in actual service in time of war or public danger,"¹⁸ as used in the Fifth Amendment, be expanded to deprive every member of the armed services of the benefits of an indictment by a grand jury and a trial by a jury of his peers. The power of Congress to make "rules for the government and regulations of the land and naval forces," Art. I, § 8, cl. 14, need not be sparingly read in order to preserve those two important constitutional guarantees. For it is assumed that an express grant of general power to Congress is to be exercised in harmony with express guarantees of the Bill of Rights. We were advised on oral argument that Art. 134 is construed by the military to give it power to try a member of the armed services for income tax evasion. This article has been called "a catch-all" that "incorporates almost every Federal penal statute into the Uniform Code." Everett, *Military Justice in the Armed Forces of the United States*, pp. 68-69 (1956). The catalogue of cases put within reach of the military is indeed long; and we see no way of saving to servicemen and women in any case the benefits of indictment and of trial by jury, if we conclude that this petitioner was properly tried by court-martial.

In the present case petitioner was on leave when he committed the crimes with which he is charged. There was no connection—not even the remotest one—between his military duties and the crimes in question. The crimes were not committed on a military post or enclave; nor was the person whom he attacked performing any duties relating to the military. Moreover, Hawaii, the situs of the crime, is not an armed camp under military control, as are some of our far-flung outposts.

Finally, we deal with peacetime offenses, not with authority stemming from the war power. Civil courts were open. The offenses were committed within our territorial limits, not in the occupied zone of a foreign country. The offenses did not involve any question of the flouting of military authority, the security of a military post, or the integrity of military property.¹⁹

We have accordingly decided that since petitioner's crimes were not service connected, he could not be tried by court-martial but rather was entitled to trial by the civilian courts.

Reversed.

FOOTNOTES

¹ Article 80 of the Articles of War (10 U.S.C. § 880) provides:

"(a) An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing to effect its commission, is an attempt to commit that offense.

"(b) Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a court-martial may direct, unless otherwise specifically prescribed."

Article 130 (10 U.S.C. § 930) provides:

"Any person subject to this chapter who unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of house-breaking and shall be punished as a court-martial may direct."

Article 134 (10 U.S.C. § 934) provides:

"Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, specific, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court."

² Under Art. 25(c) of the Uniform Code of Military Justice, 10 U.S.C. § 825(c), at least one-third of the members of the court-martial trying an enlisted man are required to be enlisted men if the accused requests that enlisted personnel be included in the court-martial. In practice usually only senior enlisted personnel, i.e., noncommissioned officers, are selected. See *United States v. Crawford*, 15 U.S.C.M.A. 31 (1964), motion for leave to file petition for certiorari denied, 380 U.S. 970. See generally, Schiesser, *Trial by Peers: Enlisted Members on Courts-Martial*, 15 *Cath. U. L. Rev.* 171 (1966).

³ At the time petitioner was tried, a general court-martial was presided over by a "law officer" who was required to be a member of the bar and certified by the Judge Advocate General for duty as a law officer. U.C.M.J. Art. 26(a). The "law officer" could be a direct subordinate of convening authority. Manual for Courts-Martial, 1951, ¶ 4(g) (1). The Military Justice Act of 1968, Pub. L. 90-632, 82 Stat. 1336, establishes a system of "military judges" intended to insure that where possible the presiding officer of a court-martial will be a professional military judge, not directly subordinate to the convening authority.

⁴ For example, in a court-martial, the access of the defense to compulsory process for obtaining evidence and witness is, to a signif-

icant extent, dependent on the approval of the prosecution. *United States v. Harvey*, 8 U.S.C.M.A. 538 (1957) approving, Manual for Courts-Martial, 1951, ¶ 115a. See Melnick, The Defendant's Right to Obtain Evidence: An Examination of the Military Viewpoint, 29 Mil. L. Rev. 1 (1965).

⁴ See e.g., the cases listed in Hearings on Constitutional Rights of Military Personnel before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 87th Cong., 2d Sess. 780-781 (1962), in each of which the Court of Military Appeals reversed court-martial convictions on grounds of excessive command influence.

⁵ See *Reid v. Covert*, 354 U.S. 1, 36 (1957).

⁶ For sobering accounts of the impact of so-called military justice on civil rights of members of the Armed Services see Hearings, Subcommittee on Constitutional Rights, S. Judiciary Committee pursuant to S. Res. No. 260, 87th Cong., 2d Sess., Feb. 20 and 21, March 1, 2, 6, 9, and 12, 1962; Joint Hearings, Subcommittee on Constitutional Rights, S. Judiciary Committee and S. Armed Services Committee, 89th Cong., 2d Sess., on S. 745 et al., Pt. 1, Jan. 18, 19, 25, and 26, March 1, 2, and 3, 1966, and Pt. 2. For a newly enacted Military Justice Act see Pub. L. 90-632, 82 Stat. 1336. And see Constitutional Rights of Military Personnel, Summary—Report of Hearings, S. Res. No. 58, 88th Cong. 1st Sess., 1963.

⁷ The record of historical concern over the scope of court-martial jurisdiction is extensively reviewed in Mr. Justice Black's opinion for a plurality of the Court in *Reid v. Covert*, 354 U.S. 1, 23-30 (1957). See also, Duke & Vogel, The Constitution and the Standing Army: Another Problem of Court-Martial Jurisdiction, 13 Vand. L. Rev. 435, 441-449 (1960); F. B. Wiener, Civilians Under Military Justice (1967) (hereinafter cited as Wiener).

⁸ See *Reid v. Covert*, 354 U.S. 1, 23-26.

⁹ See Wiener, c. 1.

¹⁰ The Mutiny Act of 1720, 7 Geo. I c. 6, provided that a soldier could be court-martialed for "any Capital Crime or . . . any Violence or Offense against the Person, Estate or Property of any of the Subjects of this Kingdom, which is punishable by the known Laws of the Land" unless the civil authorities within eight days of the offense demanded that the accused soldier be turned over to them for trial. In November 1720, the law officers of the Army relied on this new provision of the Mutiny Act to give an opinion that it was proper to try a soldier in Scotland—where ordinary civil courts were functioning—by court-martial for an offense which would have been murder if prosecuted in the civil courts. See Wiener, 245-246. The very next year—perhaps in response to that ruling, Wiener, at 14—the provision was eliminated and did not reappear. The 1721 Act and its successors provided for military trial of common law crimes only where ordinary civil courts were unavailable. See Prichard, The Army Act and Murder Abroad (1954), Camb. L. J. 232; Wiener, 14, 24-28.

¹¹ Failure to produce a soldier for civil trial was a military offense by the officer concerned. E.g., British Articles of War of 1765, § 11, Art. 1, reprinted in Winthrop, Military Law and Precedents 1448, 1456 (1895, reprinted 1920). Hereinafter cited as Winthrop.

¹² See *Reid v. Covert*, 354 U.S. 1, 27-28 and n. 49.

¹³ In its brief the Government lists a large number of courts-martial in the very early days of the Nation which it claims indicate that military trial for civil offenses was common in that period. The facts of the cases, as reflected in the brief summaries which are available to us, suggest no such conclusion. In almost every case summarized, it appears that some special military interest existed. Many are peculiarly military crimes—desertions, assaults on and thefts from other soldiers, stealing government property. While

those acts might also be felonies, by the time of the Revolutionary War offenses such as this long had been defined as distinctively military crimes in the Mutiny Acts. Many of the remainder are identifiably prosecutions for abusing military position by plundering the civil population or abusing its women while on duty. Many of the other cases in which the offense is stealing or assault on an individual were perhaps of this sort also, especially where the victim is referred to as "inhabitant." Most of the rest simply recite the offender and the offense and give no basis for judging the relationship of the offense to military discipline. Those few which do appear to involve civilian crimes in clearly civilian settings appear also to have been committed by officers. In the 18th century at least the "honor" of an officer was thought to give a specific military connection to a crime otherwise without military significance. Moreover, all those courts-martial held between 1773 and 1783 were for the trial of acts committed in wartime and, given the pattern of fighting in those days, in the immediate theater of operations.

¹⁴ 1776 Articles of War, § 10, Art. 1, reprinted in Winthrop, at *1494.

¹⁵ Compare *Ex parte Mason*, 105 U.S. 696, 698 (1882), in which the Court, sustaining a court-martial conviction, under the general article, of a military guard who killed a prisoner, said, "shooting with intent to kill is a civil crime, but shooting by a soldier of the army standing guard over a prison with intent to kill a prisoner confined therein is not only a crime against society, but an atrocious breach of military discipline."

¹⁶ Larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with intent to kill, wounding by shooting or stabbing with an intent to commit murder, rape, or assault and battery with an intent to commit rape. Rev. Stat. § 1342, Art. 58 (1873-1874).

¹⁷ It has been suggested, at various times, that the phrase "when in actual service in time of war or public danger" should be read to require a grand jury indictment is required in all cases "arising in the land or naval forces or in the Militia," except when the defendant is "in service in time of War or public danger." It was decided at a very early date, however, that the above clause modifies only "Militia." Thus, the generally accepted rule is that indictment by grand jury is never necessary "in cases arising in the land or naval forces" but is necessary for members of the militia, except when they have been "called into the actual Service of the United States [Art. II, § 2, U.S. Const.] to execute the Laws of the Union, suppress Insurrections and repel Invasions." Art. I, § 8, U.S. Const.

¹⁸ The limitation as to 'actual service in time of war or public danger' relates only to the militia." *Ex parte Mason*, 105 U.S. 696, 701. See also *Smith v. Whitney*, 116 U.S. 167, 186; *Kurtz v. Moffett*, 115 U.S. 487, 500; *Dynes v. Hoover*, 20 How. 65.

¹⁹ *Johnson v. Sayre*, 158 U.S. 109, was a case in which a Navy paymaster sought habeas corpus from his court-martial conviction for embezzlement in time of peace by arguing that he was entitled to indictment by grand jury.

²⁰ The decision below is based upon the construction that the words 'when in actual service in time of war or public danger' refer, not merely to the last antecedent, 'or in the militia,' but also to the previous clause, 'in the land or naval forces.' That construction is grammatically possible. But it is opposed to the evident meaning of the provision, taken by itself, and still more so, when it is considered together with the other provisions of the Constitution." *Id.*, at 114. And see *Thompson v. Willingham*, 217 F. Supp. 901 (D. C. M. D. Pa. 1962), aff'd, 318 F. 2d 657 (C. A. 3d Cir. 1963).

²¹ Winthrop in commenting on the phrase "to the prejudice of good order and military discipline" in a predecessor article to Article 34 said: ". . . A crime, therefore, to be cognizable by a court-martial under this Article, must have been committed under such circumstances as to have directly offended against the government and discipline of the military state. Thus such crimes as theft from or robbery of an officer, soldier, post trader, or camp-follower; forgery of the name of an officer, and manslaughter, assault with intent to kill, mayhem, or battery, committed upon a military person; inasmuch as they directly affect military relations and prejudice military discipline, may properly be—as they frequently have been—the subject of charges under the present Article. On the other hand, where such crimes are committed upon or against civilians, and not at or near a military camp or post, or in breach or violation of a military duty or order, they are not in general to be regarded as within the description of the Article, but are to be treated as civil rather than military offenses." Pp. *1124-1125.

[No. 646.—OCTOBER TERM, 1968, Supreme Court of the United States]

JAMES F. O'CALLAHAN, PETITIONER, v. J. J. PARKER, WARDEN

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[June 2, 1969.]

MR. JUSTICE HARLAN, whom MR. JUSTICE STEWART and MR. JUSTICE WHITE join, dissenting.

I consider that the terms of the Constitution and the precedents in this Court point clearly to sustaining court-martial jurisdiction in this instance. The Court's largely one-sided discussion of the competing individual and governmental interests at stake, and its reliance upon what are at best wholly inconclusive historical data, fall far short of supporting the contrary conclusion which the majority has reached. In sum, I think that the Court has grasped for itself the making of a determination which the Constitution has placed in the hands of the Congress, and that in so doing the Court has thrown the law in this realm into a demoralizing state of uncertainty. I must dissent.

I

My starting point is the language of Art. I, § 8, cl. 14 of the Constitution, which empowers the Congress "to make rules for the Government and Regulation of the land and naval Forces," and the Fifth Amendment's correlative exception for "cases arising in the land or naval forces."

Writing for a plurality of the Court in *Reid v. Covert*, 354 U.S. 1 (1957), Mr. Justice BLACK explained that if the "language of Clause 14 is given its natural meaning . . . the term 'land and naval Forces' refers to persons who are members of the armed services . . ." *id.*, at 19-20, and that accordingly the Fifth Amendment's exception encompasses persons "in the armed services." *Id.*, at 22-23. In *Kinsella v. Singleton*, 361 U.S. 234 (1960), again looking to the constitutional language, the Court noted that "military jurisdiction has always been based on the 'status' of the accused, rather than on the nature of the offense," *id.*, at 243; that is, whether the accused "is a person who can be regarded as falling within the term 'land and naval Forces.'" *Id.*, at 240-241.

In these cases and many others, *Ex parte Milligan*, 4 Wall. 2, 123 (1866); *Coleman v. Tennessee*, 97 U.S. 509 (1879); *Smith v. Whitney*, 116 U.S. 167, 184-185 (1886); *Johnson v. Sayre*, 158 U.S. 109, 114 (1895); *Grafton v. United States*, 206 U.S. 333, 348 (1907), this Court has consistently asserted that military "status" is a necessary and sufficient condition for the exercise of court-martial jurisdiction. The Court has never previously

questioned what the language of Clause 14 would seem to make plain—that, given the requisite military status, it is for Congress and not the Judiciary to determine the appropriate subject-matter jurisdiction of courts-martial. See *Coleman v. Tennessee*, *supra*, at 514.

English constitutional history provides scant support for the Court's novel interpretation of Clause 14, and the pertinent American history proves, if anything, quite the contrary.

The English history on which the majority relies reveals a long-standing and multifaceted struggle for power between the military and the Crown on the one hand, and Parliament on the other, which focused, *inter alia*, on the King's asserted independent prerogative to try soldiers by court-martial in time of peace. See generally, J. R. Turner, *English Constitutional Conflicts of the Seventeenth Century* (1961). The martial law of the time was, moreover, arbitrary, and alien to established legal principles. See I Blackstone's Commentaries; 413; Hale, *History and Analysis of the Common Law in England* 42 (6th ed. 1820). Thus, when, with the Glorious Revolution of 1688, Parliament gained exclusive authority to create peacetime court-martial jurisdiction, it exercised that authority sparingly: the early Mutiny Acts permitted trial by court-martial only for the crimes of mutiny, sedition, and desertion. *E.g.*, Mutiny Act of 1688, 1 W. & M., c. 4.

Parliament subsequently expanded the military's peacetime jurisdiction both abroad and at home. See Mutiny Act of 1712, 12 Anne, c. 13; Mutiny Act of 1803, 32 Geo. 3, c. 20. And significantly, § 46 of the Mutiny Act of 1720, 7 Geo. 1, c. 6, authorized trial by court-martial for offenses of a nonmilitary nature, if the injured civilian made no request that the accused be tried in the civil courts. See F. Wiener, *Civilians Under Military Justice* 13-14, 245-246 (1967).¹

The burden of English history was not lost on the Framers of our Constitution, who doubtless feared the Executive's assertion of an independent military authority unchecked by the people acting through the Legislature. Article 9, § 4, of the Articles of Confederation—from which Art. I, § 8, cl. 14, of the Constitution was taken²—was responsive to this apprehension:

"The United States in Congress assembled shall . . . have the sole and exclusive right and power of . . . making rules for the government and regulation of the land and naval forces, and directing their operations." (Emphasis added.)

But nothing in the debates over our Constitution indicates that the Congress was forever to be limited to the precise scope of court-martial jurisdiction existing in 17th century England. To the contrary, Alexander Hamilton stated that Congress' power to prescribe rules for the government of the armed forces "ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the corresponding extent and variety of the means which may be necessary to satisfy them." The *Federalist*, No. 23. (Emphasis omitted.)

American exercise of court-martial jurisdiction prior to, and contemporaneous with, adoption of the Constitution lends no support to the Court's position. Military records between the end of the War of Independence and the beginning of the War of 1812 show frequent instances of trials by court-martial, east of the frontier, for offenses against civilians and the civil laws, such as theft, assault, and killing livestock.³ Military authority to try soldiers for such offenses derived initially from the "general article" of war, first enacted by the Continental Congress in 1775,⁴ and incorporated today in Art. 134, 10 U.S.C. § 934. Winthrop's *Military Law*

and *Precedents* (2d ed. 1895), the leading 19th century treatise on military law, recognized that the general article encompassed crimes "committed upon or against civilians . . . at or near a military camp or post," *id.*, at 724 (1920 reprint) (emphasis added) and noted that even this limiting principle was not strictly observed. *Id.*, at 725, 730-732. And in *Grafton v. United States*, 206 U.S. 333, 348 (1907), the Court held, with respect to the general article, that:

"The crimes referred to in that article manifestly embrace those not capital, committed by officers or soldiers in violation of public law as enforced by the civil power. No crimes committed by officers or soldiers of the Army are excepted by the . . . article from the jurisdiction thus conferred upon courts-martial except those that are capital in nature. . . . [T]he jurisdiction of general courts-martial [is] . . . concurrent with that of the civil courts."⁵

Even if the practice of early American courts-martial had been otherwise, this would hardly lead to the conclusion that Congress lacked power to authorize military trials under the present circumstances. It cannot be seriously argued as a general matter that the constitutional limits of congressional power are coterminous with the extent of its exercise in the late 18th and early 19th centuries.⁶ And however restrictively the power to define court-martial jurisdiction may be construed, it would be patently wrong so to limit that power. The disciplinary requirements of today's armed force of over 3,000,000 men⁷ are manifestly different from those of the 718-man army⁸ in existence in 1789. Cf. The *Federalist*, No. 23, quoted, *supra*, at 4. By the same token, given an otherwise valid exercise of the Article I power, I can perceive no basis for judicial curtailment of court-martial jurisdiction as Congress has enacted it.

III

In the light of the language and history of Art. I, § 8, cl. 14 of the Constitution, and this Court's hitherto consistent interpretation of this provision, I do not believe that the resolution of the controversy before us calls for any balancing of interests. But if one does engage in a balancing process, one cannot fairly hope to come up with a meaningful answer unless the interests on both sides are fully explored. The Court does not do this. Rather, it chooses to ignore strong and legitimate governmental interests which support the exercise of court-martial jurisdiction even over "nonmilitary" crimes.

The United States has a vital interest in creating and maintaining an armed force of honest, upright, and well-disciplined persons, and in preserving the reputation, morale, and integrity of the military services. Furthermore, because its personnel must, perforce, live and work in close proximity with one another, the military has an obligation to protect each of its members from the misconduct of fellow servicemen.⁹ The commission of offenses against the civil order manifests qualities of attitude and character equally destructive of military order and safety. The soldier who acts the part of Mr. Hyde while on leave is, at best, a precarious Dr. Jekyll when back on duty. Thus, as General George Washington recognized:

"All improper treatment of an inhabitant by any officer or soldier being destructive of good order and discipline as well as subversive of the rights of society is a much a breach of military, as civil law and as punishable by the one as the other." 14 Writings of Washington 140-141 (1936 ed.).

A soldier's misconduct directed against civilians, moreover, brings discredit upon the service of which he is a member:

"Under every system of military law for the government of either land or naval forces, the jurisdiction of courts-martial extends to the trial and punishment of acts of military or naval officers which tend to bring

disgrace and reproach upon the service of which they are members, whether those acts are done in the performance of military duties, or in a civil position . . ." *Smith v. Whitney*, 116 U.S. 167, 183-184 (1886).

The Government, thus, has a proper concern in keeping its own house in order, by deterring members of the armed forces from engaging in criminal misconduct on or off the base, and by rehabilitating offenders to return them to useful military service.¹⁰

The exercise of military jurisdiction is also responsive to other practical needs of the armed forces. A soldier detained by the civil authorities pending trial, or subsequently imprisoned, is to that extent rendered useless to the service. Even if he is released on bail or recognizance, or ultimately placed on probation, the civil authorities may require him to remain within the jurisdiction, thus making him unavailable for transfer with the rest of his unit or as the service otherwise requires.

In contrast, a person awaiting trial by court-martial may simply be restricted to limits, and may "participate in all military duties and activities of his organization while under the restriction." Manual for Courts-Martial, United States (1969), ¶ 20b. The trial need not be held in the jurisdiction where the offense was committed. *Id.*, ¶ 8. See, *e.g.*, *United States v. Vorhees*, 4 U.S. C. M. A. 509, 515, 16 C. M. R. 83 (1954); cf. *United States v. Gravitt*, 5 U.S. C. M. A. 249, 17 C. M. R. 249, 256 (1954). And punishments—such as forfeiture of pay, restriction to limits, and hard labor without confinement—may be imposed, which do not keep the convicted serviceman from performing his military duties. See Manual for Courts-Martial, *supra*, ¶¶ 126 g, h, k.

IV

The Court does not explain the scope of the "service-connected" crimes as to which court-martial jurisdiction is appropriate, but it appears that jurisdiction may extend to "nonmilitary" offenses in appropriate circumstances. Thus, the Court intimates that it is relevant to the jurisdictional issue in this case that petitioner was wearing civilian clothes rather than a uniform when he committed the crimes. *Ante*, at 1. And it also implies that plundering, abusing, and stealing from, civilians may sometimes constitute a punishable abuse of military position, *ante*, at n. 14, and that officers may be court-martialed for purely civilian crimes, because "[i]n the 18th century, the 'honor' of an officer was thought to give a specific military connection to a crime otherwise without military significance." *Ibid.* But if these are illustrative cases, the Court suggests no general standard for determining when the exercise of court-martial jurisdiction is permissible.

Whatever role an *ad hoc* judicial approach may have in some areas of the law, the Congress and the military are at least entitled to know with some certainty the allowable scope of court-martial jurisdiction. Otherwise, the infinite permutations of possibly relevant factors are bound to create confusion and proliferate litigation over the jurisdictional issue in each instance. Absolutely nothing in the language, history, or logic of the Constitution justifies this uneasy state of affairs which the Court has today created.

I would affirm the judgment of the Court of Appeals.

FOOTNOTES

¹ This proviso was dropped in the Mutiny Act of 1721, 8 Geo. 1, c. 3, and court-martial jurisdiction over such offenses was thereafter limited by the articles of war to, *inter alia*, "Place[s] beyond the Seas . . . where there is no form of Our Civil Judicature in Force." F. Wiener, *Civilians Under Military Justice* 14 (1967).

² See 2 M. Farrand, *The Records of the Federal Convention of 1787*, 330 (1911); 5 J. Elliott, *Debates in the Several State Con-*

ventions on the Adoption of the Federal Constitution as Recommended by the General Convention in Philadelphia in 1787, 443 (1836).

⁸For example: The general orders of George Washington report the trial of soldiers for "killing a Cow . . . stealing Fowls . . . and stealing eleven Geese . . ." 26 Writings of George Washington (1938 ed.) (H. Q., Newburgh, January 28, 1783), and "for stealing a number of Shirts and blankets out the public store at Newburgh . . ." *Id.*, at 322 (H. Q. Newburgh, April 15, 1783). The Order Books of the Corps of Artillerists and Engineers report the court-martial of Sergeant Harris for "beating a Mr. Williams an inhabitant living near this garrison." Book 1, pp. 157, 158 (West Point, October 5, 1795), and of Private Kelly for "abusing and using violence on Mrs. Crunkhyte, a citizen of the United States." Book 3, pp. 45, 46 (West Point, July 5, 1796). Numerous other instances of military punishment for non-military crimes during the period 1775-1815 are summarized in the appendix to the Brief for the United States, pp. 35-52.

⁹"All crimes, not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offense, and punished at their discretion." In Winthrop, *Military Law and Precedents* 957 (2d. ed. 1895, 1920 reprint).

¹⁰In 1916, Congress for the first time explicitly authorized peacetime court-martial jurisdiction for specific noncapital offenses. Article 93, Articles of War, 39 Stat. 650. It also revised the general article, renumbered Article 96, to read:

"Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court."

Testifying before the Senate Subcommittee on Military Affairs, Brigadier General Crowder, the Judge Advocate General of the Army, explained the revision (compare n. 4, *supra*):

"You will notice some transposition of language. The phrase 'to the prejudice of good order and military discipline' is put in such a way that it qualifies only 'all disorders and neglects.' As the law stands today it was often contended that this phrase qualifies also 'all crimes not capital.' There was some argument about whether it would reach back through that clause, 'all disorders and neglects' to the clause 'all crimes not capital' and qualify the latter clause. . . . [B]ut Justice Harlan, in the decision in the Grafton case, seems to have set the matter at rest, and I am proposing legislation along the lines of Justice Harlan's decision." Hearings before the Senate Subcommittee on Military Affairs, an Appendix to S. Rep. No. 130, 64th Cong., 1st Sess., 25, 91.

The Act of March 3, 1863, c. 75, § 30, 12 Stat. 731, 736, authorized punishment for specific nonmilitary crimes, including capital ones, in time of war, insurrection, or rebellion. Article 92 of the 1916 Articles of War, 39 Stat. 650, made murder and rape punishable by death, but provided that "no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace." This proviso was deleted in the Uniform Code of Military Justice, Articles 118, 120, 10 U.S.C. §§ 918, 920, so that today there is no jurisdictional distinction between capital and noncapital offenses.

¹¹On such a theory, for example, Congress could not have permissibly waited, as it did, until 1875, see Act of March 3, 1875, § 1, 18 Stat. 470, to confer general federal question jurisdiction on the district courts; the present-day exercise of this jurisdiction, see 28 U.S.C. § 1331, would be unconstitutional.

¹²Statistical Abstract of The United States 257 (1968).

¹³Weigley, *History of the United States Army* 566 (1967).

¹⁴Congress may also assume the responsibility of protecting civilians from harms perpetrated by members of the armed forces. For the military is often responsible for bringing to a locality thousands of its personnel—whose number may be as great as, and sometimes exceed, the neighboring population—thereby imposing on the local law-enforcement agencies a burden which they may be unable to carry.

¹⁵Thus, at petitioner's presentence hearing Captain Powell testified that "through proper rehabilitation, O'Callahan can make a good soldier," Record Transcript, p. 61, and Major Turner testified: "He has given a superior performance, as far as I know. . . . He has gone through school and the Army does have a lot of money wrapped up in this man. . . . I think at this time, here that a rehabilitation program is in order." *Id.*, p. 64.

¹⁶It is, to say the least, strange that as a constitutional matter the military is without authority to discipline an enlisted man for an offense that it may punish if committed by an officer.

THE BRAVE NEVER DIE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROGERS of Florida. Mr. Speaker, the veterans of the Spanish-American War met recently in Miami to observe Memorial Day and had as their guest speaker Mr. Manuel J. Reyes, the Latin American news director of television station WTJV.

During his speech, Mr. Reyes pointed out the similarity between the state of Cuba in 1898 and today. The obvious conclusion is that the people of Cuba are today, as they were then, in bondage to a foreign government.

As a refugee from Cuba, Mr. Reyes knows full well the sad conditions of his fellow Cubans and the hardships they now suffer under Fidel Castro.

Under unanimous consent I submit the comments Mr. Reyes made to the Spanish-American War Veterans on Memorial Day as I feel they have great meaning for all of us.

The comments follow:

THE BRAVE NEVER DIE!

This is why, death will never defeat the Veterans of the Spanish-American War! Those gallant men who in the year 1898, in the prime of their youth, renounced to all of life's wealth and as volunteers, (the first volunteers of the United States' Army) went overseas to defend freedom.

Strong men who, with their fighting, placed the United States in a category of first world power and as a country of hope for the poor and the oppressed. Like I have done year after year, since I came into exile I am here with you again, on this Memorial Day, to honor those who fell in 1898, fighting for the freedom and dignity of the human being.

Cuba was one of the countries where you and your fellow-soldiers went on that noble task. This is why, today, as a Cuban that I am and will be until the day I die, even if I die at the last corner of the world, but as a Cuban, I want to unite my prayers to yours, with the greatest respect and admiration, as true brothers. I want to unite my prayers to yours on behalf of a country and a people who were not born to be slaves, on behalf of the Cuban people in the martyred island and in exile. Because, if my people were not silenced by terror and tyranny imposed over them, I know that if my people could talk, they would be here today, praying for those who fell at San Juan Hill in Oriente Province, so that Cuba could be free. And it is because our brotherhood is sealed with the blood of those who, on your part or ours, joined in a common fighting action to free Cuba.

There was no other alternative at that time. And today, faced with a similar situation, which has already prolonged itself for over ten years, the alternatives have disappeared little by little. There is but one way left for the noble Cuban people in their fight to overthrow the tyranny: A way which you, united to the Cuban Freedom Fighters, bravely took in 1898. A way thru which there is no return and leads to a Spartan climax: Freedom or ashes.

You helped to free Cuba during the past century. But today Cuba is living the worst tyranny of all its history. The tragedy of the Cuban people is so great; the suffering of the Cuban mothers is so great; the despair of its best men is so great. . . . and at the same time, the courage of that same people is so great, that the only way left is freedom, or let Cuba as a whole be burnt to ashes thru the will of its people. So that from the ashes of Communism, a new Cuba, free, sovereign, independent and democratic, will arise. And today, by joining my prayers to yours, two people who were born to be brothers, by praying to God for the eternal rest of those who gave their lives in the Philippines. In Puerto Rico and in Cuba; let's tell them that their sacrifice was not in vain. Let's tell them to rest peacefully in their graves . . . because their heirs, making their glorious history come alive again, have joined to proclaim at this cemetery, before their graves, a cry that will be heard in Cuba, a cry which will shake the island from one end to the other; a cry which will raise the people against the tyrant: Freedom or ashes!

FRAUD IN THE GHETTO

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROSENTHAL. Mr. Speaker, despite the growing attention of Congress and the public to the consumer interest, blatant consumer abuses remain entrenched in our society—particularly to the detriment of ghetto dwellers. Installment credit is a persistent hazard for low-income individuals. The credit available to low-income families is sometimes erroneously called "easy credit." In truth it is very costly. An article, written by Craig Karpel, entitled "Ghetto Fraud on the Installment Plan," appearing in the May 26 issue of New York, graphically shows how, as Sociologist David Caplovitz claimed, "the poor pay more."

My own conclusion is that we must increase the credit available to low-income

families by developing credit sources that would free these individuals from dependence on unscrupulous merchants who offer so-called "easy credit."

The article follows:

GHETTO FRAUD ON THE INSTALLMENT PLAN
(By Craig Karpel)

Warren, a grown man who lives with his mother, walked into the Harlem Consumer Education Council's basement office a few months ago. Director Florence Rice gave him a leaky ball-point pen and he wrote:

"Bought TV from door to door salesman—Philco 19" lot of trouble with T.V. back cracked notify company to come have fix. Company claimed misplace T.V. sent repossessed T.V. 1949 had to stick in hanger to get reception—two weeks after that broke down. Called to fix that removed T.V. still pay bill by garnishment—left job on account of garnishment which effect my marital relation as the garnishee took away from our expenditures food clothing and rent. Which for which my wife was forced to except welfare and I left to establish myself again T.V. paid \$500 never received T.V."

Louis-Ferdinand Céline coined the conceit that life was nothing but death on the installment plan. For poor people in New York City, this comes close to being literally true.

Six years ago sociologist David Caplovitz of Columbia's Bureau of Applied Social Research published a book called *The Poor Pay More*. The book is a landmark in the literature of consumer problems, right out there with *The Jungle* and *Unsafe at Any Speed*. As a result, Caplovitz has become witness-in-residence at a host of committees and subcommittees where he talks about the lack of "scope" which keeps poor people from leaving their neighborhoods in search of better prices and terms, about the "deviant sub-economy" which springs up like weeds through the cracks in the cement of tenement courtyards, where nothing flourishes that isn't rank.

The Great White Way of the deviant sub-economy is the L-shaped strip of 54 furniture and appliance stores running from 116th Street and Third Avenue to 125th Street and Lexington. The strip is the home of literal *shlock*. Not figurative *shlock*, as in "that agency has nothing but *shlock* accounts." Literal *shlock*: doll furniture, one good long cut below "borax." "Borax" is junk, but it's better-quality junk. Birch? maple? dowels? glue? fabrics? veneers? Forget it—*shlock* is made of gumwood and flakeboard, knocked together with a few screws, upholstered in plastic "brocade" and varnished like a cheap coffin. The prices, however, are strictly W. & J. Sloane. *Shlock* stores do not talk about percentages of markup, like 50 per cent markup or 75 per cent markup—they talk about how many "numbers" they jack the price up over wholesale, and a "number" is 100 per cent. All *shlock* is marked up at least one number, and on a credit sale the markup can be three or four numbers.

So why buy *shlock*? Because the *shlock* emporia will give terms: "Easy credit." "Easy credit" means that as long as you are working and have wages that can be attached in the likely event that you miss one payment you're okay. "Easy credit" means that if, as Shyleur Barrack, head of the Harlem civil branch of the Legal Aid Society once did, you go into a store and give a reference who says you now have two garnishees against your salary, the salesman will come back from the phone smiling and try to hustle you into \$1,114.80 worth of furniture and appliances. "Easy credit" means that there is a store on 125th Street called Future Furniture that has to have a sign in its window: "We Accept Cash."

But all the places on the strip offer "easy credit," and a store can't generate much traffic by telling poor people it's going to take them to the cleaners, so it runs an ad in the

Daily News in which two credit managers (black and white, take your pick) offer:

Economy apartment, \$198: sleeper, matching chair, 2 walnut finish step-tables plus decor, lamps, walnut finish bachelor chest, matching mirror, full size bed, with 1 pc. Firestone comb. mattress, 16 pcs. dishware, 16 pcs. cutlery, 3 towels, 11 pc. salad set, 29 table access.

But once they've spent the money to get you into the store, they can't let you out with only a miserable \$198 worth of *shlock*. That is only the bait end of bait-and-switch advertising. By the time the customer leaves, he should have put his Juan Hancock on the dotted line for at least \$1,000. To cause this takes more than just an old-fashioned bait-and-switch. It requires nothing less than the balletic extravaganza of salesmanship known to the trade as the "turnover" or "tossover," code name "T.O." The salesman starts by showing the customer a pile of junk for \$198. One store keeps its bait furniture piled in a dark corner, lit by a naked lightbulb. It is painted battleship gray, every stick of it, down to what used to be the chrome legs on the dinette table. If you wanted to give a salesman a heart attack, all you'd have to do is say, "Okay, I'll take it." "You don't want this stuff," he says. "It'll fall apart in a couple of months. Besides, a person like you can afford something better. Let me show you something a little bit better." The salesman then takes the stiff upstairs in an elevator, but not before shaking him down for a \$50 deposit for the privilege of "seeing the warehouse." The elevator gets "stuck" after the first trip up and doesn't get unstuck until the stiff has been signed up for a bill of goods. The idea of the T.O. is to show the stiff successively more expensive suites of furniture without letting him get discouraged about the price.

When he begins to look green around the gills the first time around, the salesman turns him over to another salesman who is introduced as the "assistant manager." The A.M. immediately "sandbags"—knocks 50 per cent off—whatever the first salesman quoted. The stiff is so taken aback that he lets the A.M. build him up again. Just before he begins to feel weak again, the A.M. turns him over to the "manager," who slashes the A.M.'s prices "as a special favor for you." The manager will try to build him up to, say, \$800 or \$1,000. If the stiff says he "wants to think about it" and tries to leave, he finds that the elevator is on the fritz. The "owner" now appears, knocks off a hundred bucks or two, and this usually convinces the stiff to sign. At which point the elevator suddenly clicks into action.

Now the fraud starts in earnest. When the furniture arrives, it's almost invariably damaged—delivery men routinely saw off legs on couches to get them in elevators and fit them back together with a special double-ended screw. The furniture turns out to be a junkier variety of *shlock* than what was ordered. The colors bear no relation to what was displayed in the "warehouse." The stereo doesn't work. The television looks used. Two chairs are missing. You were supposed to get a 9-by-12 rug with your order; the "rug" turns out to be a piece of linoleum. When the payment book arrives, the installments listed add up to much more than the amount that was agreed on.

Try to do something about it.

Say, for example, that the glass coffee table is cracked. You bring it back and the salesman tells you he'll be happy to give you your money back. He shows you that the contract simply says "three rooms furniture" for \$943.17. It doesn't list the price of the table separately, and now he tells you the price was a dollar. "Would you like your dollar back?" he asks slyly. Or tell him the dinette table keeps collapsing and he says he'll send a man up, but nobody comes. Or say you want to send everything back because it isn't anything like what you ordered.

If you're very lucky the salesman agrees and the store picks up your furniture, but when you go back to pick up your \$50 deposit, he says the store is keeping it as a "service charge." And you let him bulldoze you because you don't know what else to do.

Some stores rise to printworthy extremes of doublethink when it comes to not returning deposits. Dorothy Mason, a counselor with the MEND consumer education project in East Harlem, tells about a guy who came to her recently because he couldn't get his deposit back:

"He had put down \$150 at Eldorado Furniture and Appliances on Third Avenue. A salesman had convinced him to buy a washing machine and a 19-inch portable television for only \$649. Two things happened to bring him to my office. First, the washing machine was delivered with a broken timer. He could not get any satisfaction from the store. Second, he found out that he could buy the same washer for \$199 instead of the \$299 he had paid.

"I went over to Eldorado with this man to discuss the matter with Samuelson, the boss. Samuelson said, 'Your man could have had it for \$199 cash.' 'Then why did you ask \$299?' I asked him. 'Because the man is a bad risk,' he said. 'How bad a risk could he be,' I asked, 'if you've got 150 of his dollars?' Well, I thought of him charging this man on welfare \$649 for merchandise on credit that he could have purchased for \$360 with cash, and I smiled, because this was almost a daily experience on Third Avenue with complaints of poor consumers. Samuelson became very upset and threw me out for smiling."

"You wouldn't believe some of these places," says Steve Press, whose New York Institute for Consumer Education is setting up a cooperative furniture store in East Harlem. "They'll stamp No Deposit Returned on the contract. That would never stand up in court, but poor people are impressed and don't even bother asking for their money back."

There is a certain type of used-car dealer in New York that is especially anxious to deal with poor people. Tune in to WWRL:

Friends, have you tried to buy a car lately? Have you been turned down? Well, call Headquarters at 538-4300. . . . You have a garnishee or a judgment against you, and no one will let you forget them? Well, call Headquarters at 538-4300. . . . Your desire to pay plus a small down payment is all you need."

"Used-car dealers really do a job on poor people," says former Commissioner of Consumer Affairs Gerard M. Weisberg, recently appointed a Criminal Court judge. "Some of those lots out on Bruckner Boulevard and Queens Boulevard—they don't deliver the car that was agreed on, they inflate prices to a point you wouldn't believe, they charge a fortune for so-called 'credit investigations.' And they refuse to refund deposits if the customer's credit doesn't check out, though they lure him out there with promises that nobody's refused. Recently we revoked the license of Motorama Wholesalers on Queens Boulevard. Motorama was taking people's money and refusing to deliver the cars. The deposits ranged up to \$580.

"The Department is constantly going over these dealers' books, but it's tough to police them. You put one corporation out of business, the next thing you know there's another corporation employing the same salesman, using the same shady tactics on the same lot."

The Consumer Fraud Unit set up by US Attorney Robert Morgenthau under the direction of Richard A. Givens has been looking into the used-car market.

"Our investigations have disclosed a pattern of sales of certain used cars at many times their original cost," explains Givens, "followed by a cycle of repossession, repurchase of the car at a low price at auction and further resale at many times that price to new customers, who in turn are frequently sued

by finance agencies and often claim to have received no notice of suit. The inquiry indicated that in certain cases some used-car dealers know in *advance* that there will be a complaint regarding *each and every* automobile sold and that many customers will give up the car and default because they feel it can't be made to work. We're looking into possible violations of federal law by these people."

You don't have to leave the comfort of your home to be bilked. Peddlers making the rounds of slums and projects run the oldest-established permanent floating crap game in town. Encyclopedia salesmen tell welfare mothers they are officials of the Board of Education, that the books they are pushing are required reading for their children. They sell people encyclopedias who already have encyclopedias. They sell \$379.60 worth of books in English to people who only speak Spanish, to people who can't read at all, to people who are destitute. A peddler tells a woman she can have a set of pots and pans in her home for 10 days; if she doesn't like them, she can return them. When the utensils arrive, she signs a receipt for them. She decides to call the company and tell them to take the stuff back because it's junk. Then she realizes she has no idea what the company's name is or where it's located. The "receipt" she signed was actually a retail installment contract for \$83.75. Soon she gets a payment book in the mail with a note saying she'll be sued if she misses one payment.

Richard A. Givens prosecuted a character named Rubin Sterngass recently for running a "chain referral" swindle, a mode of fleecing that is popular in the slums. A salesman would come to the house and offer quartz broilers and color television sets for nothing if the customer would refer acquaintances to Sterngass' company. The customer would sign up for a color TV at a credit price of \$1,400; commissions were supposed to be paid to him for each "successful" referral—\$50 for the first, \$200 for the fourth, \$400 for the eighth and \$1,200 on the twelfth. Givens demonstrated the scheme had its faults by presenting a table of how many new customers would be necessary at each step if the merchandise were to be paid off by referral commissions:

| Step: | New customers necessary |
|-------|-------------------------|
| 1 | 8 |
| 2 | 64 |
| 3 | 512 |
| 4 | 4,096 |
| 5 | 32,768 |
| 6 | 264,144 |
| 7 | 2,113,152 |
| 8 | 16,905,216 |
| 9 | 135,241,728 |
| 10 | 1,071,933,824 |

Givens argued successfully that since every last human being on earth, plus everybody who had ever lived, plus a few generations yet unborn, would have to buy quartz broilers and color TVs on the eleventh go-around for the scheme to work, Sterngass ought to go to jail and think about other ways of doing business for a few years. The judge agreed.

At any given moment there is one super-fraud that sets the tone for all the other ghetto frauds in the city. Until last year the super-fraud was the "family food plan." Ray Narral, head of a legal services office of Mobilization for Youth, describes how the plan worked.

"Mr. and Mrs. Hernandez have two infant children and live in a New York City housing project. A salesman knocked on their door and said he was offering a very good food and freezer program. 'If you join,' he told them, 'you will be able to save a great deal of money feeding your children.' All of the sales literature indicated that for \$12.50 a week, the family would receive a complete order of food—prime meats, fresh vegetables, every-

thing. The freezer, the salesman announced was theirs to store the food in, completely free of charge. The sales pitch was so inviting that the couple signed up immediately. They later discovered that the papers they signed were a retail installment contract for the food in the amount of \$357.00 and a contract for a freezer for \$1,020.76. Payments on the food were \$93.75 a month for four months and 35 installments of \$28.35 for the freezer."

Two years ago, a Nassau County District Court was asked to void one of these freezer contracts. It handed down a decision that, under the "unconscionability" provisions of the Uniform Commercial Code, "the sale of the appliance at the price and terms indicated in this contract is shocking to the conscience." Attorney General Lefkowitz' Bureau of Consumer Frauds and Protection went to court against the "family food plan" operators, seeking orders restraining Serve Best Food Plan, Thrift Pak, and People's Food from "carrying on . . . their business in a persistently fraudulent manner." In 1968, the Bureau curbed the biggest food plan operator of all, Martin Schwartz of Ozone Park, whose five companies were raking in a very neat \$10 million a year.

The current super-fraud is a "sweepstakes" craze that started somewhere in the Southwest and recently arrived in New York. It offers sewing machines and stereos "free" to holders of "winning numbers." Regardless of where in the U.S. the shuck is being operated, the "contest" materials are the same. A chain with seven stores in New York is now being investigated by the city's Department of Consumer Affairs. The swindle starts with this letter:

Here is your opportunity to participate in our "stereo sweepstakes."

It's fun! It's easy! Just remove the gold seal to find your serial number, and compare it with the enclosed list of lucky numbers.

If you have a lucky number, it means extra savings to you!

For example! If you have a number which appears in Group 3 (grand prize) you pay nothing for a beautiful 1969 General Electric Stereo Console.

The number under the seal on this letter is 67487. 67487 is listed on the enclosed list of lucky numbers, not once, but twice, so you won't miss it and be the only person who receives such a letter who doesn't "win." A Consumer Affairs investigator visited one of the stores with this letter. He was shown a G.E. stereo model C121. The salesman explained that the investigator had won this record player worth \$150, but that it couldn't be removed unless he signed an installment contract to buy a record a week for 39 weeks at \$5 each. The investigator called the Dealer Equipment Section of G.E. and found that the C121 carries a list price of \$99.95. The records which must be purchased under the plan are displayed around the store. They are the sort of off-brand, off-band cha-cha albums that one ordinarily finds remaindered for \$1.19.

There is cash-and-carry cheating in poor neighborhoods, but most ghetto fraud hinges on the "easy credit" retail installment contract. It invariably has some features designed to protect the consumer, which seldom work, and others designed to nail him, which always work. Under the law there has to be a "Notice to Buyer." The first point must say: "Do not sign this agreement before you read it or if it contains any blank space." In fact, nobody ever reads one of these agreements. They ordinarily run to about 2,300 words in phrases like "time is of the essence hereof." (The Everything Card chit is a retail installment contract—ever read it?) The space for a description of the merchandise is hardly ever filled in completely at the time of the sale—usually only a few words are written in at the top, like "3 Rooms Furniture" or "one 23" Color TV." What harm in

that? Just a second—point number two is: "You are entitled to a completely filled in copy of this agreement," and right above where you sign, it says: "Buyer acknowledges receipt of an executed copy of this Retail Installment Contract." But the moment your pen leaves the paper the salesman whips the contract away—including your copy—and the next time you see it, if you ever do, it says "Damaged Furniture—Accepted As Is" or "Used Television Set—Customer Will Repair" right in the blank space you were warned against. This is all assuming you read the "Notice to Buyer," of course. One reason you might not have read it is that you only read Spanish. The stores have "muebleria" and "credito" and "se habla español" plastered all over the outside, but there is no such thing as a contract printed in Spanish. The finance company's linguists are apparently too busy composing dunning letters to the *campesinos*.

The fine print on the back socks it to the buyer in terms only a lawyer can savor. The kicker is contained in the following hocus-pocus: "The Buyer agrees not to assert against an assignee a claim or defense arising out of the sale under this contract provided that the assignee acquires this contract in good faith and for value and has no written notice of the facts giving rise to the claim or defense within 10 days after such assignee mails to the Buyer at his address shown above notice of the assignment of this contract." What this means in practice is described by Phillip G. Schrag, attorney in charge of consumer litigation for the NAACP Legal Defense Fund.

"If Greedy Merchant gets Ernest Black to sign such a contract for a 'new color television' and the set turns out to be an old, battered black-and-white instrument, or even if Merchant never delivers any set at all, Merchant can sell Black's contract to Ghetto Finance, Inc., for a lump sum, and Black is out of luck. Ghetto has a right to payment in full from Black, and Black has no right to tell a court that he's been robbed."

The common-law justification for this is that Ghetto Finance supposedly knows nothing about Greedy Merchant's business practices, that it is a "holder in due course" of the installment paper. In practice, finance companies often work hand-in-glove with merchants to soak the poor.

Martin Schwartz' five food freezer companies at 105-32 Cross Bay Boulevard, Ozone Park, were selling their paper to Food Financiers, Inc., Associated Budgeting Corp., and National Budgeting Systems, Inc.—each of 105-32 Cross Bay Boulevard, Ozone Park. Attorney General Lefkowitz' injunction forbids Schwartz' salesmen from stating that Schwartz' finance companies are "unassociated" with Schwartz' freezer companies. Still the finance companies are "holders in due course" of the freezer companies' contracts and are continuing to collect on hundreds of thousands of dollars' worth of paper they "acquired" before the injunction.

Tremont-Webster Furniture Corp. is at 412 East Tremont Avenue in the Bronx. When I visited this *shlock* shop, it was locked. There was a sign on the door that said "Go Next Door." Next door, 410 East Tremont Avenue, behind a more fiduciary storefront than Tremont-Webster's, is Argent Industrial Corp. It turns out that Argent buys Tremont-Webster's paper. No doubt it is a convenience for a holder in due course to have the store about whose affairs it knows nothing right next door. This kind of hanky-panky extends from rinky-dink outfits like Argent right up to the heavyweights. Credit Department Inc. ("That's right, Madam, no finance companies are involved in this transaction—you just sign a contract with the credit department . . .") has the distinction of suing more people in New York County Civil Court than any other finance company. Erase any image you may have of ghetto shlocks covering

behind boarded windows on burned-out, glass-littered streets. Credit Department is located in the heart of Dry Dock Country at 60th Street and Third Avenue. Credit Department does not know anything about the business practices of the operations it finances. Take Associated Home Foods of 41-01 Bell Boulevard, Bayside, which used to sell freezer plans to poor people at prices equal to those which the courts have found to be unconscionable. That's none of Credit Department's business—they bought Associated's paper, are holders in due course and are suing people for not paying. Besides, Credit Department isn't buying freezer contracts any more—they know it's "garbage paper" and they don't want to get their hands dirty. Credit Department lists a few of its clients on its door—not that it knows anything about their operations, you understand—and one of them is Vigilante Protective Systems. Vigilante is in the business of selling burglar alarm systems door-to-door and is located at—you guessed it—41-01 Bell Boulevard, Bayside.

Lately, the holder-in-due-course ploy has come under attack from consumer forces. Three states have outlawed it. A bill to end it, sponsored by Attorney General Lefkowitz, was killed in the legislature in 1968 but will be re-introduced this year. Witnesses at FTC hearings last November called for federal legislation to do away with the principle that allows finance companies to remain aloof from the dirty business practices of the companies whose paper they buy. The New York State Bar Association Committee on Federal Legislation is considering a report that would recommend that holder in due course be abolished. Richard Givens has a mail fraud indictment pending against a finance company and its officers for claiming that it was a holder in due course when in fact it had an interest in the sale of the merchandise.

Coburn Credit Company first made waves in the ghetto a decade ago when it began to carve out a commanding position in the market for furniture-and-appliance installment paper in the New York area. It rapidly gained a reputation among stores as the outfit that was willing to pay top dollar for "garbage" paper—trade cant for inflated installment contracts for purchases of low-grade goods by poor credit risks.

Today the company is listed on the American Stock Exchange as "Coburn Corporation of America." In addition to its \$50 million New York metropolitan area sales finance operation, it now has small loan offices throughout the South, a mortgage operation in Louisiana and a division that runs revolving credit plans for department stores. Coburn has made skillful use of the holder-in-due-course principle to protect itself against possible charges that the merchants it finances engage in fraudulent or unconscionable practices. Under the law, for example, a finance company can't be held liable for fraud in the contract if the customer doesn't complain within 10 days after he receives notice that the contract has been sold. When Coburn buys a contract, it sends three sheets of paper to the customer. One is headed "Certificate of Life Insurance Protection"; another, "American Fidelity Fire Insurance Company Insureds Memorandum of Insurance." These two are of little importance to the consumer. The third sheet, half the size of the others, has no heading. Three-quarters of the way down the page are three sentences. The first of these is 125 words long. It contains an urgent warning that if the consumer does not act quickly, he will forfeit all his rights. The second and third are seven and ten words long respectively. They read, "Enclosed you will find your payment book. Payments are to be made as directed in this book."

Coburn has had brushes with the Bureau of Consumer Frauds, but according to As-

sistant Attorney General Barnett Levy, it has "cooperated" in giving money back to customers who claimed irregularities in the original contract.

I visited Coburn to discuss the sales finance business with President Irving L. Bernstein. His offices are in the Coburn Building, the largest structure in Rockville Centre, Long Island. One walks toward Bernstein's office past no end of teak, brass, marble, quarry tile, bronze, royal purple couches, van der Rohe chairs and recessed lighting.

The finance company's substantial physical presence would come as a shock to its thousands of poor customers, many of whom tend to personalize institutions they never see: "I got a contract with the Coburn Company, and Mr. Coburn won't wait no longer to get paid."

I tried to get Bernstein to talk about the holder-in-due-course provision. How, I asked did Coburn make sure that the outfits whose paper it was buying were on the up-and-up? Bernstein told me that these were technical matters that I, who was "not an expert in finance," would have difficulty understanding. He preferred to tell what a bunch of deadbeats people were who lived in certain neighborhoods. I asked whether fraudulent and deceptive practices on the part of merchants might not make poor people less than willing to pay their debts.

"Listen," said Bernstein, "I have a social conscience about these things. I grew up in one of these neighborhoods—Brownsville. These people are not exactly truthful when they give credit information. And there are entirely too many of them who have no intention of paying. It was different in my day. My mother used to steal deposit bottles rather than miss weekly payments."

I suppose Bernstein saw me wince because he asked, "Do you have a social conscience?" He talked about a social conscience as if it were painful, like an ulcer. Bernstein said we ought to cut the interview short, since an important announcement was forthcoming from Coburn and he would be in a better position to discuss the sales finance business the following week. On the way out I picked up a copy of the Coburn house organ.

"Early in December," it explained, "Coburn initiated its annual 'Adopt Needy Families' program. . . five of the neediest families were selected. To each of the families chosen, Coburn employees in Rockville Centre have contributed specified sums of money to make an otherwise bleak and destitute Christmas into a happy and hopeful one." Gelusl for the social conscience.

The next day Coburn released the news that it would "discontinue its \$50 million retail installment finance business." Coburn had protected its sales finance investment with a dunning staff of 250 who engaged in what are charitably referred to in "easy credit" circles as "hard collection practices"; the staff was being let go, so \$5.1 million in contracts was being written off as "uncollectible. But at the end of the story it turned out that "about \$30 million will be allowed to run off and the borrowers asked to convert their contracts to direct personal loans." "The company will continue to carry about \$20 million in installment receivables, but will buy such contracts only on the condition that they be converted to loans."

In the trade, the procedure of converting sales finance contracts into direct personal loans is called "flipping." It is done by offering to lend the customer more than enough cash to pay off his contract. The trick is that the maximum interest for sales finance is about 18 per cent, while the legal rate for direct cash loans is 36 percent. The other advantage of "flipping" was best expressed by Bernstein when I spoke to him later:

"When you have an installment finance operation, you're going to be concerned with the dealers; this way, you only worry about

the willingness and the ability of the individual to pay."

If holder in due course is abolished in New York, finance companies will be liable for fraud in the original contract. Even now, if there is fraud "on the face of the contract"—if, for example, the interest rate charged is in excess of the legal rate, or the merchandise being purchased is not described—the finance company is liable. But from now on, Coburn will be lending people cash to pay off the original contract, so it won't be liable for anything. If other sales finance companies go Coburn's route, they will have found a way of getting around policing the dealers whose contracts they buy. Until this writing, Coburn didn't know, for example, that at least one link in the chain of stores that the Department of Consumer Affairs is investigating displays a sticker that reads, "Coburn authorized dealer." Now Coburn knows, but with the new policy, it won't have to care.

So whether or not holder in due course bites the dust, the customer is supposed to keep on paying. But what if the couch falls apart in three months, and the store you bought it from has gone out of business and the bills continue to come? What if the color TV explodes and the repairman tells you it was a used set to begin with and the store won't exchange it? You just can't see mailing in that money order \$26.96 every month for the next 34 months? What happens if you just ignore the bills?

Nothing happens until one day, a year or so after you've forgotten about the whole painful affair, your boss asks you to come into his office. He looks annoyed and shows you a paper and says he's supposed to take \$7 out of your paycheck each week and send it to the city marshal and it's a damned lot of paperwork and he'd just as soon fire you if it weren't illegal. Then he hands you the paper and says you better take care of it or he'll find some other reason to get rid of you. So you go to the address on the paper and the marshal tells you to pay him \$10 every week or he'll send the paper back to your boss. You do it because you don't want to lose your job. The furniture, the television, were long since put out on the street as junk, but you have a wife and four children. The only problem is, you only make \$70 a week and you've got to pay the marshal \$10 out of that. The hopeless cycle of consumer abuses goes around and around.

A TRIBUTE TO SENIOR CITIZENS

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MADDEN. Mr. Speaker, we read in the news media daily about the discontent and general agitation of our American youth in our colleges and universities. Sometimes I think that our younger folks should consult and confide with their parents and elders on some of these problems instead of listening to professional agitators. Some of these malcontents are trained in the methods of undermining our Government. They are against most of the principles that our forefathers used to make this the greatest land on the face of the earth where personal freedom may be enjoyed.

In the mail this morning I received a news item from Jack Cohn, formerly of Flanagan, Ill., and now retired, living in Florida, commending an article printed

in the Flanagan Home Times regarding the Good Samaritan Home's essay and poetry contest held by the Flanagan local junior high school. The topic was "A Tribute to Senior Citizens."

I am hereby submitting for the information of my colleagues, the essay written by Paula Zimmerman, a student of the Flanagan Junior High School, which won first prize. Also a poem written by Mary Ewing, which won first prize in the poetry contest. I only wish the students of all the high schools in America could read the thoughts of these two Flanagan youngsters as both of them set out good American dogma for their junior colleagues throughout the Nation.

The following is the news item concerning Senior Citizens Month in the Flanagan, Ill., Home Times:

SENIOR CITIZENS MONTH

May is Senior Citizens Month. In observation of this the Good Samaritan Home recently conducted an essay and poetry contest in our local junior high school. The topic was, "A Tribute to Senior Citizens."

Mary Ewing's poem, and Paula Zimmerman's essay placed first. Mary and Paula will be guests at Sunday dinner at the home in the near future. Kenny Wiechmann's essay and Chuck Roberts' poem received honorable mention.

Twelve other very fine essays and poems were entered in the contests. Mrs. K. C. Zehren, formerly of the high school English department, who judged the entries, said it was difficult to reach a decision. Mrs. Evalyn McDaniels is the language-arts teacher at the junior high school.

TRIBUTE TO SENIOR CITIZENS

(By Paula Zimmerman)

I would like to pay a tribute to senior citizens. Not just the senior citizens of Flanagan, but to all senior citizens. Many people in this very society have forgotten what senior citizens are. Is it the senior citizen fault? No; look what they have done for us. They are the ones who started the towns we live in. If it weren't for these people there might never have been a town named Flanagan. Who do you think built our schools, roads, homes, and many other things? I know it was the senior citizens.

Just think of some of the great senior citizens, and what they have done for you and me. Some of the great senior citizens of our time are: Former Presidents Truman, Johnson and the late President Eisenhower, plus many others.

Someday your mother may ask you to visit your grandparents or another older person. You will probably get angry and say: "Oh, Mom, do I have to?" Then after you have gone you will find out how nice senior citizens really are.

We need to go and visit the senior citizens now that we have the Good Samaritan Home in Flanagan. I would like to thank the senior citizens for what they have done for my country and me.

A TRIBUTE

(By Mary Ewing)

We come to honor the elderly set,
To give them our love we must not forget
It will take time, we must learn to share
A little bit of time and a little care.
Another thing has come to mind,
That you will always seem to find.
With older folks, a smile to them,
Is almost like a sparkling gem.
Senior Citizens should be respected
Instead, though, many are neglected.
Don't you think that we could do
A little more for them and their friends, too?

Senior Citizens built this town.
They even plowed the very first ground.
They built their houses here and there,
And tended them with very great care.
To me Senior Citizens are very great,
Though to some they may seem out of date.
To some people, way down deep in their
hearts,
Our Senior Citizens will never part.

POST OFFICE GENERAL COUNSEL IS BUFFALO AREA NATIVE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, a newcomer to Washington with the new administration is a former resident of my home area of Buffalo, N.Y.

He is David A. Nelson, General Counsel of the Post Office Department, a former resident of East Aurora, suburbs of Buffalo.

Mr. Nelson is a capable attorney, with impressive credentials, who served previously in Government in the Office of the Air Force General Counsel.

He had little breaking in period at the Post Office Department, because there just is not time for it in the scheme of things in Government in the change of administrations.

What is more, he immediately was faced with the major chore of putting into technical legislative language the new administration's ideas on reform of the Post Office Department.

The Department and I are going down parallel streets: We both seek major reform of our postal system. We agree on its urgency, but not on its form. The decision will be made after our current committee hearings.

Mr. Nelson was singled out for an excellent feature story in the Buffalo Courier-Express this past weekend. Following is the text:

[From the Buffalo (N.Y.) Courier-Express, June 8, 1969]

EX-EAST AURORA KEY BLOUNT AIDE

(By Peter C. Andrews)

WASHINGTON.—The man who wrote most of the administration's postal reform bill—which has been called the most important legislative action in the history of the Post Office—is a 36-year-old former resident of East Aurora.

He is David Aldrich Nelson, a soft-spoken lawyer who took over as general counsel of the U.S. Post Office Dept. Feb. 10. He was reared in East Aurora, having lived there from 1941 to 1956.

CALL CAME "OUT OF BLUE"

Prior to coming to Washington he had been with a law firm in Cleveland, Ohio. Last January, he received a call "out of the blue" asking him to go to Alabama to meet Postmaster Gen. Designate Winton M. Blount to be interviewed for his present post. He did not know Blount or President Nixon prior to his accepting the job.

His credentials, however, are impressive. A Phi Beta Kappa graduate of Hamilton College in 1954, he was valedictorian of his class. He then went to Cambridge University in England under a Fulbright Scholarship where he took first class honors.

He also met there Mary Dickson, the girl who became his wife and mother of his three children. She was there on a Fulbright Scholarship too, having taken it after graduating with a degree in mathematics from Vassar in 1954.

She received her Cambridge degree in a subject called econometrics. She is an actuary, in addition to her duties as a wife and mother.

Returning to the United States in 1955, Nelson entered Harvard Law School. He served on the legal bureau, and received his LLB degree cum laude in 1958.

IN AIR FORCE RESERVE

Nelson had a three-year period from 1959 to 1962 in Washington serving as an attorney in the office of the general counsel of the Air Force while he was commissioned a second lieutenant in the Air Force. He is now a captain in the Air Force Ready Reserve.

In 1962 he returned to private law practice in Cleveland, becoming a general partner in his law firm in 1967.

Last week during the testimony of Postmaster Gen. Blount, Nelson was constantly at his side and Blount made frequent use of his service, even having Nelson answer some of the questions from the hearing committee. During the session, several of the committee members, lawyers themselves, complimented Nelson on the fine drafting job he did on the very complicated legislative bill he had prepared. Buffalo's Rep. Thaddeus J. Dulski is chairman of the Postal Committee.

"TOTAL REFORM" HELD NEED

"We are convinced," Nelson said in an interview, "that total reform of the postal service of the United States is essential if the people of this country are to receive, in the years to come, the kind of postal service we think they are entitled to."

"The Post Office is in a real sense a public utility, providing an identified service to identified patrons. The volume of work . . . is constantly growing. Next year we expect to handle something like 84 billion pieces of mail, and in a very short time the volume will be up in excess of 100 billion pieces of mail."

"To do this job effectively and efficiently, we've got to regear and retool the system. We've got to reorganize in a way that will permit the postal employes, a skilled and dedicated group, to perform this increasingly difficult job as well as we know they want to perform it. We have to provide a postal system that gives the postal employes the kind of facilities they ought to have to do this job."

MODERNIZATION PROPOSED

"Our postal plant is not up to snuff. It is not the modern postal plant that the nation really needs. Our legislation is designed to provide a way of modernizing the physical plant which would make it possible for us to take full advantage of the advances of modern technology."

"This wouldn't put anybody out of a job, because the volume is growing at such a rate we will still have to hire additional people."

It has been estimated that without the reforms 300,000 additional workers would have to be hired to handle the mail in the next 10 years. With the reform, this figure can be cut to about 100,000 new employes.

MANY BILLS FILED

The postal reform issue is one of the major pieces of legislation facing the 91st Congress. The details of how this reform will be undertaken and which of the more than 20 bills now under consideration will be enacted, remain to be seen.

What is becoming increasingly obvious, however, is that some measures of reform

will be passed, and that David A. Nelson, the architect of the administration's bill on postal reform, will have a major hand in it.

WHAT IS THE TRUTH ABOUT MARTIN LUTHER KING?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RARICK. Mr. Speaker, Ramsey Clark's denial that he authorized an FBI wiretap on Martin Luther King's phone can only be exceeded in naivete or dishonesty by his panic-button reaction in rejecting the thought that King was a security threat.

In both instances, Clark but bares a deplorable lack of qualifications and competence to fulfill the high office of U.S. Attorney General. If the Attorney General lacked the ability or dedication to duty necessary to run this office, the American people should be thankful that someone apparently knew what was going on and acted in their interest.

J. Edgar Hoover has testified that this wiretap was an internal security measure. Clark is ill-advised to match his credibility against that of J. Edgar Hoover in the eyes of the American people.

Possibly Clark's personal friendship and favoritism toward King has provoked his emotional attempt to disclaim personal involvement of what was going on in his office and about the country.

But there are serious ramifications in Clark's denial. It can be interpreted as a move to label as illegal and force the destruction of damaging FBI files and records on King—his behind the scenes activities—his confidantes and his financiers. If King was not a threat to national security—why then would the FBI for 4 years keep him under surveillance or why should anyone so fear release of these reports?

If it was not King under surveillance—was it a party or parties in contact with him? Parties like Castro—Ho Chi Minh—Soviet agents?

King's associations with both American and foreign Communists was so notorious that even his most rabid apologists no longer try to deny it.

All the more reason that President Nixon must authorize J. Edgar Hoover and the FBI to open their files to the public.

If King was only a religious leader and merely a civil rights activist—what is there to hide from the American people?

I insert a clipping from the June 7 Washington Post and a report from the June 7 Los Angeles Times:

[From the Washington (D.C.) Post, June 7, 1969]

JUSTICE CITES HOOVER ON WIRETAPS

The Justice Department yesterday cited testimony offered four years ago by J. Edgar Hoover to justify its wiretap on the phone of Elijah Muhammad. Hoover said "internal security" was the reason.

It issued a brief statement in response to newsmen's questions arising from the disclosure this week in a Federal court in Houston that the telephone conversations of Muhammad, leader of the Black Muslim sect, the Rev. Dr. Martin Luther King Jr. and Cassius Clay had been tapped.

The testimony was elicited from FBI agents in Clay's attempt to prove in court that his conviction for refusing induction by the draft arose from evidence "tainted" by illegal wiretaps.

The Justice Department statement recalled the testimony of Hoover, FBI director, before a House subcommittee on March 4, 1965. Hoover said:

"In carrying out our investigative responsibilities, we have 44 telephone taps in operations. Their use is highly restricted—that is, only in matters in which the internal security of the country is involved, and in kidnaping and in extortion violations or when human life is in jeopardy. All those now in operation fall in the internal security category."

The Justice Department said, "Mr. Hoover's testimony was accurate in every respect."

[From the Los Angeles (Calif.) Times, June 7, 1969]

DIDN'T OK KING TAP, CLARK SAYS

(By Nicholas C. Chriss)

Former Attorney General Ramsey Clark said yesterday that while he headed the Justice Department, the FBI had no authorization to wiretap or bug the Rev. Dr. Martin Luther King Jr.

In an interview, Clark said: "The implication that people thought Dr. King was a security threat are outrageous."

Clark also denied that he ever had authorized the FBI to bug or wiretap Elijah Muhammad, leader of the Black Muslims.

Clark's statement raises the question of whether the FBI acted without authority in conducting electronic surveillance of the two Negro leaders while Clark was in office. It also suggests that the FBI may have violated the 1965 Executive Order by President Johnson providing that no wire tapping "shall be undertaken or continued without first obtaining the approval of the Attorney General."

The first official acknowledgement that Dr. King and Muhammad had been monitored came last week in Houston during a Federal court hearing on the appeal by former heavyweight champion Cassius Clay of his 1967 draft refusal conviction.

Clay contends that FBI eavesdropping on his conversations with Dr. King and Muhammad tainted his conviction.

Confirmation that Dr. King's home phone was tapped from 1964 until around the time of his assassination, April 4, 1968, came from FBI agent Robert Nichols. Asked if the tap continued until the assassination date, Nichols nodded.

FBI headquarters issued a statement late Friday referring newsmen to Director J. Edgar Hoover's testimony before a House subcommittee on appropriations in the years 1965 through 1968.

Hoover testified then that the taps all were authorized in advance and in writing by the Attorney General then in office. A Justice Department spokesman termed Hoover's testimony "accurate in every respect."

Clark said he required the FBI, over whom he was the nominal superior, to give him every three months a list of individuals under electronic surveillance.

The names of Dr. King and Muhammad never appeared on such a list, he said.

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