

EXTENSIONS OF REMARKS

MOON PRESENTS NEW FRONTIER
FOR TRAVEL, SCIENCE, RESEARCH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Arthur C. Clarke, eminent space authority and writer, provides a most interesting insight into our national space effort in the St. Louis Dispatch on Friday, July 18, 1969. This article, written prior to the lunar landing, discusses not only this significant achievement, but future space effort. Mr. Clarke points out that we are only at the beginning of the technology and capability of space exploration and that the developments based upon the first decade in space will do much to make astronautics such as aviation is today—an area not only for exploration but for utilization. The article follows:

MOON PRESENTS NEW FRONTIER FOR TRAVEL
SCIENCE, RESEARCH

(By Arthur C. Clarke)

NEW YORK, July 18.—For thousands of years the moon has signified many things to mankind: a goddess, a beacon in the night sky, a celestial body, an inspiration to lovers, a danger to beleaguered cities, a symbol of inaccessibility—and finally, a goal.

In only 10 years, this last image has become dominant, but the change has come about with such explosive speed that most of the world has not yet made the necessary emotional and mental adjustments. The stunning impact of the first close-up photographs still seems only yesterday; last Christmas, the crew of Apollo 8 swept over the far side of the moon and sent their greetings back to earth, 240,000 miles distant. Now, even before the wonder of that event has abated, we are preparing to land.

There may be setbacks—perhaps even disasters—in the years ahead; it is unreasonable to suppose that the conquest of a new and strange environment will not exact its toll. But men have never hesitated to pay the price, in blood as well as treasure, of exploration and discovery. Nor will they hesitate now, as they stand, for the second time in a thousand years, on the frontiers of a new world.

Like all human achievements, travel to the moon will pass through three phases: impossible, difficult, easy. The parallel with the development of commercial aviation will be close, though the time scale may be longer because the challenge is so much greater. But it is naive to imagine that lunar flight must always be an enormously expensive operation and that astronauts will always be highly-trained pilots, scientists or engineers.

If you run your automobile for a day, the engine does enough work to take you to the moon; the actual cost of the energy involved for the trip is only about \$10. The fact that the present cost is millions of times greater is the measure of our present ignorance and the primitive state of space technology. The time will come, through the use of reusable boosters, orbital refueling, nuclear propulsion and other foreseeable developments, when the cost of a lunar journey may be comparable to that of round-the-world jet flight today.

It is obviously impossible, on the eve of the lunar landing, to predict in detail just

what we shall do with an Africa-sized world, the resources of which are still almost entirely unknown. However, the moon provides such tremendous opportunities for so many types of research that every effort will be made to establish temporary bases there as soon as possible, analogous to those already set up in the Antarctic and those that may be established on the seabed.

SOME SENSIBLE ADVICE ABOUT
HEARING AIDS

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, September 19, 1969

Mr. CHURCH. Mr. President, hearing loss affects from 30 to 50 percent of America's population over the age of 65. Seldom a sudden impairment, it is a progressive deterioration of which the afflicted person does not become fully aware until the need for correction and treatment is acute.

Even when the need for remedial action becomes apparent, sensible treatment of the problem may not be forthcoming. A Public Health Service survey shows that 52.9 percent of hearing aid users past 65 have never had an audiometric examination.

Yet it is the elderly who are most in need of competent advice for they are three times more likely to be affected by hearing loss than are younger people in the population.

In hearings before my Subcommittee on Consumer Affairs of the Elderly in July of 1968, it became clear how easily the elderly can become the victims of fly-by-night quacks who blatantly misrepresent hearing devices.

Many of the problems of the hard of hearing could be solved by sensible precautions and careful evaluations of products available. Proper testing by competent personnel would go a long way toward alleviating the grief of many hard-of-hearing persons who might otherwise be taken by fast talking salesmen.

I was pleased to note in the August issue of "Today's Health," a monthly publication of the American Medical Association, that some good sound advice was printed in regard to what hearing aids can and cannot do, how they should be chosen, and how they should be broken in and used.

I thought the article placed many of the problems and solutions to them in simple and well-thought-out terms. I commend it to Senators who may have an interest in this problem and ask unanimous consent that it be printed in the Extensions of Remarks.

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

WHAT YOU SHOULD KNOW ABOUT HEARING
AIDS

(By Lynwood Mark Rhodes)

No one likes to admit to others, much less to himself, that he is hard of hearing. It's

a common hang-up, mostly psychological, but one which more people sympathize with than you may suppose. According to a U.S. Public Health study, defective hearing is America's number one physical impairment. It afflicts approximately 19 million persons, more than half of them 65 years of age or older. The New York Industrial Noise Conference reports that one of every four applicants in industry has a hearing loss. Incidence in children of school age has been estimated at from five to seven percent of the school population.

Yet, statistics also show that a surprisingly large number of people persist in tolerating their handicap, even though it likely could be lessened by the use of a hearing aid or corrected by medical or surgical means. Sixty percent of the patients at a speech and hearing clinic confessed recently that they had never been to a physician about their hearing or mentioned their hearing difficulty to their doctors. Those who had were in no particular hurry. The average person waited five years before seeking help. And while waiting, he played the television set a little louder; complained that people mumbled more than they used to; turned every conversation into a shouting match; asked that words and phrases be repeated; and habitually concentrated on a speaker's face, straining to catch his voice while unconsciously reading his lips.

For many persons guilty of such ruses, a hearing aid can mean the difference between hearing and not hearing. It can help countless others to hear better. But for others, it can do little or nothing.

If you suspect a hearing loss, consult your family physician. His examination will rule out simple conditions which sometimes cause a temporary loss of hearing—wax impacted in the ear; a cold; or acute sinusitis. If a hearing defect does exist, he will advise the help of an otologist (a physician who is an ear specialist) to determine the exact cause. In certain cases, he may suggest an otolaryngologist or an otorhinolaryngologist, doctors who treat the ear, nose, and larynx.

Otologists determine the type and extent of a hearing loss with an audiometer, a machine which gauges a patient's responses to variable pitches and intensities of sound tones. By recording these measurements on an audiogram, it's possible to tell not only where the damage is, but how great the loss is at each sound frequency. In addition, he may use special tuning forks and word-discrimination tests to confirm the diagnosis.

The most common type of hearing loss is sensori-neural or "nerve deafness" resulting from deterioration of some of the nerves in the inner ear or on the nerve pathway to the brain. It may be caused simply by age; prolonged exposure to loud noises (factory workers and combat soldiers are particularly susceptible); a head injury; a birth defect (frequently the result of a mother contracting German measles during pregnancy); Ménière's disease; or other diseases of the inner ear or hearing nerve. Whatever the cause, one thing is certain. Nerve deafness—except in rare cases—is incurable. That is a hard, cold fact. No operation can help. Early medical treatment sometimes retards or even arrests its progress but, to date, science has not been able to develop a method for re-awakening the ear's sensory cells once they stop functioning or for transplanting a hearing nerve. If there is still useful hearing, however, a hearing aid may be the most effective means of making the best of what perception is left. The idea that hearing aids are of no help in cases of nerve deafness is not correct.

Conductive loss, a slightly less frequent type of hearing defect, stems from poor

transmission of sounds to the inner ear. Wax or infection in the ear canal, perforations of the ear drum, fluid within the middle ear, otosclerosis (a disease that occurs in the middle ear's ossicular chain when one of the three tiny bones becomes rigid and unable to transmit sound), and defects in the ossicular chain are the usual culprits. Fortunately, a conductive loss is generally responsive to prompt medical or surgical treatment, and can readily be helped with a hearing aid.

It is also entirely possible to have a combination of both conductive and nerve deafness, in which case the impairment is called a mixed loss: the conductive portion can be corrected surgically in many cases while the nerve portion will remain.

When a hearing aid is recommended, physicians often refer their patients to hearing rehabilitation or hearing aid evaluation centers. Here, skilled technicians evaluate the loss and determine the particular type of instrument required and how much benefit will be derived from it. These centers do not sell hearing aids, but a patient benefits from the selection on hand. Usually there is a make and model that provides a significant improvement in hearing for him. He is then referred to a hearing aid dealer who sells and services the one found to be most effective.

If a hearing center isn't close by, the family physician may send his patient to an audiologist, a trained specialist who conducts hearing tests. Or the local medical society can furnish names of qualified hearing aid dealers who can provide many of the above-mentioned services.

"But I don't want to wear one of those things!"

This typical reaction to the need of a hearing aid was understandable not too many years ago. In the 1920's, a hard of hearing "flapper" toted her carbon battery hearing aid around in a special-bag designed to look like a camera case. A fashionable lady in the Thirties wore an ear-covering receiver, tucked a large microphone down the front of her dress, wrapped its thick black cord under her coat collar, and strapped two A and B batteries to her thigh with strips of bias tape and elastic under her full skirt. Men had it even worse. Unable to hide the evidence, they resembled robots wired for sound by cord-happy scientists. Thanks to the invention of the transistor and the replacement of conventional wiring with printed circuits, today's hearing aid has about as much in common with the bulky contraptions of yesteryear as Tarzan does with James Bond.

Technically, the modern hearing aid is a miniaturized sound system of approximately 160 electronic components. Using electrical energy supplied by pill-sized batteries, it picks up sound waves and changes them into electrical impulses. These impulses are then "stepped-up" many thousands of times before being converted into amplified sound and transmitted to the ear. Because transistors in subminiature amplifiers are mere pinpoints of crystal 100 times smaller than those used in transistor radios, today's hearing aids are assembled under high-powered magnification, including stereo microscopes. Yet despite their small size—many weigh less than an ounce—a complete hearing aid has a microphone, an amplifier, a battery, a receiver, and controls.

The most popular style is the aid which fits snugly behind the ear. It transmits sound through a small plastic tube into the ear. Hearing glasses appeal to patients who normally wear eye glasses, since the entire unit is built into the frame. A self-contained, all-in-the-ear hearing aid about the size of a dime is now on the market, but it helps only those with a very mild loss. The fourth basic style, the conventional or body-worn model used for severe or profound

hearing losses requiring extremely powerful amplification, has been greatly reduced in size. It is especially appropriate for children whose active play demands a rugged design.

Every hearing aid, except some all-in-the-ear fittings, requires some form of earmold. Custom-made from an impression taken of the patient's outer ear and ear canal, the plastic earmold—glass-hard or soft and pliable depending upon the user's requirements—is that part of the hearing aid's acoustic system which conducts the sound from the aid into the ear canal. The impression-taking process is similar to that used by dentists to make dentures and is mandatory if the hearing aid is to fit comfortably and provide the proper conduction of sound to the inner ear.

How much does a hearing aid cost? There are aids priced at less than \$100 and others that cost almost \$400. The patient with a moderate loss, whose sole desire is better hearing, may well discover that the less expensive of the good aids are as acceptable as the more expensive ones—particularly when it's realized that the actual cost of a hearing aid always includes service and such intangibles as dealer overhead.

Size also makes a difference. Many of the larger mass-produced hearing aids are just as good as the intricate, more expensive miniatures. Indeed, a body-worn model may even provide a more realistic sound since its larger batteries have greater power to reproduce sounds over a greater frequency range with less distortion and "ringing."

For this reason, most dealers suggest that the prospective user have a normal-hearing friend or relative along when he is fitted with his hearing aid. A familiar voice provides a yardstick by which to judge the performance of the instrument he wants. If he has tried the aid at a hearing center, the duplicate model at the dealer's may not sound quite the same. Individual units of the same model can vary because of the human factor in assembly-line manufacture. The buyer may even decide on an entirely different make.

Trying on several makes and types in one session can be a strain to the point where all aids begin to sound alike. Reputable dealers understand this and will not pressure the buyer. It's better to come back than make the wrong decision. (Many dealers have special rental plans for a two to four week trial period, with payments applied to the purchase price.)

Recurring costs should also be considered. The smaller the instrument, the smaller the batteries and the shorter their life. In some of the tiny models, battery life is a mere eight hours; in larger models, battery life is as much as 100 to 200 hours. Batteries are inexpensive but there is the inconvenience of replacing a dead one if "spares" aren't kept on hand.

Like all fine instruments, hearing aids may require repair service from time to time. It's important to know whether the dealer is equipped to handle minor servicing, or if he must return the aid to the factory. What it all boils down to is that there is no real rule-of-thumb to go by in purchasing a hearing aid. The choice depends as much upon the type of hearing loss as on a bank balance.

Today, most hearing aids carry a year's guarantee. Read it carefully. Know what it covers and what happens when it runs out. Above all, understand that a hearing aid may be a miracle of engineering, but it won't last forever. With proper care and handling, though, it has remarkable durability. A leading manufacturer gives the following simple tips to assure maximum efficiency from any aid:

Be sure to remove the earmold from the ear before taking off the aid to avoid putting stress on the delicate wires to the earmold.

Do not expose a hearing aid to temperatures over 120° F. Never leave it on a window sill or table exposed to direct sunlight or in a closed car standing in the sun in hot weather.

Do not wear a hearing aid under a hair dryer, or apply hair spray while wearing the aid.

Do not let the earmold channel become clogged with wax. Clean it with soap and warm water or a specially prepared earmold cleaning solution, but *never* with alcohol or carbon tetrachloride.

Do not take off or put on the aid with the switch in the "ON" position.

Never take a hearing aid apart under any circumstances. Only a trained technician has the knowledge and the precision equipment necessary to perform this task properly.

Some hearing authorities recommend that an aid be replaced every three to five years, even though it may not yet have worn out. Replacements depend upon economic considerations, of course, but a hearing aid user should keep in touch with his dealer and take advantage of important improvements. Reliable dealers furnish this assistance free of charge. It's all part of the "hand-holding" that goes along with the purchase of a hearing aid.

This is why the choice of a dealer can often be as important as choosing the right hearing aid. More than a salesman, he generally has the final responsibility for properly fitting the hearing aid and must also offer counsel, understanding, and technical assistance if the wearer is to derive maximum benefit from his purchase. For this reason alone, no one should ever order a hearing aid through the mail or buy one from an itinerant peddler whom the buyer may never see again. To maintain high standards of service, competence, and integrity, the Hearing Aid Industry Conference (an association of manufacturers) works with national, state, and local hearing aid dealer groups. The National Hearing Aid Society—an organization of dealers—has established a certification program. Members undergo practical training to become proficient in the operation of all hearing aid equipment, including audiometers, and knowledgeable in both the psychology of the hard of hearing and the physiology of the ear.

Few people like their hearing aids at first. After living in a muffled world, sometimes for years, getting used to normal sound again is often exasperating. The new wearer of a hearing aid may expect too much too soon, and discard his aid without fair trial. He forgets that few hearing losses occur overnight and that even fewer are alleviated in a matter of minutes—or days.

The more gradual the hearing loss, the more shocking will be its relief. The hard of hearing person has lost his ability to weed out unwanted noise. His hearing aid has none. It amplifies all sounds—wanted and unwanted—and they hit him with alarming brutality. Voices seem "unnatural" or "tinny." Popping popcorn is antiaircraft fire. The family car, though in perfect condition, makes horrible noises and is falling apart. A buzzing fluorescent fixture is maddening; a child's piano practice, a Spike Jones concert. People with normal hearing automatically ignore any disturbing noise they don't wish to hear, but the new hearing-aid user rarely can on his first attempts.

What's happened, of course, is that the brain has forgotten how to distinguish and separate sounds. It now must be re-educated to understand and analyze what it hears, and respond accordingly. How long the adjustment takes varies with individuals, dependent upon the type and degree of hearing loss, the tolerance to sounds, how long the impairment has existed.

The advice most often given to the first-time hearing-aid user is to turn the volume control up only slightly louder than the sounds heard without the aid, but loud enough to hear every word. Then, listen to words and master them. Later, turn the volume up a little louder, adding more sound along with background noise. By slowly building up his ability to discriminate be-

tween the sounds he wants to hear and those he doesn't, the novice becomes selective and regains his confidence. At first, he may wonder if it is harmful to wear a hearing aid constantly. It isn't, any more than it is harmful to wear glasses every day for poor eyesight. Neither is it harmful to go "off the air" for awhile and give the ears a rest now and again. Part-time use of the hearing aid for selected situations rather than continuous use will be best in some cases.

Learning to pay attention to what he hears instead of how he hears it is a tedious process, especially outdoors or in group conversations where everyone seems to be talking at once; but with willpower and tenacity, patience and perseverance, and trial and error, the dividends in hearing anew are well worth it.

In severe cases of hearing loss, it may be necessary to teach the eyes to assist the ears. Speechreading (lipreading), of course, complements a hearing aid. Most hard of hearing persons speechread to a certain extent without realizing it. A course of instruction given at rehabilitation centers merely teaches the hearing-aid wearer how to become more proficient at it, to fill in the gaps his ears miss. Particularly in cases of progressive nerve deafness, speechreading should be started as soon as possible while there is still some useful hearing left.

Many persons with a correctable loss still refuse to wear a hearing aid. This reluctance may be explained by their age, how long they have been hard of hearing, past experience with inadequate hearing aids, lack of a compelling necessity to hear, or refusal to make the effort to learn to listen again. All too frequently, vanity rears its ugly head. They feel that wearing a hearing aid classifies them as "peculiar," or "handicapped."

"It is a remarkable phenomenon," says Phillip H. Van Italic, a hard-of-hearing chemist, "that so many people with a hearing handicap fail to realize they are more conspicuous when they don't wear an aid than when they do."

Still, there are limits to what any hearing aid can do. "Some limits are imposed by the ear and others by the nature of the sounds that we wish to hear," explains Dr. S. Richard Silverman, director of the Central Institute for the Deaf in St. Louis and past president of the American Speech and Hearing Society. "There are practical limits, too, set by size, weight, and expense, to what can be built into a wearable hearing aid at the present time." This is especially true with the smaller aids. Sometimes the smaller models simply cannot reproduce the sounds they receive, and overloading, distortion, or noise results. Continuing research is trying to solve this problem, just as it has successfully solved so many others.

It is now possible, for example, for those with a loss in both ears to be fitted with binaural hearing aids. "The most agreed upon advantage of binaural hearing," says Faye M. Churchill, instructor in audiology and speech pathology at Alabama College, "is localization, the ability to tell where sounds are coming from." It is easier to determine from how far away the sound is coming if both ears are used. If a sound comes from the front, it stimulates both ears equally. But a sound coming from the side stimulates one ear earlier and louder than the other. Thus, binaural aids—a separate microphone, receiver, and amplifier for each ear—provide the closest thing to normal hearing, a true stereophonic sound. Expense is a limiting factor, naturally, but a properly selected and fitted binaural aid will increase the wearer's ability to localize sound, and may enhance his understanding of spoken words.

Annoying "squeals" and feed-back are gradually being eliminated. Technological improvements in automatic volume control during the past few years now prevent dis-

comfort from sudden, loud noises by "clipping" the noise before it ever reaches the ear. A special telephone induction coil available on some models permits the wearer to concentrate on the telephone without being disturbed by background noises. Other models come equipped with extension devices that can be plugged into radio and TV sets for individual listening. "Cross-over" hearing aids have recently been introduced to pick up sound on one side of the head from a completely deaf ear and conduct it through a small plastic tube into the entrance of the open ear canal of the opposite normal or slightly impaired ear. This makes for vastly improved hearing when the speaker is on the "dead ear" side, especially in noisy surroundings.

Today, we all use hearing aids of one sort or another—sound movies, office dictating equipment, tape recorders, television sets, walkie-talkies. The stethoscope, the doctor's trademark since 1819, is really only the simplest kind of hearing aid. More and more, ours is a sound-oriented world. To get an education, to earn a living, to be informed, amused, diverted—and even to keep from getting run over in the street—we depend upon the sense of hearing. It must be conserved and protected and, when necessary, aided if we are to maintain a useful role in life.

But before purchasing a hearing aid, it is always important to remember to get an accurate diagnosis of the type and cause of the hearing impairment in order to determine the possibility of recovery of hearing through treatment, surgical repair, or simple removal of ear wax. Periodic re-examination by an otologist or other specialist is also a good idea for a hearing-aid user whose hearing becomes worse.

The person who puts off getting qualified help when a hearing aid may be beneficial is asking for trouble. Ignoring a hearing loss will never make it disappear. "The longer he waits," warns Dr. Lester L. Coleman of Manhattan Eye, Ear, and Throat Hospital, "the longer it will take to learn to use a hearing aid with comfort. Like any other health problem, the quicker the hearing loss receives attention, the better are the chances for improvement."

The world of silence is a lonely one, unnecessarily lived in by many who won't admit they cannot hear. No hearing aid can cure their deafness any more than eye glasses can cure blindness. Nor can it restore the damaged areas of the body's hearing apparatus. But, more often than not, the modern hearing aid can dull the sharp edges of isolation and make that world a happier, more enjoyable place in which to live.

PRESIDENT NIXON AND OUR NEIGHBORS TO THE SOUTH

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. LUJAN. Mr. Speaker, throughout our Nation, and particularly in the Southwest, the influence of the Hispanic culture has left its mark on our traditions, customs, and environmental surroundings.

President Nixon has recognized this and recently paid tribute to the contributions of the Hispanic culture in a proclamation which declared the week beginning September 14, 1969, as National Hispanic Heritage Week.

The President is fully aware that this

culture is a special and vital part of our heritage, not only for its direct influence on our society, but also because it reminds us of the great traditions we share with our neighbors in Latin America. His meeting with President Gustavo Diaz Ordaz of Mexico at the Amistad Dam earlier this month further demonstrated his concern with preserving those traditions and common ties.

Mr. Speaker, I would like to commend our President for his active role in increasing public awareness of the bonds we share with our neighbors to the south.

CHALMERS TAKES CHARGE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SHRIVER. Mr. Speaker, Dr. E. L. Chalmers, Jr., has been installed as the 11th chancellor of the University of Kansas. We in Kansas are proud of our State university and the significant contributions which it has made to the lives of all of us. Dr. Chalmers is highly qualified for the challenging and important responsibilities which lie ahead.

During the installation ceremonies on the KU campus in Lawrence recently, Dr. Chalmers stated he would attempt to build a university more capable of meeting the educational needs of students through improved facilities and a spirit of academic freedom.

At a time when education is so vital to the solution of the social and economic problems confronting us, it is reassuring to know that men such as Chancellor Chalmers are in the chair of leadership. We congratulate him and wish him and the university Godspeed.

Under leave to extend my remarks in the RECORD, I include the following editorial from the Hutchinson, Kans., News:

CHALMERS TAKES CHARGE

E. Laurence Chalmers comes on the Kansas scene as a man who is refreshingly candid, youthfully energetic, and cucumber cool.

Such qualities in a chancellor of the University of Kansas are welcome any time.

They are doubly so now, because Chalmers takes charge at a moment when a number of legislators, editors, and office-seekers are convinced they can do a better job of running our schools than the people paid to do it.

They can't, of course, but unfortunately in their rummaging around they tend to give Kansas the impression that our university and college administrators are failing their responsibilities and require guidance from the outside.

Chalmers recognizes this trend, which is not peculiar to Kansas, but it doesn't alarm him. He expresses confidence in the way KU has conducted its affairs in our seasons of discontent, and equal confidence in the ability of students, faculty and administrators to keep level heads in the coming months.

Kansas will support that view. Those few self-serving critics of our state institutions would be well-advised to give Chancellor Chalmers all the rope he wants.

The News is satisfied he won't hang himself with it. He will use it, instead, to pull the university along to even better things.

NEW DIRECTOR FOR OEO

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. QUIE. Mr. Speaker, our former colleague, Donald Rumsfeld, has taken the reins of the Office of Economic Opportunity firmly in hand and is giving real direction to the agency. He has reviewed the operation of the agency, paid particular attention to its problems, and is shaping the agency into an effective operation to help eliminate poverty from this country.

I commend to my colleagues an article in the August 13, 1969, Minneapolis Tribune, by Richard P. Kleeman in which Mr. Rumsfeld discusses the future of the agency under his guidance.

The article follows:

OEO DIRECTOR OUTLINES PHILOSOPHY

(By Richard P. Kleeman)

WASHINGTON, D.C.—The man behind the cut-off of funds from a Minneapolis antipov-erty program leaned back in his swivel chair, propped a knee against his desk, puffed on a pipe—and said he couldn't talk about it.

But the man, Donald Rumsfeld, could talk—and did, eloquently, for nearly an hour about what he wants and doesn't want in the Office of Economic Opportunity (OEO), which the 37-year-old former congressman has headed for three months.

The Minneapolis-oriented listener had to do his own interpreting, taking his cues from the knowledge that Rumsfeld's personal staff is thoroughly preoccupied with the troubled Minneapolis situation (one man called it "a benchmark") and that Rumsfeld is kept informed of and has to clear every OEO move.

Was there no significance for Minneapolis in Rumsfeld's assertion, drawing on his four terms as an Illinois Republican congressman, that "it's fairly clear that there is a deep concern among the American people for the problems of the poor and a concern that government find ways of dealing with them"?

"To the extent that the American people see their funds either not going to the poor, or going for goals that are not sound, or being used in a process that is not responsive or that has failed—a reaction sets in and there is a tendency to lose the opportunity to deal with the problem," he said.

Did the crackdown on the Minneapolis Citizens Community Centers (CCC) and their former director, Mathew Eubanks, spell a Nixon-administration warning to black militants everywhere?

No direct answer, but Rumsfeld reached for a sheet of paper and drew two parallel lines.

"If you've got a couple of lines of general feeling about the thrust and direction things ought to follow, one way to set policy is that when an opportunity comes up to take something that falls outside the lines, you climb all over it.

"But when something is just inside the lines—you defend the dickens out of it."

Then Rumsfeld almost slipped: "Take Minneapolis," he said, but, catching himself, "No, don't take Minneapolis—take a city where a program is operating and people have permitted it, either consciously or by inadvertence, to be operated by a small, narrow group and in a way that reflects the views of that small, narrow group.

"The program might be training a man,

but if the thrust of the program is creating an atmosphere such that the activity is incapable of getting the kind of local public and private support that is required by statute—then it has the opposite effect."

Rumsfeld went on to enumerate "some things I feel very deeply," and again there was no mention of Minneapolis or even a hint that he had it in mind as he began:

"We are not going to have OEO funds spent in ways that result in political activity: there is nothing more dangerous than having taxpayers' money spent in ways that affect elections.

"I'm determined to see that we implement and enforce very strict regulations on lobbying: There is an important advocacy role for OEO to play and I want to see it fulfilled, but there are instances where we've gone outside the line.

"Third, I'm not going to be associated with any activities that permit intimidation, blackmail or violence. If someone else wants that as his bag, that's his business. My business is OEO."

Rumsfeld leaves no room for doubt that, with President Nixon's blessing, OEO will be a considerably changed operation, stressing research, experimentation and independent appraisal of its activities above merely operating programs.

As a former congressional critic of the antipov-erty agency, he knows whereof he speaks when he says "A good many congressmen were disposed to throw the baby (the poverty program) out with the water."

"An agency like OEO must proceed within certain boundary lines," Rumsfeld said, "and the surest way to abolish any opportunity of dealing with the problems of the poor is to exceed those boundaries in any visible way.

"We were pretty close to that point." President Nixon's sole instruction to him, according to Rumsfeld, has been that "there are no sacred cows."

This might cause some to wonder—and many have, according to the director—about the fate of local community-action agencies (such as Hennepin County's Mobilization of Economic Resources, Inc.).

No wholesale elimination of the agencies is in prospect, the new director said, but clearly "some are good and some are bad.

"We are trying to close down and terminate those that have been found unsatisfactory and with no prospects of improving—and to eliminate components that seem to have that same outlook.

"But we want to hold at higher levels (more money) those that are being productive."

Rumsfeld says he is getting a fair volume of advice from black sources within and outside OEO, but that he would like to hear more from the "quiet poor," particularly rural and aged people.

Another of his pet figures of speech deals with the "crust" he detects around the poor that separates them from the life of the rest of the country.

"We can reach in to assist them in ways that makes the crust more porous or we can harden it," he said.

"It's quite obvious to me that we should not harden that crust—but open it and reduce the things that separate people from society."

No mention of Minneapolis there either, but perhaps a Rumsfeld aide—intimately familiar with the Minneapolis situation—was saying the same thing in a different way.

The aide said that the implications of the OEO-CCC imbroglio—which is being watched closely and much discussed by various antipov-erty agencies—points to a future OEO policy of "less emphasis on militant confrontation and more on effective programing."

TRIBUTE TO A SPIRITUAL LEADER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. EILBERG. Mr. Speaker, for the past 12 years Rabbi Leo Landman has been the spiritual leader of Beth Emeth Congregation in my district in northeast Philadelphia. In a sense, we have been each other's constituents. I only hope that, as his Congressman, I served Dr. Landman as well as he served me as my rabbi.

Now he has answered the call to serve another synagogue, Congregation Talmud Torah of Flatbush in the Brooklyn district of our distinguished colleague, the Honorable BERTRAM L. PODELL. Dr. Landman will be much missed in Philadelphia, but we wish him every success in New York.

Dr. Landman is both a man of faith and a man among men. Much revered by his own congregants for the quiet reserved wisdom he provided, his reputation quickly spread throughout the city. He was called upon to serve as president of the Board of Rabbis of Greater Philadelphia and he served with great distinction.

In this administrative capacity, Dr. Landman attended to the needs and problems of Jews and Judaism in Philadelphia. The post also provided the rich opportunity to mobilize the community in support of international concerns. First among these concerns, of course, was the survival of the State of Israel.

During the 6-day war, Dr. Landman rallied the Jewish community of Philadelphia in support of Israel in a truly remarkable manner. This past January, Dr. Landman led a delegation of rabbis from the East to the State Department to protest the outrageous spectacle of public hangings in Baghdad, Iraq. Many of my colleagues in the Pennsylvania and New York delegations joined me in a statement of support for Dr. Landman's position.

Despite the pressures of administration and teaching, Dr. Landman's first love through all these years has been scholarship. Graduated from Yeshiva University in 1949 and ordained by Yeshiva in 1951, Dr. Landman, I suspect, was partially drawn to our city of Philadelphia by the presence of a truly unique institution, the Dropsie College for Hebrew and Cognate Learning. Dropsie is not a college in the conventional sense. Founded in 1907 by Moses Aaron Dropsie, an eminent Philadelphia lawyer of his day and an amateur orientalist of some note, the college provides doctoral degree programs for professionals specializing in the cultures of the peoples of the ancient and the modern Middle East. Dropsie remains the only graduate institution of its kind in the Western Hemisphere.

In 1954, the Commission on Higher Education of the Middle States Association described Dropsie in this manner:

If one accepts the definition of a University as being a community of scholars, The Dropsie College probably approaches that definition as closely as any institution in the country, and its faculty, including the President, are all scholars, and almost all its students are in training to become scholars.

Dr. Landman earned his degree of doctor of philosophy at Dropsie in 1964. He also taught at Dropsie and served for a time as assistant to the president of the college. He did all this while serving his congregation and community.

At a farewell ceremony, attended by 1,500 persons at Beth Emeth, Dr. Landman's old boss and colleague at Dropsie, the college's distinguished president, Dr. Abraham I. Katsh, delivered this ringing tribute to Dr. Landman. With the unanimous consent of my colleagues, I enter Dr. Katsh's remarks in the RECORD:

REMARKS OF DR. ABRAHAM I. KATSH

These are soul-searching days for those entrusted with the destinies of our people and especially of our youths. Vietnam is more than a terrifying experience; it is more than a gamble with life. It is a challenge and a threat to all the ideals that make life precious and meaningful.

Surrounded by destruction, riots and death, many students ask in bewilderment whether these are indeed the death throes of a dying civilization or the birth pangs of a new world, dedicated to justice among nations, righteousness within the nations and enduring peace for all groups within the fabric of society. Called upon to give their lives in the name of democracy, the definition of democracy looms big in the thinking of our youths. They probe deeply into its meaning. Is it the gateway to freedom or to slavery?

In the 19th century Victor Hugo wrote, "War will be dead, the scaffold will be dead, hatred will be dead, frontiers will be dead, royalty will be dead, dogmas will be dead, man will begin to live." But here we are in the 20th century. War is *not* dead, the scaffold is *not* dead, dogmas are *not* dead, and man does not know how to live. Verily this is a killing century, of destruction and devastation, marred by moral cynicism. The mind of man, trained by generations in science and education is shockingly applying the results to the perfection of weapons of death. Just because man's capacity for destruction has become almost unlimited, the need becomes greater to rekindle man's awareness of a higher purpose in the human destiny.

A society affected by catastrophic events must reassess for itself the realization that "evil begets evil" and "justice (and righteousness) begets justice" (and righteousness). There was a time when man's efforts were directed to bringing the Kingdom of God on earth. Now all scientific genius is geared primarily in bringing the "evil" earth to the Kingdom of God. Verily, nothing is new under the sun. We are back to the building of the Tower of Babel, but in a modern garb! Gen. 11:4 has not changed.

It is shocking to see how the American community tolerates conditions where mass media are being utilized not to make the people morally aware and ethically conscious, but rather to thrill it with chaos and violence.

One terrible aspect of our century, an English poet not long ago wrote, is that fantasies horrible as the worst nightmares invented by writers of the previous century, like Dostoyevski and others, have become literally true, realized in world wars, mass murder, genocide and concentration camps. They have become true in the minds of all of us and in the lives and deaths of the victims. More shocking is also a recent headline about a report, some even claiming that

it was a suppressed government report, which contends that the world faces an unparalleled catastrophe if it should ever achieve peace.

A Talmudic statement reads as follows:

"The earth borrows from the sky, and the sky from the earth; the day borrows from the night, and the night from the day; the moon borrows from the stars, and the stars from the moon. In all God's creation, one creature borrows from the other, and nature's harmony remains unbroken. Man alone borrows from his brother, only to be oppressed and despoiled in the process." (Exod. Raba)

Man created in the image of God, divinely inspired, is called by a Voice of Conscience: "Where art thou?"

Instead of being attuned to the inability to remain comfortable and at ease in the presence of those who are in trouble and in pain, man has become attuned to complacency. Just because man's capacity for destruction has become almost unlimited, the need becomes greater to rekindle man's awareness of a higher purpose in the human destiny.

Our sages relate that during the cruel execution by the Romans of many of the great scholars, one of the martyrs, Chanina ben Tradion, was wrapped up in a scroll of the Torah and burnt on a stake of fresh branches. As he was encircled by the flames, his disciples asked him, "Rabbi, what seest thou?" to which he replied, "I see scrolls burning, and the letters of the scrolls are flying away yonder." How well history was realized in the vision of this great scholar and martyr. The centers of the Torah have shifted from one place to another, from Palestine to Babylonia, thence to Spain, to France, to Central Europe, to America, where the greatest Jewish community of all times is now assembled. And as if to complete its cycle, and as a matter of poetic justice, the letters of the scrolls have returned to their original home—the Land of the Bible—Israel.

One candle can kindle many lights and one match can destroy many citadels. How to use the candle properly and with imagination is a blessing. How to keep burning the light of Jewish thought and the torch of Jewish learning, how to safeguard our heritage which alone gives dignity and distinction to our lives, how to vitalize those institutions which have preserved the ethical and religious idealism of Judaism for ourselves and for mankind is our challenge today.

Without interruption, for 2000 years, the synagogue, aided by the rabbi, was a storehouse of the letters of the scroll as well as a fountain of prayer. The two were intertwined. Our sages constantly emphasized, "No ignoramus can be God-fearing." In addition to a place of prayer and study, the synagogue was the community center in which all public life was centered. Indeed, the synagogue was a miniature state and on its premises, under the sanction of the Torah, it enabled the rabbinical courts to administer justice and righteousness. An aggrieved person was able to protest decently and demand a hearing even by interrupting the reading of the Torah at the Sabbath Morning Service, until he was assured that his cause would be heard. But, unlike the current incident at a New York church, the purpose of interrupting the reading of the Torah was not "to read a manifesto" requesting a payment of \$500,000,000 restitution or in "reparations" for injustice suffered by blacks during and since the slavery period. The method was not to cause disorder in the synagogue but to get a just hearing, if that could *not* be obtained in the court of law. The synagogue preached and practiced charity, met the needs of the poor and dependent, housed the stranger and sojourner. At the same time, the erudite rabbi was the mentor of the community.

At the dedication of the altar, twelve tribes were told by the Almighty to offer sacrifices,

except the tribe of Levi. When Aaron, a member of the tribe of Levi was grieved for not being able to offer sacrifices, God told him your *Mitzvah* is greater than theirs, for sacrifices last only as long as the Temple will last, but your duty is to kindle the Menorah, to light the candles which will be eternal. Verily, the spiritual leader of today, the High Priest of yesterday, is the one to bring light out of darkness and to give meaning to all that is noblest and purest in Jewish life.

The great Hebrew essayist and thinker, Ahad Haam, wrote: "The heart of the Jewish people has always been the Bet Hamidrash; there was the source from which they drew the strength and the inspiration that enabled them to overcome all difficulties and withstand all persecutions. If we want to go on living, we must restore the center to the Bet Hamidrash, and make that once more the living source of Judaism." Verily, synagogues and houses of study are Israel's towers.

Your synagogue continues the historic tradition of the synagogue of old. You were blessed with the right spiritual leader who was able to lead not only you but the entire Jewish community of Philadelphia with dignity, wisdom and understanding.

Whether Paganism or Judaism (and religion emanating from the Bible in general) will survive as in the days of the Maccabees, will depend in large measure upon the type of leadership that we develop in Jewish religious life. The Rabbi today must possess special qualifications—the combination of giving of himself in equal measure to the earthly needs of humanity and to his own heavenly ideals—so that he can make the Torah the very essence of the lives of his congregants.

The greatness of your Rabbi is that he has remained the true Talmud Chacham, thirsty for knowledge. As the perennial student, constantly searching and striving to enrich himself spiritually and thus benefit the community he is serving, Rabbi Leo Landman was in reality protesting against ignorance. Indeed, the Rabbi has been a dynamic and radiant spiritual leader. Not satisfied only with his rabbinical degree, he came to Philadelphia as a dissenter from complacency in order to pursue graduate work at The Dropsie College where he was awarded the Ph. D. degree.

Yes, even in his days there was dissent, but of an entirely different pattern, dissent to ascend not to descend! He protested against apathy, resignation and ignorance. At Dropsie he learned to protest, but with depth and dignity, with meaning and purpose. As a result of this kind of protest, he became the scholar and leader he is. For he learned from the lesson taught by God how to protest, "Let there be light." He learned from Abraham not only how to smash idols, but to challenge God himself in order to achieve justice, righteousness and the brotherhood of man. He learned from Jacob how he wrestled through the night with the dark angel of despair, in order to be blessed at the break of dawn. He learned from Joseph how a dreamer became the master of his dreams and reached heights through faith and devotion. He learned from Moses true leadership and patience. He learned from Joshua how the people suffered through strife and pain in order to reach the Promised Land. He learned from Samson how to pull down the temple of idolatry with courage and self-martyrdom. He learned from Nathan how to castigate a royal sinner and from Jonathan how to combine duty to parents and devotion to friends. He learned from Solomon that what is essential for a great leader is not violence, but an understanding heart and much wisdom. He learned from Amos how justice may well up as waters, and righteousness as a mighty stream. He learned from Isaiah how tools of destruction can be converted into tools of construction. He learned from Jeremiah how the rich man cannot glory in his riches and be mighty in

his might, but all may glory in being merciful, just and righteous. He learned from Ezekiel how man may achieve a righteous life in a happier world. From the prophets he also learned how a helpless people, after being in captivity, built and created upon ruins forever to be enshrined in an epic book. He learned of communities in the Middle Ages which despite humiliation, cruelty and inquisition were inspired by their spiritual leaders to overcome unbearable tortures with courage, hope and faith.

He learned about a feudal era when the world was spiritually stagnant. The Jewish people continued, in hardship and despair, to be torchbearers of learning. And we may all learn from recent history how the world suddenly became mute and without a conscience allowed a people to be slaughtered, murdered and massacred, the innocent and young, without rhyme or reason, but still the victims were steadfast in their faith and gave their dead souls meaning and significance so that others will continue and keep aloft the grand traditions that have been so vital in the history of mankind.

He learned from the literature culled from the ashes that the martyred men in the Warsaw ghetto, humiliated, betrayed, forsaken, defenseless, never wavered in their faith, as Yosele Rikower writes in his last message to posterity: "I cling to my faith not in spite of the cruel treatment of us but precisely because of the inhuman treatment . . . I should be ashamed to be one of those who spawned and raised the criminals responsible for the cruel and horrible deeds that have been perpetrated against us and humanity."

The same expression of faith one finds in my book *The Scroll of Agony* where the diarist Chaim Kaplan, who perished in Treblinka, quotes the Hebrew poet Hayim Nachman Bialik in connection with the Kishinev Pogrom, but applies it to the Warsaw Ghetto. Why are there no suicides among Jews in the ghetto in these horrible and inhuman days? Because: "One spark is hidden in the stronghold of my heart, one little spark, but it is all mine. I borrowed it from no one, nor did I steal it. For it is of me and within me."

From the Halutzim he learned how they challenged the earth to reclaim its barren land, to repudiate the badge of shame of a nomad people to become the master of its own destiny. From the Yishuv, before the emergence of the State of Israel, he learned to understand the boldness of the Maccabees as well as the art of control, and how to walk humbly with God and live with moderation and austerity.

From the Kibbutz he learned how one must offer the finest human material for the most responsible and exciting tasks in order to fulfill an historic mission. From the Six Day War he learned of a display of incredible vitality for the achievement of the spirit. And from the new State of Israel he learned the meaning of solidarity, mutual responsibility and the donning of flesh on the dry bones of Jewish life. Indeed, it takes a special kind of education and dedication to learning to become a great spiritual leader with unshakable convictions and faith in the moral standards of humanity to protest with dignity and majesty, so that we may all say: "Let there be light."

Rabbi Landman's thesis for his doctorate on *Jewish Law in the Diaspora* is, in the words of one of the world's greatest scholars, our own professor, Dr. Solomon Zeitlin, a study "full of new insights and ideas, indispensable for historians of the Middle Ages." How Jewish law provided a means for Jewish survival in the Diaspora is a most fascinating subject. Also, Jewish law, as we see it, evolving from century to century and continent to continent, had certain special and distinctive features that made it particularly fit for comparative study. Indeed, what other laws could boast of a law that had two thousand years of history after the complete disap-

pearance of the political state? Scholars, writes the late Prof. Edmund Cahn, had imagined the possibility of a state without laws. Plato, in fact, envisioned just such a state in his *Republic*. But here (in Judaism) was the very opposite phenomenon—laws without a state! Here was a system of law operating, evolving and thriving with no army, no police, not even a sheriff to enforce it. Surely, such a system might have much to teach others about technical and sociological methods of law enforcement.

Rabbi Landman's work is a great contribution and, indeed, a pioneering task.

I observed Rabbi Landman at The Dropsie College as a teacher and leader. I found him to be a man beloved by his students and one whose scholarship and sense of creativity will continue to be a veritable overflowing fountain. His recent articles, especially the one on "Law and Conscience—The Jewish View," are not only a major contribution to our present perplexing world situation, but prove originality in depth and in vision.

As the Rabbi leaves our city, our prayers go out to him and his dear wife and children for good health and happiness and for a continued fruitful life.

May he go from strength to strength.

SUMMER REVIEW OF THE 1970 BUDGET

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MAHON. Mr. Speaker, the executive branch yesterday released a "Summer Review of the 1970 Budget." It is a capsule updating of the administration's April 15 revision of the original 1970 budget submitted last January by the outgoing administration. It reflects a later reading on the economic outlook; on revenue estimates and assumptions; on estimated expenditures; and on certain pending legislative matters.

REVISED BUDGET SURPLUS PROJECTION

On the unified budget basis, and taking all the assumptions into account, a budget surplus of \$5.9 billion is tentatively projected for the current fiscal year 1970. This compares with \$3.1 billion last year and \$6.3 billion previously projected by the administration for fiscal 1970.

REVISED REVENUE ESTIMATES

Budget revenues are now projected at \$198.8 billion, down \$400 million from the last projection.

The gross national product for calendar 1969 is now estimated at \$932 billion, up \$5 billion; personal income is now estimated at \$745 billion, up \$6 billion; and corporate profits before taxes are now estimated at \$94.5 billion, down from \$97 billion.

About \$4 billion of the revenue figure is dependent upon congressional action proposed by the President but not yet taken by Congress.

The figures assume enactment of proposed user charge legislation effective January 1 next. They also assume extension of the surtax at 5 percent for the last 6 months of fiscal 1970.

REVISED EXPENDITURE ESTIMATES

The President holds to the \$192.9 billion spending total which he announced in his April 15 budget review. This, despite upward revisions of more than \$2.5

billion since then in several so-called uncontrollable items, including about \$1.5 billion chargeable to the \$2 billion cushion for certain such overruns provided in the overall expenditure ceiling enacted by Congress in July. And on top of this, the President is proceeding on the assumption that "congressional action or inaction to date—on the budget—would appear to add at least another billion dollars to 1970 spending."

Thus, if the President holds to the April 15 projection of \$192.9 billion of budget spending, offsetting cutbacks or adjustments of about \$3.5 billion are necessary. The sum of \$3 billion of that is assigned by the President against military spending; \$0.5 billion against all other. More details by agency are shown in the summer review.

Postal revenues, which count in the budget as offsets to expenditures, assume enactment of postal rate increases by January 1 next.

FEDERAL EMPLOYMENT

Mr. Speaker, the review which I am including with those remarks addresses the question of Federal civilian employment for the new fiscal year and shows reductions planned by the administration below previous projections.

Mr. Speaker, I include the full text of the "Summer Review of the 1970 Budget":

SUMMER REVIEW OF THE 1970 BUDGET

This Review presents revised estimates of the Federal budget for fiscal year 1970, the year ending next June 30. Since congressional action has not been completed on any of the regular appropriations bills, the estimates shown are necessarily tentative and will require later adjustment. Moreover, they are overall estimates by major program and agency, rather than the item-by-item results of a detailed examination such as is made in preparing the annual budget.

BUDGET TOTALS

The following are the currently estimated totals of budget receipts and outlays compared with those presented in the April 15 review.

TABLE 1. BUDGET RECEIPTS AND OUTLAYS—FISCAL YEARS
(In billions of dollars)

Description	1970		
	1969 actual	Apr. 15 estimate	Current estimate
Expenditure account:			
Receipts.....	187.8	199.2	198.8
Expenditures.....	183.3	192.0	191.9
Expenditure surplus.....	4.6	17.1	6.9
Loan account:			
Net lending.....	1.5	0.8	1.0
Total budget:			
Receipts.....	187.8	199.2	198.8
Outlays (inc. net lending).....	184.8	192.9	192.9
Budget surplus.....	3.1	16.3	5.9

¹ Updated for revised receipts estimates made May 20.

Note: Detail may not add to totals due to rounding.

As shown in Table 1, the budget surplus for fiscal year 1970 is currently estimated at \$5.9 billion—down \$0.4 billion from last Spring's estimate, but up \$2.8 billion from the preceding fiscal year. The change since last Spring is due to lower receipts estimates. The current estimate of 1970 budget outlays remains \$192.9 billion, as estimated April 15.

Receipts are currently estimated at \$198.8 billion, or \$0.4 billion below the May 20 Treasury estimate. The current estimate reflects the effects of (1) delayed enactment

of the Administration's user charges legislation, now assumed to become effective January 1, 1970, (2) updated economic assumptions, and (3) reestimates based on recent experience with collections. The current estimate assumes congressional action to continue the surtax at a reduced 5% level for the last six months of fiscal 1970 as well as enactment of the other provisions of the Administration's tax proposals presented to the Senate Finance Committee on September 4.

Included in the above totals are the transactions of the government's trust funds, for which outlays are now estimated at \$47.5 billion and receipts at \$57.6 billion, including \$8.0 billion of intragovernmental receipts.

FISCAL POLICY

Under present circumstances, a 1970 budget surplus of approximately \$6 billion is essential to helping bring inflationary pressures under control. To this end, the President has: (1) urged enactment of the surtax extension at 5% from January through June 1970, (2) taken administrative action to hold 1970 budget outlays within the \$192.9 billion total estimated on April 15, and (3) directed a deferral of 75% of all new direct Federal construction projects and strongly urged State and local governments to follow the example of the Federal Government by cutting back their own construction plans.

The commitment to hold 1970 spending within a total of \$192.9 billion is expected to keep outlays below the level of the legal limitation on 1970 outlays enacted by the Congress in July. The congressional limit was established at \$191.9 billion subject to adjustment in two ways. First, the net effect of congressional action or inaction on the budget adjusts the ceiling automatically, except for the first \$1 billion of net reductions. Second, the President may adjust the ceiling for certain administratively uncontrollable items specified in the Act up to an increase of \$2 billion. As of August 31, the President specified revisions of \$1.5 billion under the latter provisions so that the legal ceiling now stands at \$193.4 billion.

However, the President announced that, even if congressional action permitted a higher level of spending, he would hold the total administratively to a maximum of \$192.9 billion. The President indicated in July that there had already been a substantial worsening since April 15 in the outlook for 1970 budget outlays. Including the \$1.5 billion noted above for items exempted under the limitation, increases of more than \$2.5 billion are now anticipated for uncontrollable items such as interest on the public debt, Medicare, social security, civil service retirement benefits, reduced receipts from off-shore oil leases, public assistance and veterans' benefits. Congressional action or inaction to date would appear to add at least another billion dollars to 1970 spending.

To offset these increases the President directed agency heads to reduce total spending by \$3.5 billion. The detailed agency estimates contained in this Review reflect the Administration's current plan for making those reductions and holding to the \$192.9 billion total. Taking into account both the original budget reductions announced on April 15 and the reductions now planned, the following shows the changes made by this Administration in the 1970 budget programs of the previous administration.

[In billions of dollars]

	Apr. 15 reductions	Current reductions	Total reductions
Military ¹	-1.1	-3.0	-4.1
Other (net).....	-2.9	-0.5	-3.4
Total.....	-4.0	-3.5	-7.5

¹ Department of Defense, military functions, and military assistance.

As the preceding table shows, outlay reductions for military programs total \$4.1 billion, including the \$3.0 billion recently announced by Secretary Laird. Overall reductions of \$3.7 billion in non-military programs have been offset by a \$0.3 billion increase proposed for the Food Stamp Program, producing the \$3.4 billion net reduction.

BUDGET RECEIPTS

The current estimate of budget receipts in fiscal 1970 is \$198.8 billion, or \$0.4 billion below the May 20 estimate. This relatively small change in estimated total receipts reflects a number of offsetting changes in components of the total.

Economic assumptions: The current estimate of fiscal year 1970 receipts reflects the economic assumptions shown in Table 2. Changes in May 20 assumptions have been made mainly because the Commerce Department has revised National Income Account data for recent years, raising the gross na-

tional product and lowering corporate profits for both 1968 and 1969.

TABLE 2.—ECONOMIC ASSUMPTIONS, CALENDAR YEAR 1969

	[In billions of dollars]	
	May 20 estimate	Current estimate
Gross national product.....	927	932
Personal income.....	739	745
Corporate profits before taxes.....	97	94½

Changes in Budget Receipts: Table 3 shows preliminary figures for 1969 receipts and the May 20 and current estimates for fiscal year 1970. The changes between the May 20 and the current 1970 estimates reflect the updated economic assumptions, recent experience with collections, a change in the estimate of receipts from user charges, and the Administration's tax relief and reform proposals of September 4.

TABLE 3.—CHANGE IN BUDGET RECEIPTS, BY SOURCE

[Fiscal years. In billions of dollars.]

Source	1970			
	1969 actual	May 20 estimate	Current estimate	Change
Individual income taxes.....	87.2	91.0	91.1	+0.1
Corporate income taxes.....	36.7	39.0	38.5	-.5
Employment taxes.....	34.2	38.7	38.7	0
Unemployment insurance.....	3.3	3.4	3.4	0
Premiums for other insurance and retirement.....	2.3	2.4	2.4	0
Excise taxes.....	15.2	15.9	15.8	-.1
Estate and gift taxes.....	3.5	3.5	3.5	0
Customs.....	2.3	2.2	2.3	+0.1
Miscellaneous receipts.....	3.0	3.1	3.1	0
Total.....	187.8	199.2	198.8	-.4

Note: Detail may not add to totals due to rounding.

The tax legislation assumptions underlying the individual, corporate, and excise tax figures used in Table 3 are shown in Table 4. About \$4 billion of revenue in fiscal year 1970 is dependent upon congressional action proposed by the President but not yet taken by Congress. The relief and reform provisions of the Administration's tax reform bill are offsetting in fiscal 1970, reducing individual income taxes by \$0.4 billion and increasing corporate taxes by the same amount.

TABLE 4.—Effect of tax legislation on budget receipts estimates, fiscal 1970

[In billions of dollars]

Individual income taxes:	
Present law.....	89.4
Surcharge: 6 months extension at 5 percent.....	1.7
Repeal of investment credit.....	.4
Administration's tax reform proposals.....	-.4
Total.....	91.1
Corporate income taxes:	
Present law.....	36.9
Surcharge: 6 months extension at 5 percent.....	.3
Repeal of investment credit.....	.9
Administration's tax reform proposals.....	.4
Total.....	38.5
Excise taxes:	
Present law.....	15.1
Extension at present rates after Jan. 1, 1970.....	0.5
Proposed user charges (6 months only).....	.2
Total.....	15.8

BUDGET OUTLAYS

Budget outlay estimates for each Department and agency reflect the results of con-

gressional action or inaction to date, uncontrollable program increases, and the required cutbacks to meet the President's commitment to hold spending to \$192.9 billion.

Table 6 shows the estimates and changes for each agency in total. Major decreases from the April estimates are:

Housing and Urban Development, —\$162 million: The estimated decrease reflects a reduction in the expected rate of disbursement of funds for Model Cities and several other assistance programs, partially offset by anticipated increases in the disbursement of funds committed in prior years for such programs as Urban Renewal and special government mortgage assistance.

Department of Transportation, —\$216 million: Approximately one-half of this reduction is in highway related programs. Other reductions include expenditures for airways and airports development, because the proposed user charge legislation that would provide the necessary financing has not yet been enacted.

Department of Defense, Military and Military assistance, —\$3,000 million: This decrease in Defense outlays is produced by a number of factors. Included are a \$500 million reduction in non-Southeast Asia Army operations, maintenance, and training; the deactivation of more than 100 Navy ships, including the battleship New Jersey; and a reduction of 300,000 flying hours in the non-Southeast Asia Air Force training program.

Major increases over the April 15 estimates are:

Agriculture, +\$434 million: The estimated increase arises principally from the assumption that Congress is unlikely to eliminate the special milk and agricultural conservation programs and from the Administration's proposed expansion of the food stamp program. This estimate also reflects (a) increases for the Forest Service, primarily for fighting forest fires, and (b) measures taken to increase timber supplies.

Health, Education, and Welfare, +\$565 million: Higher utilization rates and medical care costs in the Medicare and Medicaid programs, and continuing increases in maintenance payments are primarily responsible for the indicated rise. The increases are offset in part by reductions in other programs. The present estimate assumes that higher appropriations likely to be voted by the Congress will not be spent or will be offset by reductions elsewhere.

Interior, +\$286 million: The increase reflects a downward reestimate of Outer Continental Shelf receipts, unforeseen expenditures for fire and storm damage, and late congressional action on 1969 supplementals. The increase is partially offset by a downward reestimate of outlays for the Land and Water Conservation Fund.

Post Office, +\$417 million: Delayed enactment of the Postal Rate Increase Bill is primarily responsible for the increase shown.

An effective date of Jan. 1, 1970 is now assumed for postal rate increases.

Treasury, +\$885 million: This increase is due primarily to higher interest rates than earlier anticipated.

Veterans' Administration, +\$386 million: Change reflects continuing increases in benefit caseloads and unit costs in the compensation and pension programs—partly from congressional liberalizations—and several months' delay in enactment of proposed legislation to eliminate certain outmoded and duplicative benefits.

Civil Service Commission, +\$125 million: Increase is due mainly to higher than anticipated retirement claims and mandatory cost-of-living increases for annuitants.

FEDERAL EMPLOYMENT

As stated by the President in his July announcement of the additional \$3.5 billion cut in Federal spending, a further reduction will

be made in Federal civilian employment budgeted for fiscal year 1970.

The level of full-time civilian employment in the Executive Branch for June 30, 1970 is now estimated at 2,594,800, or 50,900 fewer than the 2,645,700 announced on April 15, 1969 and 98,700 fewer than estimated in January by the previous Administration. As can be seen from Table 5, reductions from the April ceiling have been applied selectively to the various agencies. The bulk of the decrease falls on the Department of Defense. Agencies with major overseas employment also bear a proportionately greater share of the cutback. This latest reduction of 50,900 will be attained even with the provision of a substantially increased contingency allowance, which is designed to give the President greater flexibility in reallocating personnel resources than was possible under the employment limitations of the Revenue and Expenditure Control Act of 1968.

TABLE 5.—FULL-TIME PERMANENT EMPLOYMENT IN THE EXECUTIVE BRANCH AS OF JUNE 30

[Employment levels in thousands]

Agency	1970					Agency	1970				
	1969 actual	January estimate	April ceiling	August ceiling	April-August difference		1969 actual	January estimate	April ceiling	August ceiling	April-August difference
DOD, military and military assistance...	1,225.9	1,235.0	1,215.0	1,166.4	-48.6	GSA	36.2	38.1	36.3	36.3	0.0
Post Office	562.4	575.7	569.0	566.5	-2.5	NASA	31.7	31.5	31.5	31.3	-0.2
Subtotal	1,788.3	1,810.7	1,784.0	1,732.9	-51.1	VA	147.6	152.3	147.6	148.5	+0.9
Agriculture	83.4	86.4	82.7	82.0	-0.7	Other agencies:					
Commerce	25.4	26.0	25.5	25.3	-0.2	AID	15.8	15.9	15.7	15.0	-0.7
DOD, Civil	31.2	31.4	31.3	30.7	-0.6	OEO	2.9	2.9	2.9	2.2	-0.7
HEW	102.9	106.7	102.6	101.1	-1.5	SSS	6.6	7.0	6.9	6.8	-0.1
HUD	14.3	16.8	15.3	15.0	-0.3	SBA	4.1	4.2	4.2	4.1	-0.1
Interior	58.2	60.9	59.7	58.8	-0.9	TVA	12.0	12.6	12.5	12.3	-0.2
Justice	35.1	36.6	38.2	37.8	-0.4	Panama Canal	14.7	15.2	15.1	14.7	-0.4
Labor	9.7	9.7	9.6	10.0	+0.4	USIA	10.5	11.0	10.8	10.1	-0.7
State	24.7	24.6	24.2	23.8	-0.4	Miscellaneous agencies	31.2	32.8	32.6	32.6	0.0
Transportation	60.4	65.4	63.7	63.0	-0.7	Subtotal	845.5	880.3	859.2	851.9	-28.4
Treasury	80.0	85.1	83.4	83.3	-0.1	Allowance for contingencies		2.5	2.5	10.0	+7.5
AEC	7.0	7.3	7.0	7.0	0.0	Total	2,633.8	2,693.5	2,645.7	2,594.8	-50.9

¹ New ceilings incorporate transfers of function from OEO to Labor and HEW.

Note: Detail may not add to totals due to rounding.

TABLE 6.—CHANGES IN BUDGET OUTLAYS, BY AGENCY—FISCAL YEARS

[In millions of dollars]

Agency	1970				Agency	1970			
	1969 actual	Apr. 15 estimate	Current estimate	Total change		1969 actual	Apr. 15 estimate	Current estimate	Total change
Agriculture	8,431	7,200	7,634	+434	National Aeronautics and Space Administration	4,247	3,897	3,847	-50
Commerce	854	1,079	1,050	-29	Veterans' Administration	7,670	7,554	7,940	+386
Health, Education, and Welfare	46,592	50,551	51,116	+565	Export-Import Bank	246	86	85	-1
Housing and Urban Development	1,537	2,823	2,661	-162	Civil Service Commission	1,754	2,565	2,690	+125
Interior	834	833	1,119	+286	All other civilian agencies	3,078	3,910	4,075	+165
Justice	520	730	724	-6	Subtotal, civilian agencies	111,283	117,737	120,517	+2,780
Labor	3,475	3,690	3,689	-1	Department of Defense, military, and military assistance	78,675	77,893	74,893	-3,000
Post Office	987	382	799	+417	Allowances for:				
State	435	428	429	+1	Pay increase of July 1, 1969		2,800	3,000	+200
Transportation	5,969	6,753	6,537	-216	Contingencies		200	350	+150
Treasury	16,961	17,558	18,443	+885	Undistributed intrabudgetary transactions ¹	-5,189	-5,745	-5,900	-155
Corps of Engineers	1,217	1,158	1,185	+27	Total	184,769	192,885	192,860	-25
Foreign economic assist.	1,795	1,760	1,745	-15					
Office of Economic Opportunity	1,801	1,869	1,819	-50					
Atomic Energy Commission	2,450	2,504	2,454	-50					
General Services Administration	430	407	476	+69					

¹ Represents Government contributions for employee retirement and interest received by trust funds. Note: Detail may not add to totals due to rounding.

ED JENISON'S TRIBUTE TO SENATOR DIRKSEN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SPRINGER. Mr. Speaker, since his passing on September 7, we have read and heard many words in praise of Senator Dirksen.

All through last week, from the time his body was borne into the Capitol

rotunda to lie in state, one of the few Senators in the Nation's history that have been so honored, until it was lowered into the prairie soil of his home State of Illinois, which he loved so much and served so well, the eulogies poured in from every corner of the United States and from throughout the world, from famous leaders and from humble folk as well.

Senator Dirksen's place in history is secure. He will be remembered along with Daniel Webster and John C. Calhoun, with Bob Taft and Bob LaFollette,

and with Henry Clay, to name those whose portraits adorn the Senate reception room, as among the great Senators of all time.

Of all the tributes I have read, none expresses so well the qualities of Dirksen's greatness, none explores in such depth the full scope of his career, and none so reflects the pride and esteem which we in Illinois felt in the achievements of our senior Senator, as does the following editorial by our former colleague, Ed Jenison, editor of the Paris Beacon-News.

Ed himself has had a distinguished political career, having served three terms in Congress from 1947 until 1953, as a blue-ribbon member of the Illinois General Assembly, and as a director of the department of finance of the State of Illinois. His friendship with Everett Dirksen began during the years when they represented neighboring congressional districts in the House of Representatives. Ed Jenison drew from a wealth of personal knowledge and experiences in writing his editorial and I know that it will bring back memories to those Members who, in the years following World War II, served with both Ed Jenison and Ev Dirksen in the House of Representatives.

The article follows:

A GALLANT MAN

Under a benevolent sky, they laid Everett McKinley Dirksen to rest Thursday in the spot he chose, among his fellow citizens in his beloved home town of Pekin, Illinois. It was both appropriate and typical of the great American, son of immigrant parents whose life proved once more that opportunity for all is the hallmark of freedom in a republic.

Everett McKinley Dirksen came back home to the people who knew him best and loved him most. Thousands of them lined the streets and thronged the community cemetery to show in their attitude the respect and the affection in which he was held. Not even the presence of a hundred important figures from Washington could take the spotlight away from the tribute of those to whom a national figure was "Ev," our congressman, then our senator, but always "our neighbor and our friend."

In its way, it was a revelation of the magnitude of the man. For he was an "uncommon" man who never forgot the "common man." Everett Dirksen probably knew more people by their first names than any man who ever traveled across the prairies and through the teaming cities of Illinois. Their problems became his problems. He shouldered them willingly, and he battled to do something about them.

The path from Pekin to greatness was an unlikely one, but it added yet another inspiring chapter to the history of our times, for it proved again that leaders do rise from humble origin to national service.

Ev Dirksen became fatherless at the tender age of five but he was blessed with a sturdy mother who encouraged him to maturity. He was a bread winner at an early age but it did not keep him from pursuing the path of education. In relative youth he was a manual laborer who became a skilled worker in drainage construction. In later years he was to confound experts with his intimate knowledge of flood control, land preservation and soil conservation.

When World War I drew the United States into global conflict, the then young Dirksen was an early volunteer who served with such gallantry that he won a battle field commission while serving his country in France. The courage and the leadership qualities revealed under those harrowing circumstances were a prelude to even greater service in the future.

The courage came in running for congress for the first time in 1930, when a depression abroad in the land made the cause of a Republican candidate hopeless. It was the only campaign he ever lost. Two years later, when Democrat Franklin Delano Roosevelt was sweeping the land for president, Dirksen won election to congress. And he was re-elected for a total of eight terms, spanning sixteen years. There he rose steadily and certainly to a position of eminence and influence, and his persuasive oratory established him firmly as a national leader.

If the editor may be pardoned a personal

comment, it could be said that "I knew him then." It was my great privilege to be elected to congress from a neighboring district after World War II. I was both young and green. Even at that time Ev Dirksen was a senior member of congress. But he had the time to be of help to every "newcomer," myself included. By rare good fortune my office was but a few steps away. His door was never closed. He was always ready to counsel and encourage and stimulate those about him. I can see him now, at work at his desk late at night. Books and papers covered his desk. But when you interrupted him with a plea for guidance at any hour, he would push his glasses up on his forehead, swivel around in his chair, and ask only "What can I do for you?"

In the years that followed it was my privilege to travel many a mile with him, particularly in his first race for the United States Senate in 1950. And memories of that campaign are not complete without special tribute to his "bride" of more than 40 years, Louella Dirksen, who rode at his side, served as his driver and his secretary, and made friends wherever she went. The memory has to go on to cherish years as a neighbor of the Dirksens and their daughter, Joy, now the wife of Howard Baker, the Senator from Tennessee. And those years bring the recollection of but another facet of the Dirksen character. A son of the soil forced to live temporarily in a teeming apartment complex, he found nearby "just a bit of ground" where he could satisfy a longing to exercise a "green thumb" in planting and cultivating a few flowers. He became something of an expert in this, as he did in all things, and ultimately, as a result of his horticultural interests, he embarked on the only half-facetious project to make the marigold the national flower.

It was in his nearly twenty years in the Senate that Everett Dirksen rose to national and international recognition. The same qualities that built his success in the House propelled him steadily toward ultimate recognition as the most influential senator with "powers greater than Presidents" as President Nixon himself observed in tribute to the giant from Illinois.

Yes, he had a great voice, and he used it. But it was more than that. He had the capacity to analyze and the understanding to sympathize. He could differ but without offense. He could reason without rancor. And he had tolerant patience for everyone but himself.

He was the friend of Presidents, of his own party and the opposition, but he was first and last the friend of the people and the land he loved with an unqualified devotion. He never ran away from a battle, and he won most of them, but if he lost he was undismayed and unswayed. Classic examples of his losses were his efforts to overturn the Supreme Court decision on "one man-one vote" and retain the concept of one branch of the legislature chosen by population with the other chosen on the basis of area, and the equally celebrated battle to overturn the court ban on prayer in the public schools. Almost alone he waged these battles, and alone he almost won them. His fundamental sense of right would not permit him to give up on either issue. And millions of Americans agreed with him.

Ev Dirksen was not without his critics, and it is the measure of the man that they never disturbed him or overcame him. They labeled him "The Wizard of Ooze," and instead of a term of derision it became a label of affection. He proved it every time he took the podium, and that was pretty often for no speaker was in greater demand across the length and breadth of the nation.

One classic example comes to mind. They honored him in Chicago one late April evening in 1966 at one of those big, glossy, often deadly-dull \$100 a plate dinners.

Without a note or scrap of paper before him, he "preached" for one solid hour and

twenty-two minutes more, surely long enough to bore stiff most anyone except perhaps his forgiving family.

Yet from the moment Everett Dirksen set free from deep in his innards that first velvety syllable, those seated, affluent diners—1,800 in all—leaned toward him and strained to hear every word as if life itself depended on his next one.

Before Dirksen rose, the bony young minister from the little frame church in Pekin spoke reverently of the Senator as "one who stands among us, but towers above us."

That set the stage. Then Everett Dirksen shuffled to the lectern, blinking in seeming surprise at the glare of TV lights he contended with almost daily.

The celebrated silvery locks were tangled and awry. A huge carnation made a white splotch on his black suit. The massive head, the sagging face were thrust forward, and tired, watery eyes peered over horn-rimmed spectacles into the sea of admirers. He looked for all the world like the fabled cowardly lion from cinema's Land of Oz.

There was in the great ballroom the perfect silence of expectancy, for most of them had savored the Dirksensian thunder before.

Then the words began to come, resonant, rolling, soft and almost inaudible at first. He told a gnarled old story about a grateful cow, one of his oft-repeated favorites. Half the crowd had heard him tell it before, yet they wandered almost gleefully alongside him to the punch-line, and then roared with laughter, feeling he had permitted them to share with him an intimate moment.

What he said was not new. Some would brand it corny or trite, the same old clichés about God and motherhood and freedom and all that. The empty sophisticates might dismiss him as out of touch with these frenetic times.

But you knew somehow this man was not shallow or calculating or emotionless. You could see an inconspicuous glow in those tired eyes when he talked of freedom.

There was an element of grandeur, a certain homely wisdom about this righteous, earthy plainsman. His may be a dying breed but it towers above the gray flannel prodigies who are guided by polls, surrounded by faceless aides, preoccupied with the cosmetics of image.

Perhaps Ev Dirksen is of a dying breed, but history refutes it. Over and over again the times have produced the man. Illinois gave to the nation Abraham Lincoln in a time of crisis. Ev Dirksen would have been the first to repudiate comparison with the martyred President, but he was the most articulate exponent of the Lincoln philosophy in succeeding times and succeeding crises. Dirksen, more than any other, clung tenaciously to the defense of freedom—for the nation and for the people. As the courageous champion of freedom his memory will be cherished wherever freedom prevails—and wherever oppressed peoples elsewhere hope freedom may yet be achieved in a troubled world.

Not long ago, Senator Dirksen gave his voice to the recording of patriotic readings entitled "Gallant Men." It was a sensational success. Millions thrilled to his masterful tribute to great men of history. The Senator was only the narrator. But there could be no more fitting designation for him. He was, indeed, the gallant man. His life of devotion and dedication was yet another demonstration of the validity of the American dream.

EVERETT MCKINLEY DIRKSEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MICHEL. Mr. Speaker, the messages of condolence continue to come in

the mail in the wake of Senator Everett McKinley Dirksen's passing; and today we received a letter from one of our dear friends and constituents who also was a very good friend of the Senator's. I should like to have printed in the RECORD at this point the full text of her letter, for the message embodied in it is such a touching one:

PEKIN, ILL.,
September 11, 1969.

HON. ROBERT H. MICHEL,
Washington, D.C.

DEAR MR. MICHEL: He is home at last. So often he began his talks to home audiences with the words "It's so good to be home again."

It must have been thousands that stood in tribute today for his final coming home. Memories of happier returns mingled in one's thoughts when he shared his life's learning and experiences with us. An intimate knowledge of world personages and affairs was his. He used it all for the good of mankind. There will never be an Everett Dirksen replica.

When Edwin Markham wrote his *Lincoln, the Man of the People* for the dedication of the Lincoln Memorial in Washington, D.C., he said:

"So came the Captain with the mighty heart; And when the judgement thunders split the house Wrenching the rafters from their ancient rest, He held the ridgepole up, and spik't again The rafters of the house. He held his place—Held the long purpose like a growing tree—Held on through blame and faltered not at praise. And when he fell in whirlwind, he went down As when a lordly cedar, green with boughs, Goes down with a great shout upon the hills, And leaves a lonesome place against the sky."

For so many Everett Dirksen's passing "leaves a lonesome place against the sky."

In closing there was another thought Everett often quoted. He had taken it from the Bible—Nehemiah 4:6, "So built we the wall; . . . for the people had a mind to work."

I wonder if this was not a part of his creed—for himself and for us all in America. There must be purpose to achieve accomplishment.

Respectfully yours,

NINA G. HAMMER.

AWARD TO RADIO STATION WVOX

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. REID of New York. Mr. Speaker, I was pleased to learn recently that radio station WVOX in New Rochelle, N.Y., has been selected to receive the International Award of the Radio-Television News Directors Association for broadcasting the outstanding radio editorials in the United States and Canada.

The editorials are written and delivered by William F. O'Shaughnessy, president and general manager of WVOX, in an informal, conversational style that brings his clear and cogent points directly to the attention of his listeners. Most importantly, what Bill O'Shaughnessy has to say is important for the community to hear: his remarks place national and international events in a frame of reference that is relevant to every listener in Westchester County.

I think that Members will find of interest the WVOX award-winning editorials concerning the right of Eldridge

Cleaver to speak in New Rochelle and on the death of Dr. Martin Luther King, Jr., and I insert them in the RECORD at this point:

THE MURDER OF MARTIN LUTHER KING

So now we've shot and murdered Martin Luther King. And each of us owns a piece of this latest outrage—whether we live in New Rochelle or Scarsdale or Rye or Mount Vernon or Bronxville, where Negroes aren't allowed to own property.

And here in Westchester we are up to here with do-gooder organizations. And the Junior League from Pelham is doing a case study on what's wrong with New Rochelle. And last year the Bronxville Junior League tried to tell us what was wrong with Mount Vernon.

And because we are smug and secure—the murder of Martin Luther King won't mean much to us. As long as the railroad runs for us today and as long as we can get ahead in business and as long as we can compete and worry about ourselves, this latest killing won't jar us or make us break into a cold sweat.

We've killed Presidents of the United States and we've shot demagogues like George Lincoln Rockwell. And if, when someone at your breakfast table asks you what this murder in Memphis means, you say as many will, it's his own damn fault . . . he got what he deserved, trying to stir up people like that . . . if you say that in your home, God help you and God help your children who look to you for balance, leadership and guidance in this world filled with hate and insanity.

I'm not sure what Martin Luther King will mean against the broad canvass of history. We met him only once, it was last October and Martin Luther King was in Nassau in the Bahamas and he was travelling with us on a tiny sightseeing bus and he had on Bermuda shorts with a camera slung around his neck. And I only know he was courteous and gentle and polite and seemed like the rest of us who murdered him.

Ask not for whom the bell tolls in Memphis, it tolls for thee. Any man's death diminishes me. Can't we ever get that through our damn thick heads? But let's hope we all get ahead in business today and let's hope the Pelham Junior League can find out what's wrong in New Rochelle and let's hope the Bronxville Junior League can straighten out Mount Vernon.

And meanwhile, we'll keep killing because we won't look at our own selves.

The reaction to the murder of Martin Luther King started to come at us yesterday. All the politicians raced for the nearest microphone to try and make some sense out of this latest outrage which demeans us as a people.

Lyndon Johnson sent the Attorney General of the United States down there and he cancelled a trip to talk about the Vietnam war. And finally someone has shown that anarchy here at home is more dangerous and destructive than the situation in Asia. And Lyndon Johnson showed it was more important to keep the American flag flying over Memphis, Tennessee, than it is to keep it flying over Hue or Saigon. And this would have made Martin Luther King happy because that's what he tried to tell us.

And all the while this nation was concentrating on being a global power, Dr. King was saying we should concentrate on places like New Rochelle and Memphis and Mount Vernon and Atlanta and Yonkers and Chicago.

But now he's dead and Billy Graham, the North Carolina evangelist, cried out from half way across the world that "America is sick." And Bill Graham said there are tens of thousands of sick and mentally deranged people in our own country. And we certainly didn't need Billy Graham for this "revela-

tion." It's right there in front of you that we are a nation of opportunists.

And nothing that Lyndon Johnson or Roy Wilkins or the Pope or New Rochelle's Whitney Young can say will make it any easier for us to look at a Negro in the eye today.

And this must not be ours alone, this thing about Martin Luther King. Because the Stokely Carmichaels and the Rap Browns own a piece of this murder. And any Westchester civil rights leader who ever denounced King or Roy Wilkins is to blame, too. And plenty of them did.

And a Negro minister from New Rochelle got right on this radio station recently to abuse King and Wilkins and their solid, non-violent and reasonable approach. But this is all a reaction to social evils we live with and do nothing about.

And as the writer Jimmy Breslin said when John Kennedy was killed, each of us has a share in this murder, every one of us who ever stood off in our smugness and called somebody a Nigger or a Jew. Breslin was saying that people like us who stand back and duck the tough moral issues of our day breed the ones who pull the trigger.

The man who killed Martin Luther King is a product of us.

ELDRIDGE CLEAVER, THE BLACK MILITANT

Many people are suggesting that Eldridge Cleaver, the black militant, not be allowed to speak on the Iona Campus this afternoon.

We can tell you the situation is such at this great college, that economic threats have been made against the wise and gentle man who is Iona's president. Brother McKenna and his colleagues have been beset by filthy and obscene calls from Westchester residents with small minds and small brains—but colossal fears. Our distinguished neighbors have been calling the Brothers to say very bad things about them—and awful things about this Eldridge Cleaver.

As you know, we've been devoting recent days and nights to our analysis of the current political campaigns . . . but we must pause this morning in the face of this madness to speak in favor of the right of Eldridge Cleaver to speak in our city.

True, he may be a very unattractive individual. True, he may have advised that the very best way to receive justice in a courtroom is to shoot a judge. True, he may be an ill-bred uncouth bore. True, you may see in him a rabble-rouser, or an anarchist, or a revolutionary.

But Eldridge Cleaver *must* speak in our city today.

The administration of Iona has, we believe, prevented the kind of riots Mr. Cleaver might desire to provoke. The college has prevented this horror by not withdrawing his invitation—despite incredible pressure from Trustees and students.

Over 100 years ago, John Stuart Mill said: "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."

And Mill also said:

"We can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if it were sure, stifling it would be an evil still."

That's why Eldridge Cleaver must speak. That's why WVOX must insist he be given a hearing. We hope the calls and threats against Iona will stop immediately. We call on Chief McCaffrey, in Commissioner Carey's absence, to provide adequate protection for the occasion. Our police will be defending—not a demagogue named Eldridge Cleaver—they'll be defending Freedom of Speech.

Cleaver must be heard in our city just in case Voltaire was right when he said: "There are truths which are not for all men, nor for all times."

Just in case.

**BILL ROTH—A WORTHY
SUCCESSOR**

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SPRINGER. Mr. Speaker, the gentleman from Delaware (Mr. ROTH) has compiled a remarkable record of achievement during the brief 3 years that he has been a Member of this House.

Mr. Willard Edwards, the distinguished Washington political columnist of the Chicago Tribune, details some of these accomplishments in the following article, which appeared in the Tribune's September 16 issue.

It is reassuring to know that Delaware's great senior Senator, JOHN J. WILLIAMS, who some time ago announced his intention of retiring at the end of this Congress, will have a worthy successor in BILL ROTH.

The article follows:

SENATE ASPIRANT TO BE OBSERVED

(By Willard Edwards)

WASHINGTON, September 15.—The Senate will take a look this week at an audacious young Republican in the House who aspires to fill the shoes of that Capitol Hill giant, Sen. John J. Williams of Delaware.

Rep. William V. Roth Jr. [Del.] has a sensational statement in readiness—a disclosure of mammoth waste and confusion in federal spending—the product of long and diligent investigation.

As he delivers it to the Senate subcommittee on intergovernmental relations, its members will, predictably, come to the conclusion that the second smallest state has come up with a worthy successor to Williams.

Williams, the one-man investigator whose probes have instilled terror in venal government officials for 20 years, is retiring at the end of his present term, resisting protests against his departure by the people of his native state and all those in Washington concerned with honest government, from the lowliest federal employee to President Nixon.

Having reached the opinion that men over 65 should retire from public office, and having attained that age last May, Williams scorned suggestions that he was one of the exceptions.

The recent death of Sen. Dirksen at 73 confirmed him in his belief. He had warned Dirksen years ago that he ought not to run again in 1968.

Williams looked over the field of prospective successors and unhesitatingly indorsed Roth, 48, altho he has served less than three years in the House. That backing, plus political trends in the state, indicated that Roth would be the G.O.P. nominee and winner in November, 1970.

When Roth announced his Senate candidacy last May, there was a remarkable demonstration on the House floor by his colleagues. Republicans as widely separated in political philosophy as Rep. H. R. Gross [La.] and Robert Taft Jr. [O.] joined scores of others in saluting his accomplishments during a brief career.

Williams, the one-man investigator, will be succeeded by Roth, "a one-man Hoover commission," House members noted. This was a reference to Roth's awesome labors with his staff over an eight-month period which resulted in a 200,000-word catalog of more than 1,000 domestic aid programs which funnel 20 billion dollars a year to the public.

Roth is now updating that effort by inserting in the Congressional Record a list of approximately 1,300 assistance programs. In

testimony before the Senate subcommittee Wednesday, he will air his findings. They will expose the malignant growth of government agencies, duplicating each other's spending activities at a cost to the taxpayers of billions of dollars.

Past administrations furiously resisted all suggestions for an orderly listing of assistance programs. Bureaucrats thrived on a planned confusion which permitted scores of agencies to dole out money in the same area. Worthy recipients of the aid didn't know where to get it or how to qualify, while high-salaried professions, representing big interests, were grabbing most of the loot.

In his new listing, Roth found 51 business and economic development programs in 14 agencies, 19 civil rights programs in 6 agencies, 62 environmental and natural resource programs in 9 agencies, 112 housing programs in 5 agencies.

"The amount of good that should have come from billions of tax dollars has been drained off into exorbitant administrative costs and wasteful procedures, with too few dollars finally reaching those they were meant to help," he will report.

As a result of Roth's efforts, the Nixon administration has indorsed legislation requiring the President to publish an annual catalog of all federal aid programs. Its passage will let sunlight into the darkness of the bureaucratic jungle.

AMERICAN VETERANS COMMITTEE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BINGHAM. Mr. Speaker, on June 15 the national convention of the American Veterans Committee adopted a platform and resolutions on a number of subjects. I am pleased to insert in the CONGRESSIONAL RECORD at this time the international affairs section of the platform, together with accompanying resolutions dealing with ABM, Arab-Israel conflict, Vietnam, Czechoslovakia, and prisoners of war.

I commend these documents to my colleagues and to other readers of the RECORD. They are thoughtful and constructive and deserve careful study. While I do not agree with them in every detail, I find that to an extraordinary extent, considering the variety of the issues covered, they reflect my own views.

The 1969 AVC platform on international affairs with accompanying resolutions follow:

INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I. THE UNITED NATIONS AND WORLD GOVERNMENT

The United Nations continues to be man's best hope for peace. American support to the United Nations must be an essential part of our foreign policy. The authority of the United Nations must be progressively

strengthened in a process which sees the selective yielding of the prerogatives of national sovereignty in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

Recognition of the rule of law principle in international relations is an essential of action in reinforcing the United Nations role in the maintenance of peace and security. Appropriate means must be found to widen the area of internationally accepted standards and American compliance therewith. Prompt repeal of the Connally reservation by the United States Senate would be a step in this direction.

We believe that there must be an acceleration of progress in the ratification of existing international human rights conventions by the United States. Where necessary, enabling national legislation should be enacted to bring our laws into conformity with these conventions. United States action in this respect has been grossly inadequate and has hindered a greater assertion of American leadership which is required.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We favor encouragement and aid to the formation of supranational authorities of a regional nature consistent with the U.N. Charter and of treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantage, such as the European Common Market, Euratom and others. The United States should further encourage and support European initiatives through the European Economic Community, Euratom, the Council of Europe, or otherwise to create, consolidate and strengthen institutions which may lead to a politically stable and prosperous European entity.

We fully support the enlargement of the peace-keeping function of the United Nations. The use of peace-keeping forces by the United Nations should be supported financially on an obligatory basis by all members of the United Nations. The allocation of military forces on a standby basis should be encouraged and established systematically through the creation of a permanent planning mechanism in the United Nations.

We favor the ultimate establishment of democratic world government.

II. NUCLEAR TESTING AND DISARMAMENT

Complete elimination of nuclear weapons testing and establishment of international controls on this most dangerous weapons technology should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The adoption of the United Nations of a non-proliferation Agreement is a significant advance despite the reservations of some member states. The United States as the foremost nuclear power, must move forward in this regard by ratifying the Agreement as rapidly as possible.

The new initiatives by the United States and the USSR to begin negotiations toward the limitation of offensive and defensive nuclear ballistic missile systems is an important next step. United Nations action to convoke meetings of the five nuclear powers—Britain, France, the Soviet Union, China and the United States is further movement toward the desirable goal of creating controls of these awesome weapons. Only by showing their good faith can the nuclear powers induce other states to forgo development in this most dangerous area, lower international tension, and avoid the allocation of needed resources to essentially destructive and wasteful ends.

Complete and total disarmament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

III. THE UNITED STATES AND ITS ALLIES

Inevitably differences will arise between the United States and its Allies, but there are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

IV. THE UNITED STATES AND THE WORLD

The twentieth century is the era of the developing nations of Latin America, Africa, and of Asia. The United States must stand ready to help these nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

Our era is characterized by an ever-widening gap between the social and economic bases of the developed countries and those of the developing countries. This decline in the relative position of the developing countries, accompanied as it is by a population explosion, can lead to dangerous world tensions which could threaten world peace because of increased violence and disorder. New means must be found to close this gap through mobilization of efforts on a worldwide basis, including increased economic assistance from developed countries and greater self-help from the developing countries. The United States must be prepared to make greater contributions to the United Nations' efforts in this field, through other multilateral arrangements, and through bilateral aid. The goal of allotting 1% of the gross national product to this end as set by the United Nations is not unreasonable and well within the means of the United States.

United States foreign aid to developing countries should be utilized at points of greatest potential. In providing bilateral aid the United States should give priority to those countries which can make the most rational and productive use of such aid. In measuring the efficacy of United States aid, due weight should be given not only to eco-

conomic considerations but also to the nation-building process including the strengthening of democratic institutions and the consolidation of efforts on a regional basis. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self-government, and should, if requested, provide economic help to prevent them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

V. SOVIET UNION AND COMMUNIST CHINA

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible, but is also a necessity if the world is to remain at peace. This must be our modus vivendi for the foreseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, expanded trade beyond the Iron Curtain, or others. If we follow this policy and practice we shall find the areas of agreement becoming wider and the differences narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth. Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

VI. WORLD TRADE

The path to world peace through world trade is long, tortuous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustments will have to be made. Where hardships are visited upon domestic industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

VII. THE EXAMPLE OF AMERICA

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hostility by less fortunate peoples of the earth. It is the difficult, but essential task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in an atmosphere that accords the individual his basic human rights and permits him to achieve the fullest measure of self-expression.

RESOLUTIONS

ABM

The American Veterans Committee opposes the Anti-Ballistic Program for the following reasons:

1. The Anti-Ballistic Program tends to make armaments limitation agreement more difficult. It contributes to escalation of the nuclear armaments race and thereby heightens the balance of terror and increases the possibility of nuclear war.

2. As a matter of priorities the funds expended for the ABM Program and the additional funds that would be required by the escalation of the arms race are desperately needed for our domestic needs.

3. The Defense Department has not adequately demonstrated that the proposed ABM System will work. Our present deterrent without the ABM System is such that no country would consider that it could now launch a nuclear attack on us without suffering utter devastation and retaliation.

ARAB-ISRAELI CONFLICT

AVC views with concern the continued failure of existing efforts to terminate the Arab-Israeli conflict. The tenuous cease-fire has been punctuated by artillery duels, guerrilla raids and reprisals, and intermittent aerial conflict. Because renewed recourse to fighting can ignite the entire Middle East and raise the prospect of an immediate major conflict, all the major powers have a duty and an obligation to search for a peaceful resolution of the issues in dispute.

But even as the Four Powers meet to find common ground, they find themselves incapable of reaching agreement on an imposed peace because of their conflicting interests. Thus, the key to peace in the area is recognition of the need for direct negotiations between the parties that confront each other across frontiers of hostility. The historical record of three wars and the failure of third parties to maintain peace-keeping arrangements makes mandatory Arab-Israeli negotiations which alone can begin to provide a framework for peaceful settlement of their disputes.

AVC urges that American efforts in the current Four Power talks be devoted to the issuance of a joint declaration calling for such direct negotiations between the Arab States and Israel and taking the appropriate diplomatic measures to insure compliance thereto. In addition, appropriate steps to curb Great Power Rivalries would do much to contribute to peace in the area of the Middle East.

VIETNAM

The war in Vietnam is far more than a military struggle taking place in one small distant country. The American presence in Vietnam is part of a continuing commitment by the United States to help maintain a structure of peace and stability in Southeast Asia as elsewhere in the world.

In attempting to halt a Communist takeover in South Vietnam, the United States has, with its allies, waged a limited war with corresponding limited objectives in an effort to control the spread of the Vietnamese conflict into a general Asian war or even another world war.

But the toll of human and material destruction wrought by the continuing conflict in Vietnam is repugnant to all people who are determined to pursue humanitarian objectives and to stop the process of killing and of destroying of property as avenues for settling disputes. The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflicts which most of this tortured people would surely prefer to solve through peaceful means.

AVC therefore welcomed the initiation of preparatory peace talks in Paris as a means

of resolving the bloody conflict in Vietnam. We were heartened by the bombing halt of North Vietnam and the accompanying "understanding" which reestablished the Demilitarized Zone, provided limits on the fighting in South Vietnam, and saw Hanoi recognition of the Government of the Republic of Vietnam. Our hopes rose further with the Paris movement toward expanded negotiations in which the four major parties to the conflict are now represented.

Unfortunately, despite a progressive narrowing of the political differences on many matters which divided the two sides, the Paris negotiations seem to be at an impasse and have been overshadowed by an increase in the scope, size and barbarity of the war in Vietnam. Sterile propaganda debates feature the weekly meetings and underscore the tragedy of a war without issue that sees an ever increasing toll of military and civilian casualties as each side tries to reshape the destiny of Vietnam by force. This talk-talk, fight-fight strategy which seems to be the sole matter of agreement to which all parties at the conference table now subscribe can only contribute to continued exacerbation of the international situation and domestic difficulties in the United States. This intolerable situation must not be permitted to continue as it is in the best interests of the United States and of world peace to settle this conflict as quickly as possible through peaceful negotiations resulting in a political settlement of the issues in dispute.

A new initiative for peace is called for. The appeals of the Secretary General of the United Nations, U Thant, and Pope Paul VI, as well as statements of former President Johnson regarding the desirability of a cease-fire must be translated into official American policy at the Paris talks. World-wide pressure must be exerted to get the Communist side to accept an end to the fighting.

AVC therefore urges that the American peace negotiators be instructed as a matter of the highest priority to press for a multilateral cease-fire with a mutual standstill status for all military forces in Vietnam.

The cease-fire is only a first step in liquidating the costly conflict in Vietnam by shifting the emphasis to political bargaining. To ensure a peace with honor in Vietnam and stability in Southeast Asia, as the outcome of the Paris negotiations, AVC further calls on the Administration:

1. To ensure the success of the cease-fire arrangement, by constituting a Peace-keeping Corps based either on an expansion of the existing International Control Commission through the addition of representatives from Asian Nations and using majority rule to reach decisions or the creation of an alternative unit of international supervision. This Peace-keeping Corps can also be charged with the responsibility for the inspection of military withdrawal and political arrangements.

2. To maintain as the underlying basis for political settlement the principle of self-determination in the right of all the people of South Vietnam, through free elections in which persons of political persuasions shall be entitled to vote and run for election, to choose their leaders and create an elected representative government which would be charged with the tasks of national reconciliation and of negotiating progress toward reunification. The composition of the new government, and whether or not there should be a coalition, should not be imposed, either at the negotiating table or by the military forces of either side, but should be resolved by the Vietnamese people themselves in new elections at the earliest possible date following the standstill cease fire. All sides must agree to accept the results of such an election.

3. To favor the creation of an electoral commission to oversee free elections since

neither the Saigon government nor the newly-designated "Provisional Revolutionary Government," replacing the National Liberation Front in the negotiations, would accept the jurisdiction of the other in administering fair and honest elections. This electoral commission should consist of representatives of the major political factions within South Vietnam, plus international representatives from the Peace-keeping Corps which can also play a role as an impartial overseer of free political competition.

4. To negotiate provision for the protection of minorities before the International Peace-keeping Corps leaves, the new government should make explicit assurances of protection of minorities against reprisals, to avert the moral and political problem of large numbers of refugees fleeing the country, as well as to prevent the killing or imprisonment of political opponents by those who win the election.

5. To arrange for the mutual withdrawal of American and allied foreign troops and North Vietnamese armed forces from South Vietnam within a brief and explicitly defined period of time.

6. To promote the peace, security and development of Southeast Asia by focusing upon objectives of neutralizing the area, reducing the incidence of great power conflict, and facilitating the multilateral improvement of indigenous living standards through a long range development program under international auspices.

While promoting the above program for a durable and lasting peace with honor and until a negotiated peace can be attained, AVC also urges the Administration to continue its support of the elected Vietnamese Government to the end that its representative and viable character be enhanced. In line with this objective AVC supports American policies designed:

- (1) To continue equipping and retraining the expanded Vietnamese Army so that it can progressively take over the responsibility of defending South Vietnam. The rapid replacement of American troops by South Vietnamese forces is both politically necessary and desirable. It will demonstrate that American soldiers need not do what Vietnamese soldiers are capable of doing for themselves and constitute pressure for the withdrawal of all non-South Vietnamese forces from the conflict as major United States forces leave.

- (2) To markedly expand the American effort for refugee relief and to revamp the administration of the Refugees Program in conjunction with the appropriate Vietnamese authorities so that there is no question that supplies and monies reach the people for whom they are intended.

- (3) To facilitate the administration and success of the newly enacted comprehensive land reform program in South Vietnam to give the peasant a stake in the future.

- (4) To continue to bring pressure on the Saigon government to cease repressive measures and effect the release of the arrested Buddhists and other Vietnamese Nationalist politicians so that they may be free to participate in political life and make their contribution to a peace of reconciliation and honor.

CZECHOSLOVAKIA

AVC condemns the continuing intervention of the Soviet Union in the internal affairs of Czechoslovakia. But for the brutal assertion of the "Brezhnev doctrine" by the Soviet Army, the people of Czechoslovakia would be well on the road toward realizing their age-old aspirations in a freer variant of a "socialist society." Instead, the hopeful steps toward liberalization of their closed society have been reversed by the reemergent repressive leadership installed by Soviet tanks and guns.

At issue is not only the fate of a small nation at the hands of a new-type Soviet

imperialism, but the very principles of the United Nations. Little wonder that even other Communist countries and Communist parties have called into question this assertion of Soviet overlordship in the "Socialist Camp." By its flagrant violation of the charter of the United Nations, the Soviet Union gives the lie to its call for "peaceful coexistence" and destroys its credibility among the nations of the world as the champion of "non-intervention, independence and the sovereign rights of nations."

Worse still, this Soviet action has contributed to raising tensions in Europe at a time when many were hopeful of a continuing detente that could lead to the restoration of European unity. True independence for the nations of Eastern Europe is a precondition for developing an all-European structure of peace and security in that vital area. We call upon the leadership of the Soviet Union to cease taking such actions which violate the internationally accepted norms of relations between states.

PRISONERS OF WAR

AVC wishes to reaffirm its solidarity with the American and allied prisoners of war who suffer in the Communist prison camps of North and South Vietnam. We extend our sympathy to the families of these men and pledge our continued efforts in an international campaign to effect their humane treatment.

AVC condemns the continued refusal of the Government of the Democratic Republic of Vietnam to live up to its pledges as a signatory of the Geneva Convention to treat humanely prisoners of war. We regret that political issues have injected into an essentially humanitarian matter. We again appeal to the Hanoi government:

- (1) To provide a list of names of prisoners of war.

- (2) To allow visits by a neutral, impartial body such as the International Red Cross.

- (3) To end limitations on the rights of prisoners to correspond with their families.

- (4) To engage in immediate conversations to effect the exchange of sick or wounded prisoners of war so that they may receive the best treatment available to them in their plight.

The Communist side in the Paris Peace Negotiations have repeatedly declared themselves as favoring a "democratic solution" for the war in Vietnam. A progressive stance and behavior on the prisoner of war issue could lead to progress on other matters. The recognition of the rights of war prisoners no matter which side is involved is an elementary human consideration transcending ideological differences.

AVC calls upon all Americans to unite in demanding that Hanoi comply with internationally accepted principles of law. In particular, the peace organizations that have access to Hanoi must make known their views toward the end that American and allied servicemen who are prisoners of war be treated humanely. AVC will continue its efforts in the W.V.F. and internationally to improve the status of American and allied prisoners of war held by the Democratic Republic of Vietnam.

LETTER FROM A CONSTITUENT

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following letter I received from one of my constituents, Mr. Warren Wells, of Santa Barbara, Calif.:

SANTA BARBARA, CALIF.,
July 31, 1969.

HON. CHARLES M. TEAGUE,
House of Representatives,
Washington, D.C.

MY DEAR MR. TEAGUE: Having noted newspaper reports of your expressions of concern with respect to the economic distress which have been produced by the current escalation in national interest rates, I am writing to call your attention to a number of unnecessary and avoidable elements of this situation and the potentials of a major economic recession which are inherent in the escalatory mechanics involved.

In essence, it is my considered opinion that the Board of Governors of the Federal Reserve System has been derelict with respect to its basic inherent obligation to use its vast powers in the most strategic possible manner in situations such as the present, so as to effectively combat inflation with minimum detrimental effects to either the nation's economy or to our international balance of payments.

As an example, the Board could have strategically used its vast powers to effectively cool speculative forces in the economy without precipitating an interest rate spiral which has progressed to the point of creating the adverse effects mentioned above. As an example of only a few of the measures which could have been taken, the Board could have initiated a move in successive stages to place the stock market on 100% margin, while concurrently cancelling the option of substitution. Simultaneously, the Board could have moved to require the nation's banks to ration credit in such a manner as to have sharply limited the availability of credit for speculative purposes, e.g., the banning of credit for short or long term loans involved in company takeovers, stock tender offers, the banning of credit for speculative purchases of land while permitting the use of credit for the purchase of land to be used for building within a twelve month period, etc.

The use of these and other selective measures could have forced billions of dollars out of speculative channels, with resultant cooling of the economy while actually increasing the availability of funds to those segments of the economy which are serving sound business and social needs.

In contrast, the Board has resorted to what might be termed an unstructured tightening of the nation's monetary supply, which has had the effect (1) not only of compounding inflation, but (2) of adversely affecting our international balance of trade. In clarification of the foregoing:

1. An unduly high escalation in the prime interest rate has the obvious effect of compounding inflation, because of the close interrelation of interest rates within the consumer goods price structure, with particular reference to consumer goods bought on credit and the initial and carrying cost of housing. In this connection, it might be noted that the increase in home loan interest charges has escalated the total longer term carrying cost of the average home by some 15-20% above the incremental increase in building costs alone which has occurred over the past year. Unduly high interest rates are also reflected in higher costs for a wide range of utility services, including gas, electricity, telephone, water, etc. Thus, an unduly high increase in interest rates has become an inflationary element in and of itself.

2. Any unduly high rise in the national interest rate structure has a direct effect not only on the cost of producing exportable goods and services, but also on the carrying costs for the financing of exportable goods and services.

In addition, I feel that the Board has been negligent with respect to its failure to antic-

ipate and prevent a situation which has unnecessarily compounded the rise in national interest rates, and which could under appropriate circumstances contribute to precipitating a major economic recession.

I am referring to the role which the huge backlog of standby loan agreements held by the major New York banks has played in the present excessive escalation of national interest rates. These standby loan agreements obligate the banks to make loans at rates which are related to the prime rate. These standby loan agreements are a source of substantial profits during periods when the Federal Reserve finds it necessary to tighten up on the money supply for purposes of cooling the economy. As soon as the major New York banks have to borrow money at rates which are importantly above the prime rate, they begin to lose money on each loan commitment exercised. They are, therefore, forced not only to raise the prime rate, but, if necessary, to resort to a series of prime rate increases to avoid losing money on the exercise of their loan commitment obligations. The prime rate spiral is further compounded by the fact that companies holding substantial loan commitments are prompted to exercise them and initiate the capital expansion projects under which they have been related in order to beat further increases in the prime rate.

The distorting effect which these loan commitment arrangements can introduce into the national interest rate structure could be materially reduced by appropriate regulations which would limit total loans, including loan commitment obligations, to some reasonable percentage of total deposits.

In assessing the importance of instituting some control measure of the type suggested above, I refer again to the point that an unduly high escalation in the prime interest rate has the effect of compounding inflation. It is also obvious that a spiral in the prime rate could conceivably progress to the point where it precipitates a major economic recession.

Sincerely yours,

WARREN WELLS.

A TRIBUTE TO THE SLOVENES AND
THEIR HOMELAND

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BLATNIK. Mr. Speaker, all men are proud of their nationalities, and we of the Slovenian extraction are no exception.

About 150 years ago the Slovenes began leaving their homeland stopping first in New York and Chicago and then spreading to Joliet, Cleveland, Minnesota's Iron Range, Colorado, and California.

These were a colorful, hard-working people who contributed as much as any nationality to the greatness of America. However, their history and heritage for many years was for the most part unknown simply because no one had taken the time to record the background of the Slovenes and their homeland.

This is no longer the case. Marie Prislant, a native of Slovenia and now of Sheboygan, Wis., has written a book, "From Slovenia—To America," which gives an account of the American Slo-

venes, the culture and customs they brought with them, and the land they left behind.

The author explains:

It is for the children and grandchildren, that I have prepared this collection of Slovenian history so that they might have a small glimpse of the rough road traveled by their parents and grandparents to improve their own standard of living and to give life to their sons and daughters in a free and happy land.

In her book she writes:

The early Slovenians came to America with the intention of accumulating enough savings to improve their living conditions after they returned to their families in Slovenia.

In America they did not find the streets "paved in gold" or money "growing on trees" as many Europeans still believe, but they were faced with many hardships in a new and strange environment. Since they were young in mind and strong-bodied and because of the rugged life in their homeland, they did not despair and were determined to work hard and to have patience to overcome the obstacles confronting them in the new land.

The American way of life, however, with its freedom of expression, the vast opportunities and privileges it provided, soon had its effect.

Mr. Speaker, this is the first book written in the English language about the Slovenian immigrants and their homeland and Marie Prislant has done a remarkable job. I commend it to the attention of my colleagues.

THE LATE HONORABLE DANIEL
RONAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. REES. Mr. Speaker, I join my colleagues in mourning the death of my good friend, Daniel Ronan.

Having served his city as an alderman and his State as a legislator for many years, Dan was eminently qualified to come to Congress in 1965. Dan and I became friends as freshmen Members of the "class of 89" seeking to understand the complicated procedures of Congress. The Sixth District of Illinois was fortunate indeed to have this dedicated and hardworking Representative, and I too knew this kindly man.

Dan's specialty was the field of transportation. His skillful leadership and enlightenment helped lead the way toward more definitive transportation policies in our country concerning railway and airport facilities and passenger safety. Urban problems specific to Chicago were his greatest concern, of course, but his generous nature and public spirit extended the scope of his interests to related conditions nationwide.

Death came suddenly for Daniel Ronan but long will he be remembered by his deeds as delegate at the city, State, and national levels as well as by the meaning he had for us as a friend.

CONGRESSMAN HAMILTON CALLS
DEMOCRATS TO LISTEN MORE,
TALK LESS

HON. JOHN BRADEMÁS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BRADEMÁS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following excellent report by Indianapolis News political editor, Edward Ziegner, on an outstanding talk by Congressman LEE H. HAMILTON before the Indiana Democratic Editorial Association.

Speaking with the thoroughness and insight which marks all of his public remarks, Congressman HAMILTON called upon Democratic office-seekers to use "less rhetoric and more candor, fewer promises and more performance, less talking and more listening" if they are going to capture the root feelings of the American people.

The article reads as follows:

[From The Indianapolis (Ind.) News, Sept. 1, 1969]

DEMOCRATS WARNED ON RETURN TO POWER
(By Edward Ziegner)

Ninth District Democratic Congressman Lee Hamilton has warned his party they will return to power "to the extent we are able to understand the changes taking place in American politics today and to articulate and capture the root feelings of the American people."

Hamilton, serving his third term in Congress, stole the show from the headliners at the weekend Indiana Democratic Editorial Association meeting in French Lick with a Saturday speech which drew sustained applause from the crowd of about 600.

"You and I must understand," Hamilton told his audience, "that politics in America has become unglued. The rules of the game have changed. We can no longer automatically assume that the Democratic party is the dominant party . . . The Democratic coalition, which gave us electoral victories many years, can no longer be counted on."

Hamilton, speaking with a bluntness rarely heard at political meetings and almost totally absent at this year's Democratic gathering in light of a rising optimism that 1970 will be a good year, added:

"The South is no longer automatically Democratic . . . The working man, as he becomes increasingly middle class in status and concerns, does not vote Democratic automatically."

"Young people (and 60 percent of our population will be under 30 next year) and minority groups are asking—not should I be a Democrat or a Republican—but the more probing question: Will the system work? Will it meet the challenges of the 1970s? And they will not accept the glib clichés of politicians who want to solve the problems of the 70's with remedies that only partly worked for the problems of the 40's and the 50's."

SUBURBS KEY TO WINNING

Hamilton said the "suburbs perhaps have become the key to winning elections" and pointed out that while the Democrats, as always, must direct their appeal to the common man, he also has changed and "earns more money, is better educated, expects more and has different interests and concerns than his father and mother."

He said people are "deeply concerned and in some cases even furious about the relentless increase in taxes" and "think we can do better in collecting and spending the reve-

nues of government" on all levels, local, state and Federal.

"They want tax relief and tax equity, a reasonable assurance that Americans in similar circumstances pay approximately the same tax. They want a saner sense of priorities," Hamilton commented.

These, he said, would include enough money for national security, "but not for monstrous military expenditures," adequate funds for air and water pollution control, education and health, "but not swollen expenditures for programs with marginal results," and a rejection of the idea "this nation is the policeman of the world, the gendarme to guard every gate," he added:

"They want from us all in public life less rhetoric and more candor, fewer promises and more performance, less talking and more listening. And, as much as anything, they want a piece of the action, a sense of participation, a feeling they are not shut out from the decision making processes in the political party and government."

Hamilton's speech overshadowed those of U.S. Sen. R. Vance Hartke of Indiana, who runs for re-election next year for a third term, and the principal speaker, U.S. Sen. Thomas Eagleton of Missouri.

Eagleton told the Democrats "the most unforgivable failure of the Nixon administration and the greatest opportunity for the Democratic party" has been the failure of the Republicans to change national priorities.

Priorities should be shifted from the Vietnam war to improvements in education, health, medical care, care of the elderly and an end to inflation, Eagleton said, but that the Nixon administration continues to abide by the old priorities.

**THE MILITARY JUSTICE ACT
OF 1968**

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BENNETT. Mr. Speaker, on August 1, 1969, the Military Justice Act of 1968 became fully effective. The act brings added procedural benefits to the accused in the military and at the same time increases military efficiency. The Military Justice Act makes the most significant and far-reaching changes to the administration of justice in the military since the enactment of the Uniform Code of Military Justice in 1950.

Extensive changes have been made in the following four areas: Authority and use of military judges; accused's right to legally qualified counsel; appellate rights; release from confinement during appellate review.

Military judges are legally trained officers who preside over courts-martial; they were formerly known as law officers. Provisions have been made for trial by the military judge alone without court members. The accused has the right in all general courts-martial, except capital cases, to request trial by a judge alone. The accused must be informed of the identity of the military judge and have the advice of counsel before making his choice. Only a military judge may approve a request for trial by a judge alone. This concept received good initial acceptance and many military accused have elected this option in

the first month of the act's operation. This reflects an appraisal by the accused that the option is viable and results in an obvious savings of line officers' time.

The Military Justice Act confers upon the military judge a true judge's role by increasing significantly his powers and prerogatives. The judge will rule finally on strictly legal and procedural matters; the act does away with the former practice whereby the court members could overrule the judge on certain legal questions. The military judge has authority to hold sessions without the court members for the purpose of ruling on legal and procedural matters. The increased powers of the military judge will save time and improve the fairness and efficiency of the military justice system.

The most significant changes in military justice involve the special court-martial. An accused at a special court-martial must now be afforded the opportunity to be defended by legally qualified counsel, certified by the Judge Advocate General of his armed service, unless military exigencies or physical conditions prevent such counsel from being obtained and the convening authority so states in writing for the record. It is anticipated that this exception will be construed very narrowly. For example, the Manual for Courts-Martial, United States, 1969—revised edition—adds the additional requirement that the convening authority must also state for the record why the trial had to be held at that time and place. Army regulations also prescribe that the military exigency and physical conditions exception will never be used in the United States—less Alaska and Hawaii.

The Military Justice Act permits a convening authority to detail a military judge to a special court-martial. Military judges will increase the fairness and efficiency of special courts-martial. The implementation of this provision will vary from service to service at least initially. Army regulations, for example, provide for detail of military judges to special courts-martial whenever possible with first priority to cases involving complicated issues of law or fact.

The act requires a military judge to be detailed to a special court-martial which imposes a bad conduct discharge unless one cannot be obtained because of military conditions or physical exigencies. This exception will also be strictly construed. An additional statutory requirement for a special court-martial which imposes a bad conduct discharge is that the accused must be represented by qualified detailed counsel. When a military judge is detailed to a special court-martial the accused will have the same option as exists at a general court-martial to request trial by a military judge alone.

The Military Justice Act also makes significant changes affecting the summary court-martial. An accused may now object to trial by summary court-martial even if he has already refused punishment under article 15 of the Uniform Code of Military Justice. If an accused refuses to accept punishment under article 15 and objects to trial by summary court-martial, his case may be referred

to a special court-martial where he will be afforded the opportunity to be defended by qualified counsel or to a general court-martial where he will be detailed a qualified counsel. This provision thus permits an accused to be represented by qualified counsel in almost every case in which he so desires.

The new law provides for the deferral of a sentence to confinement pending appellate review of a court-martial conviction. A court-martial convening authority has discretion to defer the accused's sentence to confinement during appellate review if the accused so requests. No bond or other monetary deposit is required of the accused. No credit against sentence will be given for the time during which the accused's sentence was deferred if his sentence to confinement is affirmed.

The act makes a number of changes in the appeal procedures in the military. The boards of review in the services are replaced by a court of military review for each service. Members of these courts are known as appellate military judges. The new law also gives the judge advocate general of each service increased powers to grant new trials and to review court-martial. These last provisions have been in effect since October 24, 1968.

The Military Justice Act of 1968 places the military justice system in the armed services ahead of most civilian jurisdictions in terms of judicial procedures and concepts of due process. It is a system which the men and women of our Armed Force deserve, and one in which I am proud to have played a part.

Mr. Speaker, I would like to have included in the RECORD at this point an excellent article by Lt. Col. J. A. Mounts, Jr. and Capt. M. G. Sugarman. It appeared in the September 1969, edition of the "Military Review" as follows:

A RENAISSANCE FOR MILITARY JUSTICE

On August 1, 1969, the Military Justice Act of 1968, the new *Manual for Courts-Martial, United States*, and a revised version of Army Regulation 27-10, *Military Justice*, took effect. The Military Justice Act, together with the manual and regulations which implement it, make the most significant changes in the administration of military justice since the enactment of the Uniform Code of Military Justice in 1950. The Military Justice Act brings added benefits to the military personnel accused, and, at the same time, increases military efficiency.

The act represents a synthesis of various positions advocated by the armed services and by members of Congress. The *Manual for Courts-Martial* was drafted by a triservice committee of judge advocates under the direction of the Judge Advocate General (JAG) of the Army.

The act revises military justice in five areas:

- Use and authority of military judges.
- Court-martial procedures.
- Accused's right to legally qualified counsel.
- Release of accused from confinement pending appellate review.
- Appellate review.

The act changes the name of the law officer to military judge and requires that military judges be part of an independent judiciary. The Army had already made these changes by administrative regulation prior to passage of the act.

MILITARY JUDGES

The independent judiciary concept means that judges of general courts-martial are responsible only to the JAG, or his designee,

for direction and for efficiency reports. They are not responsible to commanders convening courts-martial. The purpose of this concept is to prevent commanders from exercising any influence over the procedures and results of cases.

The act authorizes an option of trial by the military judge alone without court members. This provision benefits the military accused by giving him another option within the system and increases efficiency in many cases. The accused has the right, knowing the identity of the military judge, in all general courts-martial, except capital cases, to request trial by a military judge alone. This is similar to the procedures in the Federal courts where a defendant may waive his right to trial by jury.

The accused's request for trial by judge alone will be granted if the military judge approves. Both sides are permitted to argue the appropriateness of the accused's request. The option of trial by judge alone will release many line officers from court-martial duty and will speed up proceedings in cases tried by a judge.

POWER INCREASED

The act also incorporates long advocated procedural changes designed to allow the military judge to assume a true judicial role. The military judge will be on a par with judges of Federal district courts in many respects, and a court-martial will closely resemble a Federal criminal trial.

The military judge has the authority to hold "Article 39(a)" sessions without the necessity of assembling the court-martial members. At the sessions, the judge may rule on interlocutory questions and motions, for example, on the admissibility of evidence or a confession. He can also hold the arraignment and take the plea of the accused.

The act also permits the military judge to conduct post-trial sessions without court members. Appellate agencies often remand issues to the court-martial for decision. When these remands do not require the presence of the court members, the military judge now has jurisdiction to handle them at sessions without the presence of court members.

FINAL RULINGS

The new law makes important changes in the power of the military judge to make final rulings. It also changes the way in which many rulings are made at special courts-martial. The military judge will rule finally—the court members may not overrule his decision—on challenges to court members, on requests for continuances, on all questions of law, and on all interlocutory questions other than the factual issue of the accused's mental responsibility for the offense. The military judge will also rule finally on motions for findings of not guilty and on the accused's mental capacity to stand trial.

The president of a special court-martial which does not have a military judge now will have the power to rule finally on all questions of law except a motion for a finding of not guilty. He will not rule finally, however, on any questions of fact. This new power will require additional preparation on the part of the special court president and additional familiarity with military law.

When the military judge sits alone without court members, he decides all questions of law and fact, and, if the accused is found guilty, adjudges an appropriate sentence. The judge will make a general finding such as guilty or not guilty unless special findings are requested. Special findings might include the judge's conclusions about various items of evidence or portions of testimony, or determinations concerning particular elements of an offense. Special findings may be requested to aid in appellate review of the case of a trial by a military judge alone since the appellate court will not have the benefit of the military judge's instructions to the court members.

COURT-MARTIAL PROCEDURES

The new law, the manual, and its implementing regulations streamline court-martial procedures in many ways. All counsel who are members of the Judge Advocate General's Corps (JAGC) and all military judges will take one-time oaths to serve faithfully in all cases to which they are detailed and will not be sworn again for individual cases. Reporters and interpreters, at the discretion of the convening authority, may take an oath for all cases to which they are detailed. These oaths expire when the individual is reassigned.

Additionally, convening authorities may authorize the administration of an oath to court members and to counsel who are not members of the JAGC for all cases referred to the court to which they are detailed. Except in capital cases, the military judge or president of a court-martial without a military judge may enter findings of guilty without vote of the court members when the accused pleads guilty and such plea is determined to be provident. These provisions will speed the procedural phases of trials by court-martial.

Perhaps the most significant changes in military justice involve the special court-martial. An accused at a special court-martial must now be afforded the opportunity to be defended by legally qualified counsel, certified by the JAG. This, in general, means that an accused may be defended by a member of the JAGC. Provision, however, is made for the use of lawyers in other branches of the service who are not members of the JAGC and for judge advocates of other services, should the need arise. This procedure differs from the procedure in a general court-martial where the accused is provided with a qualified, detailed lawyer without a request.

Within the United States, excluding Alaska and Hawaii, there are no exceptions to this requirement for counsel. If the accused requests a certified lawyer counsel and none is provided, the court-martial may not proceed.

In other areas, a special court-martial convening authority who does not have lawyer counsel will request such counsel from the general court-martial convening authority which exercises supervisory jurisdiction over his command. If the supervising convening authority cannot supply counsel, that convening authority will obtain counsel from certain designated commands. If counsel cannot be obtained in this manner because of physical conditions or military exigencies, outside the continental United States, the supervising convening authority with the concurrence of the designated command may cause a certificate of nonobtainability to be filed with the court-martial and the trial may proceed.

It is contemplated that there will be few situations where certificates of nonobtainability will be issued. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to extend to an accused the right to qualified counsel. In addition, these conditions should exist only under rare circumstances and, even then, compelling reasons must be given why trial must be held without lawyer counsel at that time and at that place.

BAD CONDUCT DISCHARGE

Under the new law and regulations, a special court-martial convened by a general court-martial convening authority may adjudge a bad conduct discharge if a verbatim record of the proceedings is kept, if a military judge is detailed to the court, and if the accused is detailed a qualified counsel.

Although the Uniform Code of Military Justice has always permitted a bad conduct discharge as a possible sentence for certain offenses at a special court-martial, the Army has previously required approval of the JAG, acting for the Secretary of the Army, before assigning a reporter to take a verbatim

record at a special court-martial. Prior to the act, the one jurisdictional requirement before a special court-martial could adjudge such a discharge was a verbatim record.

Authorization for a bad conduct discharge special court-martial, when convened by a general court-martial convening authority, should provide another useful alternative for the convening authority. It will also present a forum for the trial of those individuals who are not felt to deserve the possible greater punishment of a general court-martial.

The Military Justice Act permits a convening authority to detail a military judge to a special court-martial. Army regulations require a convening authority to detail a military judge whenever a judge is available. It is clear that, initially, military judges will not be detailed to all special courts-martial because of a lack of available personnel. Regulations, therefore, specify that judges will be detailed first to those cases involving complicated issues of law or fact.

If a military judge is detailed to a special court-martial, the accused will have the same option as exists at a general court-martial to request trial by a military judge alone.

The Military Justice Act also makes significant changes affecting the summary court-martial. An accused may object to trial by summary court-martial even if he has previously refused punishment under Article 15. This permits an accused to be represented by a lawyer defense counsel if he wishes to litigate his case fully every time he is faced with the possibility of punishment.

He may refuse punishment under Article 15 and trial by summary court-martial. In this event the convening authority may refer the case to a special court-martial where the accused will be afforded the opportunity to request qualified counsel or to a general court-martial where the accused will be detailed a qualified counsel. It should be noted that the accused runs the risk of a greater punishment by refusing Article 15 and trial by summary court-martial.

RELEASE PENDING APPEAL

The new law provides a method for releasing an accused from confinement while his court-martial conviction is being appealed. A convening authority or other authority having jurisdiction over an accused has the discretion to release an accused from confinement pending appellate review if the accused so requests. No bond or monetary deposit is required. When appellate review is completed, and if the sentence to confinement is affirmed, the accused will then be required to serve his sentence. No credit against the confinement portion of the sentence will be given for the time during which the accused was released.

The Military Justice Act makes important changes in appellate procedures in the services. It constitutes one Court of Military Review in the Army in place of the present boards of review. Members of the court will be known as appellate military judges. The act amends the Uniform Code to broaden the scope of the JAG's power to grant new trials and to review cases not otherwise reviewed by the Court of Military Review. These provisions of the act became effective on 24 October 1968.

EXTENDED REVIEW

The review was previously limited to general court-martial cases not involving punitive discharges or sentences of more than a year's confinement. It is now extended to all court-martial cases. The time for filing petitions for new trial is increased from one to two years.

The JAG is given the power to review and to vacate or modify in whole or in part the findings or sentence, or both, in any court-martial which has been reviewed finally, but

has not been reviewed by the Court of Military Review. Applications for review under the new provisions must be based on grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused.

The new law and regulations also provide for summarized records of trial in certain cases and set forth new provisions for authentication of court-martial records. If an accused receives punishment of a minor nature at a general court-martial, the record may be summarized, as may the record of trial of an acquittal. Certain changes in court-martial orders are also made.

The changes in the administration of military justice brought about by the act, the manual, and the regulations require study by all members of the Army. Courses of instruction on the new law will be given by JAG officers and will be planned so as to meet the needs of the member. A one-hour course will be given to all enlisted men, company grade officers, and warrant officers. An additional hour for company grade officers and a two-hour course for field grade and senior officers will be given.

The Military Justice Act of 1968 places the judicial system of the Armed Forces ahead of most civilian jurisdiction in terms of judicial procedures and concepts of due process. In addition, the manual and the Army's implementation of the act and the manual provide a judicial framework which equals or surpasses most of the minimum standards for criminal justice proposed by the American Bar Association. The Army's procedural system alone can never create a properly functioning system of justice unless members of the Army, enlisted and officer alike, administer the system with vitality, a spirit of justice, impartiality, and good faith. When this is accomplished, the Army will have a renaissance in military justice.

DRUG ABUSE PROGRAM

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, on July 14 of this year, President Nixon outlined to the Congress a 10-point administration program to deal with the problem of drug abuse. Point 6 of that program relates to education. The President noted in his message that—

The possible danger to the death or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open. The American people need to know what dangers and what risks are inherent in the use of the various kinds of drugs readily available in illegal markets today.

Mr. Speaker, I think it is encouraging to note that many communities across the Nation are taking it upon themselves to bridge the information gap on drug abuse. Concerned parents and educators, private groups, and business leaders are joining efforts to solve the drug problem that is infecting so many of our young people. In his inaugural address, President Nixon referred to these types of activities as—

Those small, splendid efforts that makes headlines in the neighborhood newspaper instead of the national journal.

The President also pointed out in his inaugural address that—

We are approaching the limits of what Government alone can do. Our greatest need now is to reach beyond Government to enlist the legions of the concerned and the committed. What has to be done has to be done by Government and people together, or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything.

Mr. Speaker, I am proud of the fact that the "legions of the concerned and committed" in my own community of Rockford, Ill., are making a substantial contribution to solving the drug abuse problem through an educational program.

The other day I received a letter from Mr. James R. Kotche who is president of the Rockford Jaycees. As we are all aware, the Jaycees of America have the motto: "Leadership Training Through Community Service." The Rockford Jaycees are rendering a very valuable community service through their recently adopted drug abuse program. This new program hinges on education. In Mr. Kotche's words:

Education of the parents as well as education of young people is of equal importance if we are to succeed.

Mr. Speaker, I think it is significant to note that the Rockford Jaycees are the first civic organization in the State of Illinois and the first Jaycee chapter in the United States to adopt this approach. As Mr. Kotche describes it:

We . . . feel that it is important that we as a civic organization take it upon ourselves to attempt to correct one of our community's problems. To do this without Federal funding or assistance is important to the self-respect and pride of the community. A self-help program always seems to bring better results in the overall acceptance of the program.

Mr. Speaker, I wish to take this opportunity to publicly commend the Rockford Jaycees on the outstanding example they have set for other communities and civic organizations. These are the efforts that have made our country great in the past; these are the efforts that will enable our country to solve the problems of the future.

At this point in the RECORD I include the full text of the letter from Mr. James R. Kotche, president of the Rockford, Ill., Jaycees:

SEPTEMBER 2, 1969.

HON. JOHN B. ANDERSON,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: The Rockford Jaycees have recently adopted a "Drug Abuse" program. It is the intent of this program to aid our community in the area of education.

We in the Rockford Jaycees feel that there are many steps to be taken in trying to correct the problem of "drug abuse". These steps include legislation and law enforcement, guidance by parents and other adults, and most of all by education. Education of the parents as well as education of young people is of equal importance if we are to succeed.

The Rockford Jaycees plan the distribution of 30,000 booklets titled "A Living Nightmare", to all of the Junior and Senior high school students in Rockford and Loves Park. It is our desire that not only the students but the parents as well will read this booklet. If through this program we are able to prevent a mere ten percent of our youth

from experimenting with the use of drugs, we will have succeeded. The possibility of three thousand young persons not destroying their lives before they have a chance to develop their potential is indeed very worthwhile.

We also feel that it is important that we as a civic organization take it upon ourselves to attempt to correct one of our community's problems. To do this without Federal funding or assistance is important to the self respect and pride of the community. A self help program always seems to bring better results in the overall acceptance of the program.

The Rockford Jaycees are very proud to be the first civic organization in Illinois, and the first Jaycee chapter in the United States to adopt this particular program.

Sincerely yours,

JAMES R. KOTCHE,
President.

A COMMISSION ON MARIHUANA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. KASTENMEIER. Mr. Speaker, I should like to announce that Subcommittee No. 3 of the Committee on the Judiciary has scheduled a public hearing for Thursday, October 2, 1969, in room 2141, Rayburn House Office Building, on H.R. 10019, introduced by Hon. EDWARD I. KOCH, of New York, and related measures, providing for the establishment of a Commission on Marihuana. The subcommittee is inviting congressional sponsors of the legislation and Government witnesses to testify on the proposals. Persons interested in testifying or presenting prepared statements should get in touch with the subcommittee.

The underlying reasons for the establishment of a Commission on Marihuana are well stated in the following editorial in the New York Times for September 15, 1969:

THE FACTS OF "POT"

The question of whether "taking pot" is a step toward self-destruction or merely an innocent diversion is being debated as though it could be decided by majority vote. Few young people concede any danger whatever in the practice, many of their elders are genuinely alarmed, and medical men, predictably, are divided. The argument might be a harmless pastime were it not for two glaring circumstances: If marijuana is indeed harmful, then a staggering percentage of the rising generation is headed for disaster and drastic curbs are in order. If it is not, then hundreds of innocent users, police, school officials and parents, are being put through an ordeal as useless as it is psychologically damaging.

Given these alternative possibilities—both deplorable and both based on ignorance of the facts—Representative Koch of New York makes the sensible suggestion that something be done to diminish that ignorance. He proposes a Presidential commission, comparable to the Kerner and Warren commissions, to establish authoritatively how many Americans, and what kind, smoke marijuana; how effective the laws against it are; its psychological and physiological effects, taking the most exhaustive and reliable testimony; its possible encouragement to the use of other drugs.

Other studies have, of course, been made. A committee appointed by Mayor La Guardia in response to lurid charges about the prevalence of "reefers" in the schools, came up in 1944 with some reassuringly unsensational findings. A British Advisory Committee on Drug Dependence only a year ago found no evidence that marijuana-smoking led to violence or gerious dependence. Beyond these studies and others like them a body of literature on "grass," "pot," "Apapulco gold," "weed" and "tea" goes back through the centuries.

Yet the fact remains that none of these studies, putting aside entirely the ancient and the legendary, is entirely applicable to the American situation today. The number of smokers, their degree of indulgence, and the potency of the drug—all these vary greatly from country to country and from time to time. There has been nothing in the United States comparable to the investigation proposed by Mr. Koch, either in scope or in the stature of the investigators. It is time the American people had the hard facts on a possibly soft drug.

The Attorney General of the United States has also been quoted in the press as supporting a proposal for creation of a commission to study marihuana.

ANTI-AMERICANISM FAILS IN RUMANIA

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, the columnist, Victor Riesel, has been in Communist Rumania since President Nixon visited there in July. In a column he talks of the aftermath of the President's visit.

Professional liberals may find it strange that a Republican President has been able to build bridges of peace without sacrificing his principles or America's honor. But it is so, as Mr. Riesel discovered.

Attached is his column:

ANTI-AMERICANISM FAILS IN RUMANIA

(By Victor Riesel)

Busteni, Socialist Republic of Rumania—It has been this way all along the road from Bucharest to this Carpathian mountain town. Cheers for the Americans. Cheers for Richard Nixon. Cheers, though it is now almost a month since the President visited the Communist capital scores of miles away. . . .

In a Munich-like beer hall, a queenly white-haired lady regally kisses an American newsman and raises her wine glass to our far-off land and President Nixon. High in the mountains, at Brasov, two school boys hurry down the street to hand the American journalist four Rumanian stamps as a gift to President Nixon.

Nearby, a restaurant owner hears that the Americans have reserved a table. He improvises a small American flag on a stand and the band, searching for American tunes, strikes up the "Indian Love Call," "Rosemarie, I Love You," and "My Yiddish Mama" as the Americans enter.

And in Busteni, pop. 12,500, thousands of chickens, shepherds with 200 sheep apiece and privately owned land in this non-collectivized part of Communist Romania, the people come into the streets to applaud. The mayor's lady offers fine Romanian wine. But the appointment is with His Honor down at city hall on Bulevardul Liberatii—the boulevard of freedom.

This is a small town of chicken, sheep, a newsprint plant, a bakery, seven cops, two people on welfare and lots of cheese—but don't get Mayor Marin Militaru wrong. He's a dedicated Communist. He's just back from the Romanian Communist Party's 10th Congress. Mayor Militaru was in Bucharest, with Richard Nixon, when the latter visited President Ceausescu and discussed Vietnam. Having heard Nixon then and having been in Bucharest as a delegate to the party Congress when President Nixon came in early August, Mayor Militaru says that what he heard convinces him that the U.S. President tells it as it is. But in quiet terms.

Mind you now, all this comes from a mountain town Communist mayor. He and his people, and the gypsy trio, and the regal lady and the boys and women and workers of this state no longer believe Americans are imperialist ogres. And they no longer fear saying so. *This will spread.* No one can curtain off valleys, mountains, plains, rivers and even highways reaching across all of Eastern Europe. The words re-echo from the Carpathians to the Black Sea, the Urals to the Danube. In one month there is a change. And Dick Nixon did it.

THE THOUGHTS OF ONE AMERICAN

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, even though we are committed to reduce the number of combat forces in Vietnam and bring them home, there continues to be well over 450,000 men stationed there who daily risk their lives fighting the enemy.

One of my constituents, the father of two men, who are serving as helicopter pilots in South Vietnam, has written the President a letter which, in my judgment, well expresses the feeling of frustration which I am sure other parents are now experiencing. His feelings and his statement regarding the conflict are very nearly my own. I have consistently advocated that either we commit ourselves to victory and give our men every possible support or we should withdraw. Because this letter is representative of the sentiments of thousands of parents throughout America, I submit for inclusion his letter into the RECORD so that others may have the benefit of my constituent's views:

SEPTEMBER 11, 1969.

HON. RICHARD M. NIXON,
President, United States of America,
The White House,
Washington, D.C.

DEAR MR. NIXON: Reading time for this letter is five minutes, and as the father of two sons presently serving in the United States Army I trust our sacrifice will warrant your personal attention.

Our boys are both volunteers in the service of their country, and as helicopter pilots are daily risking their lives. One is now on duty in Vietnam and our younger son will receive his commission as an Army aviator next month.

It is impossible to express the anxiety and concern we have for these two young men. Because of the manner in which this conflict has been conducted ours is a feeling of bitterness and complete distrust in the leadership and judgment of our government. More than thirty five thousand American men have

made the supreme sacrifice and many thousands more will bear the wounds of this war for the rest of their lives, yet we continue to ask these men to carry on and risk their lives while politicians and diplomats stumble in the darkness of indecisiveness.

As parents, it seems incomprehensible that we should make one more single sacrifice of life, continuing a war we are already committed to withdraw from—this is an exact repeat of the Korean conflict, and our continued involvement in that war while negotiating a peace settlement did not in any way benefit the American people, but instead only increased the sacrifices they were called on to make.

Like most Americans, I personally feel that our involvement in this war was a tragic mistake, as its only purpose has been to support a totally unreliable political regime more interested in personal gains than in the welfare and interest of its people. We have subsidized this economy while they profited. For four years we fought "their war" before they even established a system of conscription. In certain areas we have seen them assume the responsibility to fight, only to throw down their arms and run like cowards. Through the news media we daily hear of black marketing and profiteering being carried on by high officials while at the same time we see our own soldiers brought to trial for doing the job they were trained and ordered to do.

For too long this country has shown an exaggerated concern for the opinion of other nations while our government and its leaders have ignored the desires and best interests of the American people. Under the guise of diplomacy we have allowed one of the weakest and most backward countries of the world to make folly of American prestige in front of the entire world while arguing over the shape of a table. We have been more concerned over the opinions of our allies in our conduct of the war than our own welfare. We have succumbed, bowed, and knuckled under to the propaganda of double talking Orientals and finally have been successful in totally destroying our position of negotiating a settlement of this war.

You sought and accepted the presidency of this nation with the full knowledge that all of these conditions existed. The decisions and judgments that you must make carry an awesome responsibility, and may jeopardize the political future of one Richard M. Nixon; however, I feel that this cost, no matter how high it may be could never be evaluated on the same level with the weekly casualty list currently reported from our troops serving in South Vietnam.

I believe you are sincere in your efforts to bring this war to a conclusion, and as the authoritative head of our government and the Commander-in-Chief of our Armed Forces, you have within your power, ignoring world opinion but acting in the interest of this nation, to either bring an immediate end to the wanton killing of Americans or to use the full might, power and resources of this country to make this war so costly to the North Vietnamese it will be our terms and not theirs that will be heard at the Paris Peace Conference. You are known to be a man who makes his decisions in solitude, and I urge and plead with you to find the courage to speak out in a decisive manner to your countrymen and to the world.

Much of the dissent and division in our country today is caused by the frustration resulting from this war. While you are confronted with many pressing problems, both domestic and foreign, no one issue desires a higher priority than finding a solution to this complex problem. Each day's delay continues to demand its price in the needless loss of American manhood, so there is an urgency to concentrate our full efforts toward establishing a firm policy that will enable our fighting men, as well as our nation, to once again feel united and confident in our future.

The phrases de-escalation, gradual withdrawal, and many other cliches popular in political circles, are meaningless and offer no comfort to the soldier who is asked to risk his life, or to his loved ones who count each twenty-four hours as though it were a lifetime.

If, in your judgment, it is not in the best interest of our nation to make a rapid and total withdrawal from Vietnam, then I think you owe it to those who have already paid the price, along with those who must still pay, to assert yourself in the name of this great country and commit our total resources to a military victory. Whether this is done publicly or privately in our negotiations, it is the only language our adversaries can understand, and once they are convinced of our position they will either be forced to terminate this conflict quickly or accept the inevitable results of total defeat. We have made every concession possible, all more or less on a unilateral basis, and so long as the fighting continues, if you expect the support of the American people it would seem to me the time has come to adopt a policy of an eye for an eye and a tooth for a tooth.

In conclusion let me say that the purpose of this letter is twofold. First, for many months now I have been wanting to express my opinions; and secondly, but of far more importance, I feel I owe it to my two sons to say what I have said, because you see, Mr. President, they were raised in the environment of an American home, they were taught to develop character and integrity, to respect others, and to accept the responsibility of serving their country. Because of this I feel somewhat responsible for their being where they are today.

To me, America is a great country, a resourceful and powerful nation, and I want my sons to return home with this feeling deeply embedded in their minds. Therefore, I trust by your actions and leadership they will be able to return and to look with pride on the country they have so willingly offered to serve.

While this represents the thoughts of only one American, I feel sure you are aware there are many millions more who would agree with and support what has been said in this letter.

Sincerely yours,

W. N. LITTLE, JR.

SWAPS CATTLE FOR FISH

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, one of the most interesting developments in the field of agriculture is the progress made in fish farming.

Imagine, if you can, a farmer who has so completely converted from cattle to fish that on his 1,000-acre farm he now has 55 lakes ranging from 1 to 100 acres in size. He had over 6,000 fishing customers last year paying \$2 per day.

Such a farmer is R. W. Patrick of Tift County, Ga.

The report of his success is carried in the current issue of the Progressive Farmer in an interesting article written by J. Wayne Fears.

I am happy to share it with my colleagues:

SWAPS CATTLE FOR FISH

(By J. Wayne Fears)

R. W. Patrick, Tift County, Ga., seems intent on converting his 1,000-acre farm into the South's finest fishing area.

It all began in 1946 when Patrick began developing a cow-calf operation. The farm, located in the Georgia Coastal Plain, consisted of rolling hills and wet bottoms. Patrick planted pasture—mostly Coastal Bermuda—on the hills. To meet water needs of the cattle, he built a 100-acre lake in one of the bottoms.

He stocked the lake with bass and bream and then fertilized it. Before long it was producing good fishing, so Patrick started charging \$1 per day for fishing privileges. The lake attracted a few fishermen; however, Patrick's main concern was his cattle operation.

By 1952 Patrick needed more water for his growing cattle herd, so he built a second lake and stocked, fertilized, and opened it for fishing.

By 1961 Patrick had developed 15 lakes of various sizes on his bottom lands. According to Patrick, "The further you go to develop good fishing, the better the business becomes." So during the early 1960's, he began to take a serious look at the fishing business. It was no longer a small means of obtaining additional income, it was becoming a big business.

About this time, Patrick decided to see just how much fishermen were willing to pay for quality fishing. He started charging \$2 per day for fishing privileges. The first year after raising his price, the number of fishermen doubled.

By early 1968 Patrick had a 600-head cow operation and a flourishing fishing operation. He decided there was more money to be made in the fishing business, so he sold his cattle. That same year, he had well over 6,000 fishing customers.

Patrick now has 55 lakes, ranging from 1 to 100 acres in size. All are properly constructed, stocked, and fertilized. When a lake quits producing quality fishing, Patrick drains, cleans, refills, stocks, and opens it again in about a year. Patrick Fish Farm has about 12 miles of clean shoreline. Since all of the lakeshores are in Coastal Bermuda, it is easy to drive to any point and launch a boat, set up chairs, or fish from the tailgate of a station wagon.

Patrick realized that, in order to offer many lakes of quality fishing, restocking was going to be a big part of his operation. So he set up his own bass and bream hatchery, and his future plans call for adding a channel catfish hatchery.

In order to encourage fishermen to fish "just a little harder," Patrick tagged some 30 bass and channel catfish with tags worth anywhere from \$25 to \$100 to the lucky fisherman making the catch. Apparently this has worked because already this year they have caught bass weighing up to 14 pounds, channel catfish up to 20 pounds, and bream and shellcracker up to 1 pound.

Other improvements on the farm are restrooms, picnic areas, lighted night fishing areas, and free camping. A fully developed campground is being planned.

When asked if he regretted switching from cattle to fish, Patrick replied, "Not one bit. There is more money to be made in fishing than in cows; however, it takes good land and good management to grow fish the same as it does cows."

A NATIONAL PROGRAM TO HELP THE EMOTIONALLY DISTURBED CHILD

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. HULL. Mr. Speaker, the many urgent needs of mentally ill children in this Nation and the recommendations of

the Joint Commission on Mental Health of Children as to how to meet these needs were discussed recently in an excellent speech by Mr. Mike Gorman, executive director of the National Committee Against Mental Illness.

Mr. Gorman spoke before the annual meeting of the Missouri Association for Mental Health in Jefferson City and also charted the notable advances in mental health care made in recent years by the State of Missouri.

At the meeting, Mr. Gorman was presented with a plaque in recognition of his long and distinguished career in the field of mental health programs.

Mr. Speaker, because of the importance of this address, I quote it as a part of my remarks:

A NATIONAL PROGRAM TO HELP THE EMOTIONALLY DISTURBED CHILD
(By Mike Gorman)

Speaking here in Missouri today, I feel very much like I am returning to visit many old friends in the mental health movement. In leafing through my rather voluminous Missouri file, I discovered that I have been in your good state eleven times over the past 23 years.

In a rather intriguing way, the subjects of my talks over this span of time are quite representative of the enormous distance we have traversed over these past two decades.

In 1946, speaking in Kansas City, I hit hard at the necessity of reforming our state mental hospitals and pointed to the beginnings of significant reforms in the neighboring states of Kansas and Oklahoma. A decade later, I outlined to the good citizens of Missouri the potential inherent in the development of psychiatric facilities in the heart of the community. However, your state hospital system and your whole administrative structure for the mentally ill was still so inadequate that I now confess discussion of the community mental health center idea was premature at that time.

In the late 1950's, as some of you know, the public demand for better care of the mentally ill here in this state began to manifest itself. It was, to a great degree, sparked by several excellent newspaper series, particularly those by Marguerite Shepard in the St. Louis Globe Democrat in 1958. This crusading journalism, plus the efforts of Drs. Edward and Margaret Gildea and a young psychiatrist by the name of George Ulett, who was then running Malcolm Bliss Hospital in St. Louis, led to the appointment of a qualified psychiatrist to head your Division of Mental Health.

In 1960, when I spoke again in St. Louis, I felt free to devote major portions of my talk to health insurance coverage of mental illness, psychiatric units in general hospitals, education of general practitioners in psychiatric skills, a plea for a whole new look at the way we were handling our emotionally disturbed children, the need for day hospitals, half-way houses and emergency psychiatric services, and so on.

In 1963, speaking here in this city at the historic Leadership Conference of your Association, I still had to chastise you for your low ranking among your sister states in the care of your state hospital patients, but I was very happy to commend you for the passage of Senate Bill 56, providing for three community mental health centers. This legislation, as most of you know, preceded the national community mental health center legislation which passed the Congress later that same year.

I appear here tonight to tell you that all of us who are active in the mental health field regard Missouri as having one of the finest mental health programs in the entire country.

Many of you in this audience tonight are aware of the statistics buttressing this conclusion. In a period of little more than a decade, you have achieved a remarkable reduction of 35 percent in the number of patients hospitalized in your state hospitals—a reduction considerably in excess of the national average over the same period of time. It is most impressive that all five of your state hospitals have received full accreditation from the appropriate professional organizations. Equally important is the truly miraculous progress you have made in recruiting mental health personnel to your hospitals and your mental health centers. For example, in relation to your population and the size of your mental health system, you have one of the highest ratios of psychiatric residents in training in the entire country.

You are also moving forward on the community mental health center front, though not as rapidly as some of us hoped, since the Mid-Missouri Center in Columbia was the first to receive federal funds under the 1963 legislation. However, the passage of Senate Bill No. 168 by the current General Assembly will give many of your counties an opportunity to take to the people the case for local community centers partially financed by local levies. As this legislation is implemented, you can take heart from the fact that all across the country referenda for increased local levies to establish community mental health centers have achieved a truly remarkable 94 percent approval average.

If time permitted, I would like to discuss in some detail your alcoholism program—which again is one of the three or four best of its kind in the country. I am also fascinated by your carefully worked out computer program, and I have had several long conversations with Dr. Ulett about its potential for other states.

As one who has been fairly critical of the Missouri mental health program in most of my past appearances in this state, I think it only appropriate to take a moment to cite just a few of the people who made your present pre-eminence in the field of mental health a reality. If I leave out any names, it is because of lack of knowledge or lack of time.

I have found Governor Warren Hearnes and his two predecessors—Governors Blair and Dalton—committed to the need for an adequately financed and professionally directed state mental health program. In the state legislature, you have leaders like Senator A. M. Spradling, nationally known for his leadership both in the mental health field and in the work of the Council of State Governments. I have had the privilege of knowing many of your citizen leaders—Frank Proctor, Dave Skeer, Helen Twersky, Jack Stapleton, and many others—and as a fellow citizen working with them in the vineyard, I commend them from the bottom of my heart.

I cannot say too much in praise of your Director of the Division of Mental Health, Dr. George Ulett. He is dedicated, he is imaginative, he is restless, and he is a very bright fellow. I want to say tonight to him what I never told him before—that I am very glad that I failed in my effort to recruit him for the Commissionership of Mental Health in New York State back in 1966. George Ulett is just too good for the New York system.

Last but not least, I want all of you people here in Missouri to know that you have a strong friend of mental health in the person of Congressman Bill Hull from St. Joseph. Bill Hull is in his third year on the House Appropriations Subcommittee which handles all the funds for the National Institute of Mental Health, among other activities, and he has been increasingly supportive of our budget requests. This year, for example, he was a key figure in the restoration of four million dollars for alcoholism which was in the original January NIMH

budget, but was cut out in the Nixon revised budget. Getting any increases this year takes a lot of doing, and Bill Hull was in their pitching all the way. It would be very nice if some of you would write and thank him for this effort.

Since Dr. Ulett has already covered the subject of emotionally disturbed children in Missouri, I want to make just one brief comment. I am impressed with your efforts in building new children's units at the state hospitals, and I am even more impressed with the record of your three community mental health centers in handling more than 2,000 children each year. These are important steps, but I hazard the opinion that most of the children who are being served by these programs are quite far advanced in the level and chronicity of their disturbance. The big job ahead of us in this country is to treat incipient behavior disorders in children before they freeze into rigid symptoms.

In 1965, Senator Abraham Ribicoff introduced legislation providing partial federal funding for a privately incorporated Joint Commission on Mental Health of Children to take a long, hard look at the plight of our emotionally disturbed children and come up with specific legislative and policy recommendations. With the vigorous support of Senator Lister Hill of Alabama and the late Rep. John Fogarty, funds were appropriated and the Commission came into being in January 1966.

The Commission, composed of representatives from 53 national organizations interested in children, has labored long and hard over the past three and one-half years. Those of us who have had the privilege of serving on its Board of Directors have waded through thousands of pages of documentation from 10 expert task forces and have held innumerable meetings—many of them quite stormy—in an effort to produce the most meaningful final report. I am confident that it will be hailed as a latter-day Magna Carta for our mentally ill children.

The ensuing material consists mostly of direct quotations from the final report, but since I have had a fair amount to do with the composition of this material, I will not put it in quotation marks:

We frequently assert that ours is a nation devoted to its young. Our acts, however, belie our words. We have failed to commit our vast resources to eliminating the innumerable ills which hinder the healthy development of our young. Through our failure, we do violence to our most precious natural resource and, ultimately to the destiny of our nation. The number of mentally, emotionally, and physically handicapped youngsters in our midst are living testimony of the most devastating form of this violence.

From the time of the first White House Conference on Children in 1909 we have repeatedly, and with considerable eloquence, announced our intentions to develop strong, imaginative programs for children and youth. Yet, our programs for maintaining the health and mental health of infants and children remain woefully inadequate to the present day. Further, our preventive programs are most deficient where they are most crucially needed, that is, during the prenatal period and the first three years of life. For millions of our young, these highly critical periods of development go unattended. The consequent damage to health and mental health are inseparable and frequently lead to irreversible handicaps.

Our corrective and remedial efforts often reflect the same historical apathy. For example, we have not even met the needs of our emotionally disturbed children and youth, although these needs have long been recognized. The 1930 White House Conference on Child Health and Protection, composed of several thousand citizens and government officials, proclaimed that:

The emotionally disturbed child has a right to grow up in a world which does not set him apart, which looks at him not with scorn or pity or ridicule—but which welcomes him exactly as it welcomes every child, which offers him identical privileges and identical responsibilities.

The 1930 White House Conference estimated that there were, at that time, at least two and one-half million children with well-marked behavioral difficulties, including the more serious mental and nervous disorders.

In the four decades since the issuance of that report, the care of the emotionally disturbed child in this country has not improved—it has worsened considerably. During the three years of its deliberations and fact-finding efforts, the Joint Commission has gathered together an impressive body of descriptive material on the plight of the emotionally disturbed child in America today.

Our major national, professional organizations estimate that there are now approximately four million children under the age of 18 who are in need of some kind of therapeutic intervention because of emotional difficulties. Of this number, anywhere from one-half million to a million children are so seriously disturbed that they require immediate treatment.

Are they getting this treatment? A survey undertaken by the National Institute of Mental Health in 1966 concluded that, of the 70 million children under 18 in the United States, 1,400,000 were in need of psychiatric care. Only 473,000 of these children received care, indicating that our service facilities failed to serve two-thirds of those in need. Other estimates of those in need of care, based on surveys conducted through various school systems, all confirm the need for psychiatric care for two to three percent of the children. However, these studies identified an additional seven to nine percent who need help for emotional problems.

What happens to these emotionally sick children for whom there are no services in the community? Each year, increasing numbers of them are expelled from the community and confined in large state hospitals so understaffed that they have few, if any, professionals trained in child psychiatry and related disciplines. It is not unusual in this year 1969 to tour one of these massive warehouses for the mentally ill and come upon a child, aged nine or ten, confined on a ward with 80 or 90 sick adults. Data for 1966 indicate that over 27,000 of these children were confined in state and county mental institutions. On the basis of a trend which has been developing over the past few years, the National Institute of Mental Health estimates that by 1970 the number of children aged 10-14 hospitalized in these institutions will have doubled.

The National Institute of Mental Health also reports that thousands upon thousands of elderly patients now confined on the back wards of these state institutions were first admitted as children 30, 40, and even 50 years years. A recent report from one state estimates that one in every four children admitted to its mental hospitals "can anticipate being permanently hospitalized for the next 50 years of their lives."

After two years of studying the situation, the Clinical Committee of our Commission had this to say of the hospitalization of these disturbed children:

The admission of teen-agers to the state hospitals has risen something like 150% in the last decade. . . . Instead of being helped, the vast majority are the worse for the experience. The usual picture is one of untrained people working with outmoded facilities within the framework of long abandoned theory (where there is any consistent theory), attempting to deal with a wide variety of complex and seriously sick youngsters and producing results that are more

easily measured by a recidivism rate that is often 30 to 50%, and occasionally higher.

What we have, in effect, is a state of quiet emergency, unheralded and unsung, silently building up its rate of failure and disability and seemingly allowed to go its way with an absolute minimum of attention from the public, the legislators, or the clinical professionals. Nor is it difficult to understand why this state of affairs obtains—no one likes a delinquent youth, a bad actor, and when he is sent away the chief wish is just that, that he "go away." Out of sight. Out of mind.

What happens if the disturbed child is fortunate enough to escape the state institution treadmill? In a few of the major cities in this country, there are private, residential treatment centers which care for about 8,000 children a year. Since the average cost to the parents of such hospitalization ranges from \$50 to \$75 a day, it is obvious that only those of our citizens who are in the higher income brackets can take advantage of such services. Even among these ratified income brackets the situation is far from satisfactory; for every child admitted to one of these private facilities, 10 or more are turned away because of lack of space. In 15 of our states, there are no such facilities for children, either public or private; in 24 of our states, there are no public units to care for children from low and middle income groups.

What about all the rest of our four million children who, as indicated above, need some kind of help for an emotional disturbance? Here the statistics become much less precise, since a vast majority of these children are literally lost. Many are bounced around from training schools to reformatories to jails and whipped through all kinds of understaffed welfare agencies. No one is their keeper. No agency in the community is equipped to evaluate either the correctness of their placement, or the outcome of such placement.

If they are sent to a training school, as recent testimony before a Senate Committee revealed, they may receive poorer treatment than caged animals or adult convicts. Appearing in 1969 before a Senate Committee, Joseph R. Rowan, an expert on delinquency who is now director of the John Howard Association of Illinois, characterized these institutions for juveniles as "crime hatcheries where children are tutored in crime if they are not assaulted by other inmates or the guards first." Another witness, Arlen Specter, the District Attorney of Philadelphia, told the same committee that these so-called correctional institutions for juveniles take a 13-year old and, in 11 years, turn out "a finely honed weapon against society."

Commenting on the failure of juvenile courts and juvenile correctional facilities even to begin to meet the manifest needs of emotionally disturbed and sociopathic children, Judge David Bazelon, a member of the Joint Commission, noted in a recent talk that, although this nation is aware of the problem, it does not support funds to treat and care for these children because it has really given up on them.

A review of numerous case histories, plus independent research, led the Clinical Committee of the Joint Commission to the following inescapable conclusion:

As of today, the treatment of the mentally ill child in America is uncertain, variable and inadequate. This is true on all levels, rich and poor, rural and urban. The problems are most widespread among the poor, as are all health problems, but the fact is that only a fraction of our young people get the help they need at the time they need it.

From all of its studies, the Joint Commission concludes that it is an undeniable fact that there is not a single community in this country which provides an acceptable standard of services for its mentally ill children.

The Commission therefore recommends that federal funding be provided for the establishment of a network of Child Development Councils throughout the nation. These Councils would act as the direct advocate for children and youth. They would have the responsibility and prerogative of insuring that complete diagnostic, treatment, and preventive services are made available to all children and youth in the neighborhoods which they serve.

Child Development Councils constitute a new kind of institution. They have a four-fold aim. They seek:

To integrate the existing fragmented services for children and youth and to insure that each child's needs are met through advocacy and improved interagency arrangements;

To guarantee in every community adequate diagnostic, treatment, care, special education, and social services for children with emotional, mental, behavioral, social and physical disturbances through leadership in planning new services, reorganizing existing services, and insuring that children in need receive the necessary care and treatment;

To guarantee every child an adequate education and to develop new and emerging programs for developing competence in children and youth; and

To involve parents in the planning and operating of services on behalf of their children, but not to neglect of known valuable professional services.

While models for Child Development Councils may vary, as defined by the cultural and social backgrounds of participating citizens and clients, we suggest that these Councils might have some of the following basic functions:

The Council acts as an advocate in behalf of the child. As such, it is legally empowered to insure needed services, to contract for services from existing agencies, or to use its own direct operating funds to provide services that are either unobtainable or of unsatisfactory quality. However, where it becomes necessary for the Council to set up services directly, it should operate these services only on a temporary basis until such time as these services can be effectively run by new or already existing agencies.

In essence, the Council functions as an informational service to guarantee the visibility of every child in need. It will make every effort to become acquainted with all children and families within its service area, to inform them of its roles, and its services and activities, and to urge them to participate. In time, it is hoped that every child in need will be known to the Council and that a confidential continuing, longitudinal medical and psychological record can be developed for these children.

As an agency concerned with treatment and prevention, the Council should be the focal point for continuing interest and concern for children who are brought to it. As the principal agency for children in the community, it must gain the confidence of the families in the area by doing an immediate and effective job of helping them cope with their problems. After an initial assessment of the problem, it must take the full responsibility for referring the child to an appropriate helping service—diagnostic, treatment, educational, welfare, and, in some cases, full-time residential care. The Council must never lose track of any child; it must be the central repository for all information on the progress of the child forwarded from facilities to which he has been sent. It must also accept responsibility for periodic assessment of the value of each individual referral, and it must be equipped and ready to change any referral when it is determined that the child is no longer benefiting from it.

In order to carry out these responsibilities, the Councils will develop skilled personnel to serve as advocates performing functions simi-

lar to the ombudsmen role which originated in the Scandinavian countries. A description of the role of such a child advocate is contained in the following excerpt from the report of our Clinical Committee:

Another possibility is a central child-caring service that shepherds and accompanies the child through the whole gamut of studies and treatments, remaining always a unitary link between the family and the community resources no matter how diverse. Where extensive agency structures exist, it is likely that the child's ombudsman, the caretaker, should be the point of initial contact, and this caretaker should run interference for the entire process. Such a situation is likely to pertain in a large city where a great many agencies with different functions have gradually grown over the years, so that what faces the bemused family is a veritable thicket of names, functions, places, rules, responsibilities, and expectations; and what faces the child are all kinds of people, each of whom seems to want him to do something else with or for them—and none of whom he may understand very well, let alone have a chance to come to feel comfortable with. A guiding, constant, friendly mentor to come along, find the way, stay nearby, carry the burden of the arrangements, help with the transportation, and explain about what's happening, can be a lifesaver in such a situation.

In very simple terms, we see the Council as the conscience and action arm of the community with regard to its children. It would devise ways of making services accountable to children and to each other. Where it succeeds, every family in the community will know that this is the one place you can go when a child is in trouble, or when advice is needed on some developmental or educational problem. The Council would be the overall coordinator, planner, evaluator, and guarantor that no child in the community is lost or neglected.

The Council must also be the guarantor of the quality of services for children in the community. Wherever possible, it should contract for services with existing agencies in the community. For example, it might contract with a child guidance clinic for diagnosis; with the school system for special educational programs, or with community mental health centers for residential, day or outpatient care for disturbed children.

The Commission recognizes that this basic objective of insuring delivery of services to children and youth can only be achieved and sustained if the advocacy function is complemented by mechanisms of administrative, policy, and funding intent at all levels of government. Therefore, the Commission recommends that partial federal funding be provided for the establishment of public advocacy functions at the national, state, and local governmental levels.

At the national level, the Commission recommends that the President appoint a Council of Advisors on Children and Youth similar to the Council of Economic Advisors. Advocacy for children and youth would then derive its strength from the highest office in our nation. This President's Council of Advisors on Children and Youth would have direct links with the Bureau of the Budget and would be charged with the responsibility of studying and gathering information on the problems of children and youth in the United States and with doing long-range planning, policy-making, and programming, both for services and for manpower. This advisory body would provide information about how agencies are working together, competing, or overlapping in providing services and would advise the President and Congress as to the allocation of monies spent for children and their families.

The advocacy concept at the state level would be carried out by a State Commission on Child Development. This Commission would be concerned with an on-going inven-

tory of the needs of children and youth in the state. Its crucial task would be to develop a state plan—in conjunction with broad federal guidelines—which would organize and coordinate all the services and programs required to meet the needs of children and youth in the state. This Commission would review applications from local governmental Child and Youth Authorities for the establishment of neighborhood Child Development Councils and would periodically evaluate the Councils as they are established.

At the local governmental jurisdiction (city, town, township, county, or combination of these), a Local Child and Youth Authority would be created for the purposes of coordinating and planning services, and for developing necessary overall policy involving the several Child Development Councils and various service dispensing agencies under its auspices.

At all levels—neighborhood, local, state and national—participation and representation in the various advocacy bodies would include professionals, laymen and citizens. At the neighborhood level, consumers of services would be involved in the planning and operating of the Child Development Councils.

Federal planning grants will be made available through provisions similar to those enacted under the legislation for the planning of Comprehensive Community Mental Health Centers. Where state plans are inadequate, or prove to be slow in developing, Federal funds can be administered directly to the Local Child and Youth Authorities upon submission of acceptable local plans.

Ultimately, it is hoped that Child Development Councils will be established to serve every child and youth in America. However, the Commission recognizes that these cannot be funded and established overnight. We recommend that the following steps be taken within the next several years:

A. The creation of the President's Council of Advisors on Children and Youth.

B. The establishment of a State Commission on Child Development in each state to develop the state plan for services (with option to consolidate under present regional planning areas).

C. The establishment of at least one Local Child and Youth Authority in each state.

D. The establishment of approximately 100 Child Development Councils throughout the nation, with at least one in each state.

E. The creation, by full federal funding, of approximately 10 Evaluation Centers, with each being placed in a different type of community. These Evaluation Centers, whether independent of or related to the Child Development Councils, would study, test and evaluate the goals proposed for the Councils and would provide data for the establishment of future Councils and for improvement of already existing Councils.

The cost estimates on the report cannot be spelled out exactly, since we are projecting not only the cost of a network of Neighborhood Child Development Councils, but also the funding requirements for more than 100 major recommendations, including family planning and birth control services; systematic prenatal care; comprehensive psychiatric and pediatric supportive services for children under the age of three; a broad range of educational recommendations starting with the pre-school child; special programs for children of minority groups and in poverty areas; a day-care system for all children; national health insurance coverage for the medical and psychiatric needs of children, and many more recommendations too numerous to list here.

As a rough guess, we estimate that eventual implementation of all of our far-reaching recommendations will cost somewhere between six and ten billion dollars a year. A considerable portion of this financing will consist of re-allocating monies

now devoted to ineffective programs, but a major portion will be devoted to new appropriations for new kinds of services.

We do not flinch at the size of this financial recommendation. If we really intend to replace all of the nauseating rhetoric about our children with a massive program designed to optimize their physical and mental potential we must, as a nation, drastically re-allocate our priorities. For example, one of our task forces noted that the Federal Government is spending approximately \$190 a year for services to children, as compared to \$2,000 per year for services to individuals over 65 years of age. We don't propose to cut down on these expenses for the aged, but we certainly want expenditures for children to at least equal the amount of money we spend for our elderly citizens.

If we can spend 80 billion dollars a year for the defense of our country, we can surely afford 10 percent of this for strengthening that generation which will inherit a host of agonizing problems on both the domestic and world scenes.

I think the prognosis for significant legislation carrying out the major recommendations of the Joint Commission during the next year or two is quite good. At the American Psychiatric Association convention earlier this year, Senator Ribicoff promised to introduce legislation "as fast as we can draft it" to implement the leading recommendations of the Commission report.

However, in the final analysis, the Administration and the Congress will not move until they hear from the citizens all across this land. We of the Commission have done our job; it is now up to you in mental health associations and allied organizations to take up the torch.

The entire fate of the report of the Joint Commission on the Mental Health of Children now rests upon the shoulders of all of us. As Thomas Jefferson once said:

"There is no substitute for the enlightened action of an aroused citizenry."

Let us move into the action phase.

SUPPORT OUR BOYS IN VIETNAM

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. MESKILL. Mr. Speaker, I would like to draw the attention of my colleagues to a letter which I received recently from one of my constituents. I found this letter to be a moving expression of one man's thoughts for which I think there is great sympathy both in this legislative body and in the Nation at large.

I have always had some reservations about our involvement in Vietnam, but, as I told Mr. Bobrowski, I felt that once we have embarked upon a venture where American boys are asked to give their lives, we owe them our complete support.

When I say complete support, I mean that sometimes we may be asked to bite our tongues in order that our statements do not give aid and comfort and encouragement to the enemy and serve as a source of discouragement to our fighting men. I think this is a matter which has been forgotten by so many who denounce the war so loudly.

Mr. Speaker, I would like to share this fine letter from Mr. Bobrowski with my

colleagues so that they also might have the benefit of this gentleman's thoughts:

BERLIN, CONN.,
September 4, 1969.

DEAR CONGRESSMAN MESKILL: Every now and then you bump into something that prods you to express yourself on some issue. Reading the enclosed article [The Reader's Digest, September, 1969, "Your Son Has Been Wounded . . ." page 63] was that something for me. If you haven't read it, please do.

I feel the last three paragraphs of this article express the feelings of many Americans, myself included. They describe the tragedy of our situation in Vietnam better than I could hope to. . . the wounded of Vietnam do not ask for pity. What they need most is the assurance that their immense suffering has not been in vain. They need recognition of their courage in war's battles and in their own daily battles to recover. All about them swirl the voices of their countrymen calling the Vietnam war a travesty, or a history's horrible mistakes. The wounded recognize that these judgments may be proper, but they need validation of their own response when they were called to serve." I cannot help but feel that this story could well be about one of my three sons someday in the future.

It is impossible for me to understand why American men are being asked to die, to suffer, to be tortured by a savage enemy in this farce of a war. I believe that if our cause is right and our men are asked to risk their lives in combat, we must do no less than to support them with all the might at our disposal and bring the enemy to his knees. If we must fight a war in Vietnam, then by God fight it without the stupidity of politics and the confusion created by the ignorance of amateur theorists. The cost of these mistakes is measured in the lives and bodies of American men. If we cannot, in all intelligence, utilize American military might to bring this war to a quick end—then get the hell out of Vietnam and do it now.

I do not envy you at all. You have chosen to be a member of the Congress of the United States in a most difficult period of time—and your responsibility is awesome. You deal in human life—thousands of American lives. I believe that you and your colleagues have no more important task than to stop this senseless situation by whatever means necessary, as soon as possible.

I pray to God that you will find the way soon.

Very truly yours,

LOUIS G. BOBROWSKI.

THE FED'S REGULATION "Z"

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FINDLEY. Mr. Speaker, the truth-in-lending law, which the Congress recently enacted and which went into effect on July 1, has as its laudable goal the protection of the consuming public which often purchases goods in the pressurized atmosphere created by an overzealous salesman. Insofar as the legislation equalizes the balance in the marketplace between buyer and seller, it is both necessary and proper. However, the regulations promulgated by the Federal Reserve System pursuant to the truth-in-lending legislation have evoked a storm of protest from those businessmen who must implement and live with the regulations, and I have become convinced that much of the protest is justified. In

more than one instance, the Federal Reserve System has apparently gone beyond the scope of the legislation enacted by Congress, and, also a reasonable interpretation of legislative intent.

The legislation enacted by Congress, in section 125, states that the consumer shall have the unilateral right to rescind any credit transaction "in which a security interest is retained or acquired in any real property which is used or is expected to be used as the residence of the person to whom credit is extended." The consumer is given 3 days in which to act. Regulation Z of the Federal Reserve Board, which implements this legislation, interprets the words:

"Security interest" to include "mechanic's, materialman's, artisan's, and other similar liens, . . . [and] any lien on property arising by operation of law."

It should be clear to anyone reading the legislation enacted by Congress that liens arising by operation of law are not "given" by the obligor, and therefore this regulation promulgated by the Federal Reserve System is outside the scope of the legislation.

Similarly, under the laws of most States, liens arising by operation of law are generally not assignable, and therefore not of the type at which Congress was aiming when it enacted the truth-in-lending legislation.

The result of the overly broad scope of regulation Z has been an imposition of unnecessary and burdensome paperwork upon many small businessmen and, more important, the unnecessary risk that the small businessman may lose his secured position which heretofore had legitimately been protected by the law. Rather than restricting the application of the truth-in-lending legislation to unscrupulous mortgage racketeers and other fly-by-night operators who victimize homeowners with their fast-sell and quick-exit schemes, the regulation promulgated by the Federal Reserve System has been unjustly applied to many other unquestionably honest small businessmen who were not intended by Congress to be affected and who have not previously abused their secured position to the detriment of their customers or the public.

Therefore, I am today introducing an amendment to the truth-in-lending legislation which would specifically exempt mechanic's, materialman's, artisan's or other liens arising solely by operation of law. In my judgment, this was the original intent of Congress, and we should act quickly to prevent small businessmen across the Nation from needlessly suffering under the existing regulation. I am hopeful that many of my colleagues will join me in this endeavor.

Text of bill follows:

H.R. 13915

A bill to amend the Consumer Credit Protection Act to retain the effectiveness of materialman's and mechanic's liens

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

SECTION 1. Add to Section 125(e) directly after the last word in the Section the following: ". . . nor to any transaction in which the only lien arising, created or retained is a mechanic's, materialman's, artisan's or other lien arising solely by operation of law."

WOMAN MUST GO BUT HER CHILDREN MUST STAY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FRASER. Mr. Speaker, the following article appeared in the Star of Johannesburg, South Africa, on September 6, 1969:

CHILDREN MUST STAY: SOUTH AFRICA BORN, SHE MUST "RETURN" TO LESOTHO

South Africa is Mrs. Janet Gwala's home; but South Africa has instructed her to "return" to Lesotho, a country she has never seen. Now officialdom has dealt her another blow: Lesotho won't accept her children.

It all began with a clerical error years ago, which registered her place of birth as Lesotho, although she was born in South Africa. In spite of her complaint the mistake was not rectified.

Now a widow, she has been given notice by the Bantu Commissioner to leave South Africa by October 15.

Her first distress was at having to uproot her children and take them to a country where she has no friends or relatives. That worry is over: but its replacement is worse. Lesotho officials say she must go alone—her children must stay behind because they were born in South Africa.

Now her struggle to have that old clerical error corrected has become a battle to stay with her family in the only country she knows.

She will be allowed to stay here only if she can prove she was born in South Africa. But positive proof eludes her. Her birth was not registered, so there is no birth certificate. She is now 50—and her mother has long since lost her baptismal certificate.

She can produce her father's death certificate and her husband's death certificate, as required by the Bantu Commission.

An aged uncle in the Free State will probably be able to give an affidavit to the nearest Bantu Commissioner to certify that she was born in South Africa.

Her 70-year-old mother and her brothers and sisters will also testify to this. But an accident of birth makes the evidence of her brothers and sisters almost worthless. Mrs. Gwala is the eldest in the family. And the Commissioner will accept only evidence of older brothers and sisters born in South Africa that a younger member of the family was also born here.

Her only consolation in the bewildering fight against officialdom has been a promise that she will not be forced to leave South Africa until her case has been fully investigated.

All governments establish regulations and rules for the orderly transaction of public business. We often pejoratively call this redtape. But it is not the lack of redtape, in this sense, which distinguishes the humane government from the oppressive government. It is what the rules and regulations are and how they are administered, especially whether they are blindly applied or wisely interpreted.

Mrs. Gwala's misfortune is that she was born in a country which is unlikely to recognize that fact. Those who "administer Bantu affairs," based on past performance, are not likely to view Mrs. Gwala's case sympathetically. And without understanding and humanitarian concern rule-applying often is dehumanized.

FUTURE OF OUR U.S. SPACE
PROGRAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FULTON of Pennsylvania. I offer for the CONGRESSIONAL RECORD an excellent editorial in the Washington Post of Friday, September 19, 1969, complimenting Astronaut Neil Armstrong on his fine statement before the historic joint meeting of the House and Senate, Tuesday, September 16, 1969:

A SPACEMAN'S SENSE OF BALANCE

The report of President Nixon's Task Group on Space and, indeed, even the speeches to Congress of the three men who rode in Apollo 11 have brought some rationality back to the discussion of whether the space program. That report recommends that the President commit the nation to a "long-range goal of manned planetary exploration" aimed at a landing on Mars in the early 1980s, the mid-1980s, or the 1990s. Acceptance by the President of the basic recommendation would eliminate talk of abandoning manned space flight, which would be a foolish course of action, or of proceeding toward Mars in a crash effort to get there as quickly as possible.

It is difficult for anyone to reach any other conclusion except those who blindly opposed manned space travel or those who, equally blindly, favor giving it the nation's top priority. Space exploration ought to proceed in an orderly way, maximizing at every step the advance of knowledge and the utilization of it here on earth. In fact, it is not at all clear that the President should set a "goal" of a Mars landing in any particular year.

What is important is for the nation to push ahead on the immediate recommendations of the Task Group—exploring the moon, developing the tools that are needed for systematic exploitation of our space travel capability, and extracting from the space program more benefits for those of us who are earthbound. This means that NASA would continue its moon flights, perhaps reaching the day in the 1970s when semi-permanent colonies would be established on the moon's surface. At the same time, it would push development of a nuclear rocket engine, which would make long-range space travel more feasible, a space vehicle that could be landed on earth and used over and over again, which would reduce the costs of each mission sharply, and a space station to hold a dozen or so men that could be flown in orbit around the earth or the moon or, when the time comes, Mars.

This kind of program would keep NASA operating for a while on about the budget it now has. It would have the advantage of allowing the agency to keep together the remarkable team of scientists and engineers it has created by giving them new and interesting problems to solve. At the same time, it would encourage those in NASA who want to tailor the space program to produce more information directly useful to the solution of earthly problems—surveys of natural resources, weather prediction and control, and so on.

Although parts of the speeches the three astronauts of Apollo 11 delivered to Congress Tuesday were open pleas for money for future space flights, they were carefully balanced by the recognition each man gave to the needs of domestic programs for the funds that might otherwise be spent in space. The words of Neil Armstrong, the first man to walk on the moon, are worth repeating because they catch the spirit of the delicate balance that must be made between the

dreams for adventure and the practical realities of life:

"Several weeks ago, I enjoyed the warmth of reflection on the true meaning of the spirit of Apollo. I stood in the highlands of this nation, near the continental divide, introducing to my sons the wonders of nature and pleasures of looking for deer and elk. In their enthusiasm for the view, they frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk.

"To those of you who have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator. To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail."

THE ADMINISTRATION BACKS UP
ON TAX JUSTICE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. EILBERG. Mr. Speaker, today I rise to express my alarm at the incredulous position which the administration has taken with respect to the tax reform legislation passed by the House. The statement of Treasury Department Secretary David Kennedy before the Senate Finance Committee indicates that the administration is headlong in retreat from the goal of tax equity which I believe the House tax reform bill started the Nation toward. The administration's tax reform position indicates to me that the Wall Street lobbyists deserve a raise as do those for the Nation's corporate hierarchy and the big foundations. Mr. Kennedy's statement also indicates that the lobbyists for the real estate interests will probably lose their jobs because they were not nearly as effective in championing the interests of the privileged as were some others. The oil industry lobbyists will probably keep their jobs as a result of the administration's position on the oil-depletion allowance but there will be no raises this year.

In sum, the administration's position on the tax reforms which the House passed as the first step toward the goal of tax justice would deprive middle- and low-income taxpayers of about 50 percent of the tax reduction which we provided in our tax reform bill.

The administration would continue to tax the middle-income taxpayer and the poor at exorbitant rates and reopen somewhat the loopholes for the privileged which the House closed through its action under the able guidance of the chairman of the Ways and Means Committee. My strong feelings about the need for tax reform now so that we can achieve tax justice as soon as possible make it impossible for me to swallow the administration's tax proposals quietly.

I would be the first to admit that the tax reform bill which we in the House passed was not perfect. It does not bring us to our goal of tax equity for all citizens, but it takes us part of the way there. The bill we passed here was imperfect not because it provided for too much tax

justice but instead because it did not go far enough toward closing the tax loopholes which have made a mockery of the income tax principle that all should pay for the support of their Government according to their means.

We all remember that, during the heat of the campaign, Mr. Nixon pledged that he would, if elected, represent the forgotten man. Mr. Nixon, it would seem from his position on tax reform, feels that the forgotten American is the president of a corporation and not a middle-income American. Certainly, no rational person can say that a corporation executive is the forgotten American. For too long the Internal Revenue Code has provided these people with the tax loopholes which have made the burden on the middle-income salaried taxpayer heavier and heavier. If loopholes keep the rich from paying their fair share, then someone has to take up the slack and more often than not the victim of increased taxes has been the middle-income American.

When many were led down the primrose path and supported enactment of the 10-percent tax surcharge last year, they were told that this added tax would be the means to stop inflation, loosen the tight money situation, and stop the outrageous increases in commercial interest rates. The results speak for themselves. First, those who had been avoiding paying their fair share of the tax burden because of the loopholes in the system continued to avoid paying their fair share of the tax surcharge in the same way, and those who were paying more than their fair share to begin with through the surtax were now paying even more exorbitant income tax rates. Second, the tight money situation has not eased. Third, interest rates have skyrocketed. Fourth, the cost of living is increasing faster than ever. Finally, this year the cries from these hard-working, law-abiding, taxpaying Americans have borne fruit. Tax reform is an idea that at last had come of age. The bill passed by the House represents a forward step toward tax justice and the administration's statement is nothing short of a cop out.

Perhaps it may be necessary for Mr. Nixon to look once more at the definition of a forgotten American, the man he was so interested in representing. The forgotten American is the man who pays the National, State, and local taxes which grow more burdensome every day; this man works every working day; he pays his bills; he does not riot; he serves his country willingly; he educates his children; and he obeys the laws. He also pays the lion's share of the taxes that operate the Government.

The middle- and low-income taxpayers of the United States are in a mood of seething discontent. They are on the verge of revolt. The bill which passed the House showed these taxpayers that the House does care about them and their problems. If the administration has its way, we will take a giant step backwards toward the day when the rich get richer and the poor get poorer through subversion of the Internal Revenue Code. The tax reform bill which the House passed was a major victory for the middle-income American. At least we and he

thought it was until the lobbyists had worked their will on the administration.

The tax reform bill which we passed here a short time ago held out to middle-income Americans the hope that tax relief was on the way; that those who were not now paying their fair share would at last begin to do so; that life would be brighter on the whole.

The administration's tax proposals appear to be an attempt to destroy the American middle class. As Lord Bacon said:

The power to tax is the power to destroy.

Certainly it should not be, as the administration would have it, an active part of our national policy to destroy the American middle class.

I believe that tax relief for the lower- and middle-income taxpayer will do more to achieve social goals and contribute to the health of our economy than any governmental program or measure. Tax reform is, therefore, not only just but it is economically sound. While the government must be concerned about the effect on revenue that any tax change would cause, the simple fact remains that there is no effective change in revenue under the proposals of the administration as compared to the legislation passed by the House. The administration's proposals are bizarre. I will not be a party to such an attempt to subvert the will of the American people. Tax justice is at last on the horizon as a result of the House-passed tax reform bill. I will not do anything to jeopardize that goal and I urge the administration to reassess its proposals and disregard the high powered lobbies which obviously have gotten to them and influenced their present thinking.

THE CRY FOR FEDERAL FUNDS

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. SCHADEBERG. Mr. Speaker, in today's society, with its awareness of social problems and its desire to bring about change, many groups directly involved with bringing about this change are increasingly turning to the Federal Government for funding. No matter what area of social awareness is mentioned, the cry is for more and more Federal funds.

The desire on the part of the people for Federal involvement is easy to understand. The Federal Government commands great resources in a very rich economy. It also can be brought to task for certain misplaced priorities in spending, which, if corrected, would release funds for the more necessary programs relating to human need.

There are however, two reasons why Federal involvement in all areas should be limited as much as is possible. The first, and the most obvious, is that the inflationary trend being as dangerous as it is, we can ill afford to divert money from the productive private sector to non-productive Federal expenses. In

order not to price ourselves out of the international market, and in order to stabilize prices, Federal spending must be restrained.

The second, and less obvious reason, is that Federal spending removes the responsibility and decisionmaking ability away from the private, and independent sector, to the Federal agencies and Congress, a sector responsive to special interests. When areas and groups receive Federal funding, the special interests which are created eventually are concerned not with excellence, or in achieving aims originally contemplated, but in the preservation of its status as a beneficiary of the "system."

Education is a perfect example. As tax reform hits the independence of educational institutions by reducing incentives to private giving, and as the Federal Government spends more and more money on education, it is only natural that the Federal Government will in the end dictate the guidelines for education, not according to the administrators, who have the responsibility of providing good education, but according to the desires of the special interest groups that are the major beneficiaries of the "system."

In a recent column in the Washington Post, Messrs. Richard Harwood and Laurence Stern point out that the student masses which are seeking changes in the system are the major beneficiaries of the system, and that their concern for the democratization of education is not coming about.

Although I do not agree with everything in the article, I offer it for the RECORD to bring an awareness to the students that are recipients of educational funding that they are the major beneficiaries of the system they criticize. Messrs. Harwood and Stern point out in their article that—

A perverse distribution of higher education subsidies from low-income to high-income families takes place under government subsidy programs. Those with the most need for higher education are getting the least in terms of public benefits.

The question that the students now face is one that is faced by all recipients of Federal funding—are they going to allow the financing to be of a benefit to those the funds are intended to aid, or are they going to press for the continuation of the system that benefits them directly?

The article referred to follows:

STUDENTS, LIKE FARMERS, CONSTITUTE MAJOR BENEFICIARIES OF THE SYSTEM

(By Richard Harwood and Laurence Stern)

Theodore White has written that the agony of the Democratic Party in 1968 began with the uprising of "its most pampered and cherished beneficiary group: the student mass of the United States."

It is, as White made clear, quite a mass. The nearly 7 million students on college campuses this year outnumber the armed forces 2 to 1, the farmers 3 to 1, the automobile workers 8 to 1. Within a few years we will have more college students than production workers in all the durable goods industries in the United States. They have become, in short, one of our most powerful special-interest groups and, hence, one of our most powerful political forces.

Their impact on the political process was demonstrated beyond any question last year. They helped bring down Lyndon Johnson and made it virtually impossible for him to govern in the last months of his term.

Their tactics helped fuel the Wallace movement, made Ronald Reagan a folk hero of sorts in California, and inspired much of the "law and order" rhetoric of the Nixon administration.

Their influence (and the influence of their parents) is not limited, however, to episodes of that kind. It is a pervasive and continuing influence that has made of students, as White suggested, major beneficiaries of those political processes by which it is decided who gets what in this society.

As higher education has become a very big business (its revenues are approaching \$20 billion a year) it has become—like agriculture and the arms makers—increasingly dependent on government for financial support. More than half of all college and university revenues now come out of public treasuries. The money involved is rather substantial.

For example, the federal government will spend 25 per cent more money (\$5 billion) on higher education this year than it will spend on its public welfare clients. It will spend nearly three times more for college buildings and dormitories than it will spend to underwrite public housing for the poor.

These are popular expenditures, of course, but their impact is highly uneven in the sense that the major benefits go to the people least in need.

Higher education has gotten democratized to a considerable extent in this country. A century ago 2 per cent of our young people went to college as opposed to better than 40 per cent today. But college remains a haven for the well-to-do. If a child is bright and his family earns more than \$10,000 a year, the chances are 19 out of 20 that he will enter college. If he is equally bright but comes from a family earning less than \$3,000 a year, the odds drop to one in two.

The result, as the Clark Kerr commission reported, is that 50 per cent of today's students come from the wealthiest 25 per cent of the population, while only 7 per cent come from the poorest 25 per cent.

These disparities exist even in such states as California where tuition is zero and higher education is open, theoretically, to all. W. Lee Hansen and Burton A. Weisbrod report in *The New Republic* this week that "the claim that the American system of higher education contributes to equality of educational opportunity is largely fiction . . . In practice, a perverse redistribution of higher education subsidies from low-income to high-income families takes place. Those with the most need for higher education are getting the least in terms of public benefits."

Their studies showed, for example, that the "public" University of California is inhabited primarily by children of the wealthiest families in the state, while children from poorer families tend to wind up in junior colleges, if they get into college at all.

Moreover, according to the Weisbrod-Hansen report, the average subsidy for the affluent University of California student is 400 per cent greater than the average subsidy for the less affluent student in a junior college.

It all works, in other words, rather like the federal farm program that rewards most those farmers with the greatest commercial success.

This ought to cause some concern among the student masses who are seeking changes in The System. They are, as White said, "pampered and cherished" beneficiaries of that System and they have some responsibility to change it for the benefit of their less privileged brothers.

JAMESTOWN CEREMONIES COMMEMORATE LANDING OF BLACKS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DIGGS. Mr. Speaker, 350 years ago, in 1619, 20 blacks descended from a Dutch vessel setting foot on American soil at Jamestown, Va. They were indentured servants purchased by Virginia settlers to add to the existing colonial labor supply. This was made up of impoverished white agricultural laborers from England who had bound themselves in servitude for specific periods of time. The landing was the black man's introduction to the new world. He was not afraid, but in two decades his distinction of race, the escape of white indentured servants into a growing white population, and the demand of colonial settlers for a cheap and permanent labor supply, was to make him so. A system of slavery was put into law which made men chattels without freedom, justice, or dignity, which was based on forceful kidnapping, separation of families, and unspeakable inhumanities. Yet history records that these enslaved black men were the most important labor force in the South. They were not agricultural workers only. They built the railroads of the South and worked in urban communities in almost every skilled and unskilled occupation. This oppression and exploitation of the black man through the system of slavery has plagued and deformed America, the citadel of liberty, and diminished its greatness and achievements through the centuries into this day of man's monumental moonwalk. Before the eyes of the world, that monumental achievement is flawed because a nation that has demonstrated its vast technological ability in putting man on the moon to discover and develop new environmental resources for the benefit of mankind still compulsively continues its oppression and myths as blocks to the release of the human resources of America's millions of black citizens.

The denial of entry into the construction trades in 1969 of black men on the sweat and skills of whose forebearers the South was built centuries ago reveals the shame anew that while men sought freedom, they enslaved; while they concentrate their concern on the exploration and utilization of all environmental resources, they bury their greatest human wealth because it is black.

It is appropriate, therefore, that on next Sunday afternoon, September 21 at 3 p.m., this 350th anniversary of the landing of America's first blacks at Jamestown will be commemorated in special ceremonies at the Jamestown Festival Park, Va. Here was the site of permanent English settlement in America where men came to overcome poverty and persecution and in pursuit of life, liberty, and happiness.

It is appropriate that the objectives of this commemoration, to which will come citizens from across Virginia and their guests from across the country, are to contribute to the development of a

EXTENSIONS OF REMARKS

healthy pride and respect among black people and Americans generally for their forebearers of African descent; to promote historical accuracy as to the struggles of the American black to achieve his rights as a person and as a citizen of the United States; to apprise the public of the contributions of blacks to the life, technology, and culture of Virginia and the United States; and to stimulate interest in the erection of a suitable marker in honor of the arrival of these persons of African descent.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DULSKI. Mr. Speaker, on the issue of pornography there inevitably arises the question as to whether it is obscenity or art. And the question has no firm answer. Courts, experts, indeed most everyone disagrees.

Pornography is a cancer that is sweeping our Nation and we must mount a vigorous drive to control it.

Our Committee on Post Office and Civil Service has been working on this problem for years as it deals with the mails. Hearings already are underway and I believe that we, at least, can control the flow of smut into homes where minors reside.

The Buffalo Evening News in my home city of Buffalo, N.Y., is doing an excellent in-depth study of the pornography problem in our area. I have reprinted the first two articles in the Record on September 15 and 17. Following is the text of the third article:

SMUT IN BUFFALO—III: OBSCENITY OR ART: WHO CAN SAY?

(By Anthony Bannon)

"Pornography? They talk a lot about it, but I don't really know what it is . . . I don't think pornography can be art."—Gordon Smith, director, Albright-Knox Art Gallery.

"When I went to see 'Hair,' the man in front of me turned to his wife after the nude scene and said: 'We've seen it; now we can go home' . . . It is part of the moral decay in our theaters."—Neal Du Brock, executive director, Studio Arena Theater.

"We have a real hang-up about sex in this country; sin equals sex for some . . . people. Sex for some is just for the bedroom and it becomes impure in the light."—Fred Keller, owner and operator, Circle and Glen Art Theaters.

"Pornography? It's just a passing fad."—Lewis T. Fisher, president and producer, Melody Fair Theater.

Pornography? Definition is troublesome. Some members of the Buffalo artistic community question further whether art can even be considered pornography. That is, if it is art, it cannot be termed pornography.

This was what Albright-Knox Director Smith was "inclined to say, without much study or thought on the matter."

He explained: "I deal almost completely in abstract art, so I just don't know about pornography."

PHOENICIANS DREW NUDES

Prof. Thomas Matthews, a senior lecturer in art history at State University of Buffalo, concurred:

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"Most of my artist friends say there is no such thing as pornographic art," but, he added, "erotica" has frequented paintings since ancient times.

Also, the Phoenicians drew "lovely reclining nudes;" the Greeks often sculptured nudes with enlarged genitalia to emphasize fertility; Michelangelo's murals on the Sistine Chapel ceiling drew hard criticism in his own time and have from pope to pope, been alternately covered and uncovered with fig leaves because of their "obscenity."

So it has continued to this day.

In recent years, some pop artists have chosen to paint realistic works of private acts to shock or to rebel against earlier abstractions.

TO SHOCK PEOPLE

"I don't particularly like to see them," Prof. Matthews said, "but in (art) history there have been a lot of reactions to shock people into a visual reality, to react against abstractions when art moves away from the human form."

Many of these reactions are important only as a vehicle to change the direction of artistic trends, while others have lasted as fine art, he noted.

"Sex is a legitimate instinct to portray in art," the professor declared. "I think the word pornography will eventually be as outworn as last year's tennis shoes."

Theater and film, meanwhile, have seen a never-before-except-in-stag-movies rush toward nudity in the last several years.

STANDARDS RELAXED

Fred Keller, whose Circle and Glen Art Theaters are not to be confused with other Buffalo "art" houses who specialize in more tawdry fare, analyzes the situation thus:

"Since World War II—but especially in the last four or five years—we have seen a general relaxing of standards . . . perhaps because people believe they are more sophisticated in this area. Also, television has replaced the family movie . . . and Hollywood is saying: 'If you can't get them to the door with family movies, give them blood and sex.'"

He explains that some well-made artistic movies pushed the limits of what had been previously forbidden in seeking new forms of expression.

"And this encouraged the fast-buck operators who want to show a cheap variety of films," he adds.

BIGGEST MARKET

"Good films have opened the door artistically, only to find the doorway suddenly crowded by others who want to exploit the new-found freedom."

Mr. Keller continues: "Today, most pornographic films are made here in the U.S.—and by pornographic, I mean those movies that are made overnight in a Florida motel room, not the ones which are well made and explore sexual relationships truthfully and honestly, upholding artistic interests. Also, the U.S. is the world's biggest market for this stuff."

Mr. Keller has refused to show poorly made films dealing with sex, such as "Carmen, Baby," but does not refuse films according to subject matter.

"HAIR" OPENED DOOR

"Adults should be permitted to see what they want to see, and the sooner we realize this the sooner the hue and cry about pornography will die, as it has in Denmark and Sweden, where they have allowed any kind of expression," he says.

In the theater, the critically acclaimed musical "Hair" seemed to open the door for the wave of nudity on stage, agree Neal Du Brock of the Studio and Lewis Fisher of Melody Fair.

While Mr. Fisher found the brief nude scene in "Hair" "valid within the context of the show," Mr. Du Brock found it unessential and confusing—further indicating the divergence of opinion—even among professional theater people—on such matters.

Mr. Du Brock notes that while he has seen a number of nude scenes in film and theater, only some were justified.

These included the nude scene in the movie version of "Romeo and Juliet" which "added poignancy to the film, as Helen Hayes has pointed out," and the brief nude scene in Edward Albee's "Tiny Alice," a play scheduled for performance Nov. 6 through Dec. 7 at the Studio.

In that play, a woman tempts a saintly man into sin by exposing her body—"the only way the play would work," Mr. Du Brock says, adding:

"I don't know what we will do with it here."

Most nudity in theater is "tasteless and therefore objectionable and by no means art. It has nothing at all to do with the development of the play, but is done for its own sake, for sensationalism," he declares.

This kind of nudity participates in "the moral decay in our theaters, which is not so much due to pornography as much as to lack of language and ideas."

REFLECTS U.S. MORALITY

"It reflects part of our American morality, which is occupied with the body and the self. It reflects television, where all you see is body, body, body beautiful . . .

"It is sad that theater reflects this second rate way of life, instead of suggesting a better way of life."

So what to do about it?

"Let everybody go rush to see it and let them get tired of it and then get on to better things," Mr. Du Brock responds.

Mr. Fisher agrees: "I think sometimes nudity is very valid, but most of the time, I have heard, it is just boring, as in Geese, O Calcutta and Che . . .

"But it's a very, very difficult thing to determine whether what is done on the stage is valid, whether it is intended or not to be pornography . . .

"What is art for me, may not be for the next man, but I'm not about to tell him what he can or cannot see . . .

"I don't think anything should be done about it. It will just die of itself."

Mr. Speaker, the Buffalo Evening News also has written an editorial in its September 16 edition which deals with its series of articles and the overall problem. Following is the text of the editorial:

DEALING WITH OBSCENITY

As a series in The News is making clear, pornography and erotica have become big business in Buffalo—and around the nation.

Dealing with this problem is difficult in a free society that rightly rejects official censorship with its premise that selected governmental officials should be the arbiters of other people's tastes, values and ideas.

But even a free and libertarian society need not sit back in total permissiveness and say that anything goes.

It can and should, for example, crack down harder through the malls and in other ways on hard-core obscenity. This is material whose predominant appeal is to prurient interest, which goes well beyond customary limits and is utterly without redeeming social value.

The courts have rightly held that such material is legally obscene and does not enjoy the protection of the free speech provisions of the Bill of Rights. Former Chief Justice Earl Warren himself said recently that "some of the things that go through the mail . . . are just unspeakable and under no decision of this court are they justified."

Dealing with more borderline materials, whose appeal to prurient interest may be only in part and which may have redeeming social importance, however slight, is admittedly more difficult, particularly where adults are concerned. Here the potential abuses of pub-

lic suppression surely outweigh the hazards of obscenity.

For once such censorship is set in motion, who is to draw the line and where is it to be drawn?

Yet if the historic evils of censorship require a wide latitude in dealing with books, movies and magazines disseminated to adults, there remains no reason why society cannot and should not distinguish between sales of such materials to adults and sales to immature minors—just as it has long done on such commodities as alcohol and cigarettes.

Indeed, the U.S. Supreme Court has already upheld a New York State law specifically prohibiting the sale of girlie magazines and other material to persons under 17, and many other states have taken this as their cue to enact similar statutes.

What is especially significant about the court ruling in the New York case is that it permits states to impose stricter standards on material sold to children than on material sold to adults. Although enforcement of such a double standard rule is undoubtedly difficult, it is not impossible and it does offer a valid means of limiting undesirable consequences of the new permissiveness where impressionable juveniles are concerned.

VIETNAM TO CAMPUS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the Wall Street Journal carried an article covering administration efforts to help low-income veterans obtain schooling under the GI bill. Secretary Robert Finch and Commissioner James Allen have asked education institutions to expand their efforts to enroll returning veterans, especially from the ranks of the disadvantaged. The administration is hopeful that the current GI bill could produce the same beneficial effect for the Nation that the World War II and Korean war GI bills did; namely, create new job and learning opportunities for men who would otherwise not have had that chance.

The benefits to the Nation from the \$19 billion expended for education and training under the GI bill cannot be underestimated. Indeed it might not be overstating the case to suggest that our present prosperity rests on the trained manpower and executive ability created by GI bill expenditures. John Spivak's article develops the situation quite clearly. If large numbers of disadvantaged GI's are attracted to further their education, it might help remove one of the principal causes of student unrest, the absence of minority group representation on campus.

The article referred to follows:

VIETNAM TO CAMPUS: ADMINISTRATION VIEWS COLLEGE FOR VETERANS AS EASING CITY UNREST—IT PRESSES FOR GREATER USE OF GI BILL, HOPING BLACKS WILL END UP IN BETTER JOBS—HOUSE VOTES HIGHER BENEFITS (By Jonathan Spivak)

WASHINGTON.—The Nixon Administration is embarking on a campaign to persuade colleges and universities to recruit and educate returning Vietnam veterans, particularly the Negro and the poor.

As a first step, HEW Secretary Robert Finch

has urged institutions in such states as California, Wisconsin and New York, where many thousands of veterans are concentrated to push for wider use of the "Cold War GI Bill of Rights." Enacted in 1966, the law offers discharged servicemen educational benefits far greater than other Government student-aid programs, but thus far use of the law has disappointed its liberal advocates.

At a recent meeting here with Mr. Finch and Education Commissioner James Allen, university officials acknowledged there's a problem. But they said they would need Federal help to meet new financial burdens entailed in teaching many veterans needing special preparation. With that condition the Universities of Wisconsin and California and others less well-known embraced the idea of taking in more disadvantaged students under the GI Bill—starting next spring if not before.

A DANGEROUS CADRE

The financial problems may limit the added enrollment, and some universities may shy away for fear of stirring new campus trouble. But the alternative to educating needy veterans, proponents say, could be trouble off the campus. They contend returning Negro servicemen could, in time, become a dangerous cadre of angered ghetto militants if the Government fails to meet their needs. The theory is that higher education may offer the most effective way to ease their readjustment to civilian life and help assure their economic success.

The GI bill push has obvious political potential. An aggressive Administration effort to aid black veterans could win Mr. Nixon needed support among minority groups. There's strong liberal support in Congress for a major expansion in veterans' education, though the concentration on aid to minorities could meet opposition from the conservative-dominated House Veterans Affairs Committee, headed by Democrat Olin Teague of Texas.

Thus far, three years after the Cold War GI Bill took effect, only 20% of the eligible servicemen have made use of its educational benefits, compared with a final total of 42% after the Korean War and 50% after World War II. The figures suggest that many potential students—besides the Negroes and the poor—aren't seizing the opportunity.

Various explanations are offered. Some say the current crop of ex-servicemen, is simply disenchanted with U.S. society in general. Others blame apathetic college admission officials. And some politicians reproach the Veterans Administration or other Federal agencies. "The forces which fought me (the Defense Department and the Budget Bureau) when I proposed the Cold War GI bill appear to want to ignore the bill; they want to ignore the veterans," protests Democratic Sen. Ralph Yarborough of Texas, the program's prime sponsor.

VETERANS' VIEWS

Talks with black ex-servicemen here turn up a variety of reasons for failure to use the GI Bill's education benefits: Reluctance to return to the classroom, ignorance about the program, family problems, emotional difficulties. But the overriding deterrent seems to be a feeling that the present payments—\$130 a month for a single man, with additional allowances for married veterans—are inadequate.

"I'd find it virtually impossible to use now," declares Henry Arrington, a 37-year-old Navy veteran who left the service last year and needs another two or three semesters to earn a college degree. "It's something I've always wanted, but I can't make the sacrifice now. I couldn't even pay my tuition on that amount of money."

Kenneth Walker, a 22-year-old Vietnam veteran with a 10th-grade education, says: "You can't get nothing without a high school education, but first off I have got to get me

some money. Right now I couldn't afford to (attend school under the GI Bill)."

Relief for this sort of financial squeeze is on the way. The House has already voted a 27% increase in GI education benefits, and the Senate is likely to enact an even larger boost before the year ends.

THE VA'S ATTITUDE

The Nixon Administration, fearful of the added cost, has not yet taken a stand on this issue. But the VA's current leadership feels that in general more should be done for the disadvantaged under the Cold War GI Bill. "It has not been used as adequately as it could," concedes Donald Johnson, the VA's new administrator.

Other VA officials, however, emphasize that conditions today are far different from those of the post-World War II era when use of educational benefits was higher: Jobs are more plentiful now; colleges, under more financial pressure, are less interested in enrolling more students; and a variety of other student aid and job training programs are available to veterans.

Furthermore, VA experts argue, present participation rates are comparable to those during the early stages of past veterans' education programs. They insist that within three or four years veterans will enroll in college at a rate close to that of the post-World War II period.

This argument, however, is not accepted by other Administration officials and by Congressional critics. They see no evidence now of a pickup in enrollment and charge the VA with wishful thinking. "In this era, participation in the GI Bill should be 80% or 90%," declares one Capitol Hill specialist.

To get more veterans back to the classroom, the Administration is considering the establishment of special college remedial programs, particularly in math and reading, to enable poorly educated veterans to catch up and succeed academically. Such efforts might be financed by special grants from the Office of Education, Office of Economic Opportunity or other agencies. The University of Wisconsin is already seeking Federal funds to launch a test program next spring for 100 veterans.

The Administration is also studying the designation of specific institutions in a city or state to serve as centers for veterans' education. The institution would assume responsibility for finding, motivating and enrolling the disadvantaged. Still another proposal calls for furnishing technical education, particularly at junior colleges, to help veterans capitalize on skills learned in the service, such as medical technology. Other special courses could prepare ex-GIs for a variety of public-service jobs.

Adding to the Administration's concern about veterans' education is the awareness that a Vietnam peace could increase the annual rate of military discharges to 1.2 million from 900,000 now. Experts estimate that 30% to 40% of veterans need more education or training to hold a job.

WHAT THE TYPICAL VOTER BELIEVES

HON. ROY A. TAYLOR

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 19, 1969

Mr. TAYLOR. Mr. Speaker, the following editorial from the Asheville Citizen of September 10, 1969, summarizes the results of a poll of voters in the congressional district which I represent on important issues facing Congress. The editorial is as follows:

WHAT THE TYPICAL VOTER BELIEVES

Rep. Roy A. Taylor's annual poll of voters in 16 Western North Carolina counties that make up the 11th Congressional District provides a fairly reliable summary of how responsible citizens in this area feel about national issues.

The answers of those who responded (14,000 out of 150,000 box-holders) show a "typical" voter who is strongly opposed to extension of the income surtax, believes in the need for tax reforms, is in favor of the Administration's ABM system and against continuing the foreign aid program. He would prefer to elect the president and vice president by majority vote with a runoff if no candidate got more than 40 per cent of the total votes cast.

The Congressman's two earlier surveys found his constituents a good deal more aggressive than about the war in Vietnam. Last year 81 per cent of those who replied said they would favor renewed bombings and enlargement of military operations if peace talks proved futile.

The proportion advocating such a course this year was down to 37 per cent, while 33 per cent favor a gradual withdrawal of U.S. troops and 29 per cent want this country to get out of Vietnam immediately.

An overwhelming 87 per cent favored stricter control of pornography.

Even though Taylor's survey was intended only to measure opinion in his Congressional district, it probably represents with considerable accuracy how voters feel over much of the nation.

The problems of domestic inflation have made the average voter look with a jaundiced eye on the expense of foreign aid. The flood of pornography pouring through the mail and onto magazine stands has plainly provoked a strong negative reaction. Rising taxes are continuing to generate a taxpayer revolt, with demands for bigger bites into big incomes.

A poll by Sen. Charles H. Percy of Illinois, reported in the Congressional Record, shows similar figures in favor of tax reform, popular election of the President and Vice President and withdrawal from Vietnam.

The Congressman, the Senator and the President cannot always do what the citizens would have them do, and the citizens know it.

But if anything has been clearly expressed, it is the mood of the country on the Vietnam war.

We may back out of it at our peril, but the average citizen has concluded the peril is not so great as the cost of keeping it up.

LOS ANGELES COUNTY INTERVENES IN SMOG CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 19, 1969

Mr. BROWN of California. Mr. Speaker, last week the Los Angeles County Board of Supervisors acted to intervene as a plaintiff in the antitrust case pending against automobile manufacturers accused of conspiracy to limit development of effective air pollution controls.

The complaint and the notice of motion include some vital analysis relevant to the issue of allowing a consent decree in this case, and I now place them in the RECORD at this point, along with a relevant motion adopted this week by the board of supervisors:

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF, v. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.; GENERAL MOTORS CORP.; FORD MOTOR CO.; CHRYSLER CORP.; AND AMERICAN MOTORS CORP., DEFENDANTS

(Civil No. 69-75-JWC; filed, 1/10/69; complaint in intervention of county of Los Angeles (State of California) and Air Pollution Control District of the County of Los Angeles (State of California))

COMPLAINT

Come now the County of Los Angeles, of the State of California, and the Air Pollution Control District of the County of Los Angeles (State of California), and for cause of action against the Defendants Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation allege as follows:

I

That Plaintiff in Intervention County of Los Angeles (County) is a public corporation and a political subdivision of the State of California.

II

That Plaintiff in Intervention Air Pollution Control District of the County of Los Angeles (APCD) is a public agency formed and existing pursuant to the laws of the State of California.

III

That the Air Pollution Control District (APCD) is charged by the laws of the State of California with the duty of protecting the health and welfare of the people of Los Angeles County from the effects of air contamination; that since its creation in 1947 the APCD has expended approximately sixty millions of dollars (\$60,000,000) of public funds in attempting to reduce air pollution, in Los Angeles County; that the source of said funds is the Treasury of the County of Los Angeles.

IV

That at all times alleged in the Complaint the County of Los Angeles was charged by law with the duty of providing medical services and other health services to more than one-half million people who are and were residents of the County and are and were unable to pay for such services.

V

That each year since 1952 the County of Los Angeles has purchased more than 500 motor vehicles from the named Defendants; that as a proximate result of the conspiracy alleged in the Complaint the motor vehicles purchased by them were not equipped with efficient air-pollution control devices, and that between 1952 and 1961 said vehicles were not equipped with any such devices whatsoever.

VI

That as a proximate result of the offenses alleged in the Complaint the Defendants have caused to be emitted into the air of Los Angeles County air contaminants in the form of hydrocarbons, carbon monoxide, oxides of nitrogen, particulate matter, and other air contaminants; that the amount of such emissions varies and has varied from day to day and that the average amount of such air contaminants emitted in Los Angeles County presently exceeds 12,000 tons per day.

VII

That as a proximate result of said emissions of air contamination the County of Los Angeles has been forced to expend many millions of dollars in providing medical care and other health services to residents of Los Angeles County; that said emissions of air contamination have caused respiratory diseases and aggravate and have aggravated

respiratory diseases of residents of Los Angeles County; and that many thousands of persons suffering from respiratory diseases were treated by County hospitals and other facilities, all at the expense of the County, during each year since 1952.

VII

That the interests of these Plaintiffs will not be adequately protected by the present Parties to the proceeding.

Wherefore, the Plaintiffs in Intervention pray:

1. That the Court permit the Plaintiffs in Intervention to become parties to this action on the side of the Plaintiff and that they be permitted to take part in all proceedings in this action.

2. That the Court adjudge and decree that the Defendants have engaged in a combination and conspiracy, in unreasonable restraint of the aforesaid interstate trade and commerce, in violation of Section 1 of the Sherman Act.

3. That each of the Defendants named in this Complaint, its successors, assignees and transferees, and the respective officers, directors, agents, and employees thereof, and all persons acting or claiming to act on behalf thereof:

(a) be enjoined from continuing, maintaining, or renewing, directly or indirectly, the combination or conspiracy hereinbefore alleged, or from engaging in any other practice, plan, program, or device having a similar effect;

(b) be enjoined from entering into any agreements, arrangements, understandings, plan or program with any other person, partnership, or corporation, directly or indirectly:

(1) to delay installation of air pollution control equipment or otherwise restrain individual decisions as to installation dates;

(2) to restrict individual publicity of research and development relating to air pollution control technology;

(3) to require joint assessment of the value of patents or patent rights relating to air pollution control equipment;

(4) to require that acquisition of patent rights relating to air pollution technology be conditioned upon availability of such rights to others upon a most-favored-purchaser basis; or

(5) to respond jointly to requests by government regulatory agencies for information or proposals concerning air pollution control technology unless such agency requests a joint response in a particular case; and

(c) be required to issue to any applicant interested in developing motor vehicle air pollution technology unrestricted, royalty-free licenses and production know-how under all United States patents owned, controlled, or applied for to which the cross-licensing agreement dated July 1, 1955, as amended, has been applicable, and to make available to any such applicant all other know-how related to air pollution control technology which has been exchanged with any other defendant.

4. That the Plaintiff have such other, further, and different relief as the nature of the case may require and the Court may deem just and proper in the premises, including cancellation of the cross-licensing agreement dated July 1, 1955, as amended, and an injunction ensuring that all future joint arrangements relating to air pollution control technology be appropriately limited as to subject matter of joint effort and numbers of participants so as to maintain competition in the development of air pollution technology.

5. That these Plaintiffs be awarded damages against the Defendants, and each of them, in the sum of One Hundred Million Dollars (\$100,000,000.00).

6. That the Plaintiffs in Intervention recover their costs of suit herein and receive

such other and additional relief as is just in the premises.

Dated: September 5, 1969.

JOHN D. MAHARG,
County Counsel.

By DAVID D. MRX,
Assistant County Counsel,
Attorneys for Plaintiffs in Intervention.

CERTIFICATE OF SERVICE BY MAIL

I hereby certify; under penalty of perjury, that I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 5th day of September, 1969, I served the attached Notice of Motion and Motion to Intervene with accompanying documents upon attorneys of record for United States of America; Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California, addressed as follows:

Raymond W. Philipps, Dept. of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring St., Los Angeles, California 90012. [Attorneys for Plaintiff, United States of America].

Gibson, Dunn & Crutcher, Julian O. von Kallinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014. [Attorneys for Defendant, Automobile Manufacturers Association, Inc.].

Overton, Lyman & Prince, Carl J. Schuck, 550 S. Flower St., Suite 607, Los Angeles, Calif. 90017 [Attorneys for Defendant, Ford Motor Company].

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 W. Olympic Blvd., Suite 80, Los Angeles, Calif. 90015 [Attorneys for Defendant, General Motors Corporation].

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 S. Flower St., Suite 1111, Los Angeles, Calif. 90017 [Attorneys for Defendant, Chrysler Corporation].
O'Melvey & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, Calif. 90017 [Attorneys for Defendant, American Motors Corporation].

and that the persons on whom said service was made have their offices at a place where there is a delivery service by United States mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: September 5, 1969.

BONITA M. AUER.

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF, v. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.; GENERAL MOTORS CORP.; FORD MOTOR CO.; CHRYSLER CORP.; AND AMERICAN MOTORS CORP., DEFENDANTS

(Civil No. 69-75-JWC, notice of motion and motion to intervene as plaintiffs)

To the following:

Raymond W. Philipps, Department of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring Street, Los Angeles, California 90012 [Respectively, attorney for Plaintiff, United States of America].

Gibson, Dunn & Crutcher, Julian O. von Kallinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014 [Respectively, attorneys for Defendant, Automobile Manufacturers Association, Inc.].

Overton, Lyman & Prince, Carl J. Schuck, 550 South Flower Street, Suite 607, Los An-

geles, California 90017 [Respectively, attorneys for Defendant, Ford Motor Company].

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 West Olympic Boulevard, Suite 800 Los Angeles, California 90015 [Respectively, attorneys for Defendant, General Motors Corporation].

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 South Flower Street, Suite 1111, Los Angeles, California 90017 [Respectively, attorneys for Defendant, Chrysler Corporation].

O'Melvey & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, California 90017 [Respectively, attorneys for Defendant, American Motors Corporation].

Please be advised that on October 6, 1969, at the hour of 10:00 A.M., or as soon thereafter as counsel may be heard, the undersigned, County of Los Angeles (State of California) and the Air Pollution Control District of the County of Los Angeles (State of California) will make formal motion in Courtroom 10, United States Court House, 312 North Spring Street, Los Angeles, California, to intervene in the above-referenced action.

The County of Los Angeles and the Air Pollution Control District of the County of Los Angeles move pursuant to Rule 24(a)(2) and Rule 24(b)(2) of the Federal Rules of Civil Procedure, for leave to intervene as plaintiffs in the above-entitled action to assert the claims set forth in the proposed Complaint, a copy of which is attached, on the following grounds:

1. The claims of the County of Los Angeles and the Air Pollution Control District of the County of Los Angeles contained in the proposed Complaint for Intervention and the claims of the United States of America in the main action have substantial questions of law and fact in common. The common questions of law and fact are whether the Defendants engaged in a combination or conspiracy to prevent the development and distribution of motor vehicle air pollution control equipment. The interests of the Intervenor in these common questions of law and fact, however are different and distinct from the interests of the Plaintiff, the United States of America. The Plaintiff is concerned about the direct and immediate results of the common questions of law and fact on free competition and interstate commerce. Intervenor's interests, on the other hand, are the direct and immediate result of the common questions of law and fact on the health and economic vitality of the residents of the County of Los Angeles. The Plaintiff is not adequately representing the interests of the Intervenor.

The Intervenor must become a party to the main action so that when the common questions of law and fact are resolved, the interests of the Intervenor will be protected by:

(a) Enjoining the combination and conspiracy so that pollution-free motor vehicles are developed to avoid the diversion of public funds for the purchase of ineffective motor vehicle air pollution control equipment by the Intervenor as public end users.

(b) Enjoining the combination and conspiracy so that effective motor vehicle air pollution control equipment may be developed at a lesser price and thereby avoid the further diversion of public funds for only partially effective motor vehicle air pollution control equipment.

(c) Enjoining the combination and conspiracy which causes ineffective motor vehicle air pollution control equipment to be marketed and thereby causes substantial diversion of public funds for medical services made necessary by the damaging consequences of breathing polluted air by residents of Los Angeles County.

2. Unless these Plaintiffs are permitted to intervene the United States and the Defend-

ants may settle this matter by stipulation or otherwise. In such an event, the facts of the conspiracy will be forever lost to these moving parties and to all persons who have been damaged by said conspiracy.

Because of the above-enumerated interests in the common questions of law and fact (preventing the development and distribution of effective motor vehicle air pollution control equipment), the interests of Plaintiffs in Intervention are separate and distinct from the interests of the United States of America, and said Plaintiff cannot alone adequately represent the interests of the intervenors.

3. To grant the Motion to Intervene will not unduly delay or prejudice the rights of the original parties. The Plaintiff can continue to focus on the competition and interstate commerce implications of the combination and conspiracy. The Defendants can continue to focus on the common questions of law and fact—a combination and conspiracy to prevent the development and distribution of motor vehicle air pollution control equipment. No delay will be caused by intervention. Only prejudice will result if the Motion to Intervene is denied.

JOHN D. MAHARG,
County Counsel.

By DAVID D. MIX,
Assistant County Counsel.

Attorneys for the County of Los Angeles and Air Pollution Control District, County of Los Angeles.

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF v. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.; GENERAL MOTORS CORP.; FORD MOTOR CO.; CHRYSLER CORP.; AND AMERICAN MOTORS CORP., DEFENDANTS

(Civil No. 69-75 JWC memorandum in support of complaint in intervention of County of Los Angeles and air pollution control district)

I

Rule 24, Federal Rules of Civil Procedure, is to be broadly construed.

Rule 24(a)(2) of the Federal Rules of Civil Procedure provides for intervention of rights as follows:

"Upon timely application anyone shall be permitted to intervene in an action . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Rule 24 was amended to its present form in 1966. According to the United States Supreme Court, the purpose of the revision was intended to inject elasticity into the rule and to eliminate the restrictive approach of the older, more rigid cases interpreting the rule. *Cascade Nat. Gas v. El Paso Nat. Gas*, 386 U.S. 129. Recent cases have applied a very broad interpretation to Rule 24(a)(2). *Cascade Nat. Gas, supra*, at pages 135-6; *Hopsen v. Hanson*, 44 F.R.D. 18 (D.D.C. 1968); *Nuesse v. Camp*, 385 F. 2d 694 (DC CIR. 1967).

An absolute right exists, as in this case, when the Plaintiff in Intervention claims an interest relating to the property or transaction which is not adequately represented by existing parties. A reading of Plaintiff in Intervention's complaint reveals that the Plaintiff shares an identical interest with the United States in the transaction which is the subject of the lawsuit. *Credits Commutation Co. v. U.S.*, 177 U.S. 311, 315-316; *Minot v. Mastin* (C.A.A. 8th 1899) 95 F. 734, 739. In view of the identity of interest it is

essential that the Plaintiff be entitled to intervene in order to protect such interest.

In addition to intervention as of right, Plaintiff in Intervention is entitled to permissively intervene pursuant to Federal Rule 24(b) which provides in part as follows:

"Upon timely application anyone may be permitted to intervene in an action: . . . (2) when an applicant's claim or defense in the main action is a question of law or fact in common."

There is no question Plaintiff in Intervention has several questions of law and fact in common with the United States relative to the pending action. *Brinkerhoff v. Holland Trust Co.* (CCSDNY) 159 F. 911; *United States v. Utica, Chen, & Susquehanna Valley Ry. Co.*, 48 F. Supp. 903; *Central Louisiana Elec. Co. v. Rural Electrification Administration* (W.D.La. 1964) 236 F. Supp. 271.

II

United States Code, title 15, section 5, vests the court with authority to join parties to a pending action.

United States Code, Title 15, Sec. 5, thereof provides as follows:

"Whenever it shall appear to the court before which any proceeding under section 4 of this title may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof."

Plaintiff in Intervention alleges an interest in the vast assemblage of proposed evidence which the United States will use in its case against the parties defendant but which the United States refuses to divulge to the Plaintiff in Intervention. Pursuant to the authority vested by Title 15, Section 5, the court may bring in additional parties to any suit brought by the United States. As a practical matter, Plaintiff alleges that pursuant to this section the Court should exercise its authority to dispose of all claims arising out of the transaction against the parties defendant in one litigation. *State of Georgia v. Pennsylvania Ry. Co.*, 655 Ct. 716.

Respectfully submitted,

JOHN D. MAHARG,
County Counsel.

By DAVID D. MIX,
Assistant County Counsel.

CERTIFICATE OF SERVICE BY MAIL

I hereby certify, under penalty of perjury, that I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 5th day of September, 1969, I served the attached Notice of Motion and Motion to Intervene with accompanying documents upon attorneys of record for United States of America; Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California, addressed as follows:

Raymond W. Philipps, Dept. of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring St., Los Angeles, California 90012 [Attorneys for Plaintiff, United States of America].

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014 [Attorneys for Defendant, Automobile Manufacturers Association, Inc.].

Overton, Lyman & Prince, Carl J. Schuck, 550 S. Flower St., Suite 607, Los Angeles, Calif. 90017 [Attorneys for Defendant, Ford Motor Company].

Lawler, Felix & Hall, Marcus Mattson, Robert Henington, 605 W. Olympic Blvd., Suite 800, Los Angeles, Calif. 90015 [Attorneys for Defendant, General Motors Corporation].

McCutchen, Black, Verleger & Shea, Phillip K. Verleger, William G. Shea, 615 S. Flower St., Suite 1111, Los Angeles, Calif. 90017 [Attorneys for Defendant, Chrysler Corporation].

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, Calif. 90017 [Attorneys for Defendant, American Motors Corporation].

and that the persons on whom said service was made have their offices at a place where there is a delivery service by United States mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: September 5, 1969.

BONITA M. AUER.

RESOLUTION OF BOARD OF SUPERVISORS, COUNTY OF LOS ANGELES

On motion of Supervisor Hahn, unanimously carried (Supervisor Debs being temporarily absent), it is ordered that the following resolution be and it is hereby adopted:

"Whereas, citizens of smog-infested areas throughout the United States were shocked when United States Assistant Attorney General Richard W. McClaren announced September 11, 1969 the Department of Justice wants to settle its suit based on secret testimony before a Federal Grand Jury that the automobile manufacturers violated the Sherman Antitrust Act by conspiring to restrain and delay the development and installation of anti-smog devices; and

"Whereas, the County of Los Angeles petitioned the Federal court, requesting to intervene in the suit against the automobile manufacturers and asking \$100,000,000 damages for injuries to the public health and for the cost of the Air Pollution Control District; and

"Whereas, equal justice under the law means that every person as well as the largest corporations shall have the law equally applied, and by having this far-reaching case settled out of court, the General Motors Corporation, Chrysler Corporation, Ford Motor Company and the American Motors Corporation receive favored treatment; and

"Whereas, the public interest would be best served by having an open trial rather than a consent judgment and thereby achieve permanent and satisfactory relief rather than no relief which could follow a consent judgment;

"Now, therefore, be it resolved that the Board of Supervisors of the County of Los Angeles hereby respectfully requests President Richard M. Nixon to direct the Attorney General to reverse the decision made by his subordinate to settle the case, and to direct that a full and open trial proceed as soon as possible in Federal court;

"Be it further resolved that the Senate and the House of Representatives be requested to hold hearings in their appropriate committees on the full aspects of the Federal Grand Jury findings to learn if the public is being fully protected and if action to settle the suit out of court is in the best interest of the citizens of the United States;

"Be it further resolved that the Executive Officer send copies of this resolution to all members of the Congress.

"Attest:

"JAMES S. MIZE,

Executive Officer and Clerk of the Board of Supervisors of the County of Los Angeles."

FINE PROGRESS: UNITED STEEL WORKERS OF AMERICA UNDER LEADERSHIP OF I. W. ABEL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FULTON of Pennsylvania. I submit for the RECORD the article from the Pittsburgh, Pa., Post Gazette issue of September 12, 1969:

INCENTIVE PAY AWARD IS USW PRESIDENT I. W. ABEL VICTORY

Two days of explanations just may have converted a lot of skeptical steelworkers into believing their union has won a major victory in the long battle over incentive pay policies.

"This has to be regarded as a victory for Abel," said one officer of a United Steelworkers Local who referred to I. W. Abel, USW international president. "It's long range, but it sure looks good."

The officer was one of some 850 local USW presidents and grievance chairmen who spent Tuesday and Wednesday here. They were summoned by the international union.

During the two days, Abel and other international officers gave a detailed explanation of a newly won arbitration award on incentives—the extra money paid workers who surpass production schedules.

EXPANDS INCENTIVE PAY

At the meeting workers were told the arbitration ruling will extend incentive pay to at least another 65,000 basic steelworkers. Some 300,000 of an estimated 450,000 hourly workers in basic steel already are covered.

The arbitration award laid down ground rules which the union and the Big 11 Steel producers must follow when discussing incentives. The discussions are due to start immediately.

As Abel explained at a news conference it was the companies that had full say on who would be covered by incentives and how. The award changed that and gives the union arbitration leverage.

Many of the local union officers came away from the sessions convinced "We have all the tools we need to take future incentive grievances to arbitration and win."

Completing agreements with the 11 companies will take infinite patience and a lot of time and time is viewed as the major handicap by local officers.

AN ABEL VICTORY

"This certainly is a union victory, an Abel victory," said a local president commenting after the meetings, "but it's going to take months and maybe years before it is fully appreciated financially."

Abel and other international officers won't estimate how long it may take to get all or most of the eligible workers covered by incentive pay. But, said a headquarters man, "the work already has started and it will continue."

The incentive issue has been a bone of contention for years between union and management although management initiated the idea to encourage above standard production.

Recently union men have been insisting that the production workers can't hit peak efficiency unless others who feed material and maintain equipment also work at top level. The union wants incentive pay for these workers, too.

In 1968, the issue boiled over just as the international union was about to complete a new three-year labor agreement. Workers badgered Abel for "incentives or a strike."

The USW president continued last minute bargaining and got an agreement to negotiate on incentives for a year. If the issue persisted it would be submitted to binding arbitration.

Abel also got the companies to agree to pay every employe who qualifies as an incentive worker 10 cents an hour for each hour worked between Aug. 1, 1968, and the start of incentive pay. It took a hard sell but the contract was ratified and a strike averted.

Negotiations that followed, however, did nothing toward settling the incentive problem. The issue went to arbitration in June. The award was handed down last month.

Since then, union officers have been pouring over the 23-page award sentence-by-sentence, phrase-by-phrase, word-by-word.

The combined results were passed on Tuesday and Wednesday to the local officers who will do much of the eyeball-to-eyeball talking with company officials at the plant level. They also were the men who must explain the whole package to rank-and-file members.

A canvass of men at the two-day session indicated a good majority felt the union and Abel had bested the companies.

"He (Abel) has been getting a lot of criticism lately," said a local president from the Midwest, "but you got to give him credit—this was a tough job and in my opinion he sure delivered."

There were dissenters at the meeting and they were vocal. Usually they were from groups who do not expect coverage under the new program.

Many office and technical workers, ore miners and men working in fabricating and non-steel producing plants apparently do not qualify.

But even under fire, Abel won converts. He assured the critics their cases will have a prominent spot in the 1971 negotiations.

Numerous persons attending the closed meeting quoted Abel as saying the issues will be pressed even "if it means hitting the bricks." The statement reportedly drew much applause.

The award insists that each of the 11 companies must pay incentives to no less than 85 per cent of the hourly workers and no less than 65 per cent in any one plant.

Getting the individual plants up to 65 per cent, said one expert on the subject, will push the company average well above the minimum 85 per cent. No current incentive coverage can be dropped.

While the group—members of the Basic Steel Conference—was assembled here, Abel, Vice President Joseph Moloney and Walter J. Burke, secretary-treasurer, also explained other phases of the award which went into effect last month.

One contractual item that got a detailed study was the Earnings Protection Plan. It is designed to assure a worker that technological changes will not leave him with a sudden disruptive reduction in take-home pay.

A REAL SLEEPER

Roughly the plan provides protection amounting to 85 per cent of a worker's average hourly earnings in the preceding four quarters.

While a worker's pay is not supported indefinitely, the Earnings Protection Plan would soften the blow of a pay cut, spread it over a period of time and allow for financial adjustments at home.

The Earnings Protection Plan could prove to be a real sleeper in the 1968 labor agreement. Like the incentive plan, it will take time—considerable time—before it can be evaluated at its true worth.

One local officer who had taken a bit of refreshment after the two-days of intensified lecturing put it this way:

"Abel just may ape the man who drew laughs when he sat down to play the piano, but had a very attentive audience long before he finished.

"The things discussed here the last two days could prove more important to the security of the steelworker than anything since SUB" (supplemental unemployment benefits).

MARIHUANA

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, in consonance with my policy of bringing to this body's attention materials related to narcotic addiction and drug abuse, I insert into the RECORD several newspaper articles on this subject.

First is an article that appeared in the Washington Post of September 18 relating to Dr. Stanley F. Yolles call for the Congress to ease present marihuana laws. Dr. Yolles is one of the most respected men in this field and is presently Director of the National Institute of Mental Health. His views are similar to those expressed by Dr. Roger Egeberg, HEW Assistant Secretary for Health and Scientific Affairs on September 2.

I also include an editorial that appeared on September 9 in the Washington Post on this subject. The distinction between marihuana and hard narcotics is a real one and has long been recognized by a number of eminent physicians, psychiatrists, and penologists. A new approach to the problem is long overdue. Often what seems menacing in the shadows is not nearly so when light is cast upon it. More light must be cast in this area.

The articles follow:

HILL URGED TO EASE MARIJUANA LAWS

(By Stuart Auerbach)

The government's chief psychiatrist yesterday attacked the "fables" that surround marihuana and called for milder penalties for its use and possession.

Describing marihuana as "a mild hallucinogen" that "should not be associated with narcotics either medically or legally," Dr. Stanley F. Yolles urged Congress to end mandatory jail terms for drug users.

"I know of no clearer instance in which the punishment is more harmful than the crime," said Yolles, director of the National Institute of Mental Health.

"The social and psychological damage caused by incarceration is in many cases far greater to the individual and to society than the offense itself," Yolles told the Senate subcommittee on juvenile delinquency.

His statement was one of the most liberal ever made on the nation's drug problem by a high government official.

Both Yolles and Dr. Sidney Cohen, director of NIMH's drug program, emphasized they were speaking as professionals with long experience in the field, not as official representatives of the Department of Health, Education and Welfare.

Yolles said HEW has not yet formed a departmental policy on two bills before the subcommittee—one sponsored by its chairman, Sen. Thomas Dodd (D-Conn.), and the other by the late Sen. Everett Dirksen (R-Ill.).

One suggestion that Yolles did oppose was the formation of a commission to study the marihuana problem. He listed five studies of the problem and said, "the nation has not accepted or implemented their findings."

"I find myself asking, 'How long, oh Lord, how long are we going to suggest new committees, new commissions and new task forces in lieu of doing something?'" said Yolles.

Yolles estimated that 8 million to 12 million Americans have used marihuana at least

once and said the number is spreading through all social and economic groups in the nation.

"The whole problem has gotten out of hand," he said, "and the smoking of marijuana has become an accepted fashion among millions of our citizens."

ASKS TREATMENT CENTERS

Despite its spread, Yolles said, stiffer laws are not the answer. He called for more money for drug treatment centers and said state and communities should take a more active role in developing treatment and rehabilitation programs.

He opposed "scare techniques" to discourage marijuana use. These, he said, have been "discredited" by today's youth.

Many of the "fables" that he attacked specifically have been put forward by federal law enforcement officials, including the idea that most marijuana users graduate to heroin, an addictive narcotic drug.

Yolles said this is not so. Only a small percentage of marijuana users become addicts, and this is related more to the personality of the user than to the drug.

He also attacked as untrue the "fables" that marijuana increases sexual activity and causes violence and crime.

UNHEALTHY TO USE

But, he emphasized, marijuana use is unhealthy.

"It is a drug having a capacity to alter mood, judgment and functional ability. I believe that in the interests of public health it is necessary—at least for the present—to maintain restrictions" on its availability and use.

It is especially bad for the psychological growth and maturation of teen-agers, who use marijuana to cope with the normal "turmoil" of adolescent life, Yolles said.

"Persistent use of an agent which serves to ward off reality during this critical developmental period is likely to compromise seriously the future ability of the individual to make an adequate adjustment to a complex society," he said.

THE RIDDLE OF MARIJUANA

Among the great riddles of contemporary life, marijuana surely is entitled to high rank. There is widespread confusion, or at any rate disagreement, as to the extent of its use by the young, as to the degree of its maleficence, as to whether it is addictive, as to whether smoking it leads to the use of other drugs, and above all as to how the law should deal with users and purveyors. There appears to be a clear consensus, however, that existing laws on the subject are neither just, nor wise nor effectual.

The President's Crime Commission, which had expert task forces at its disposal, had this to say about marijuana in its comprehensive report 2½ years ago. "Marijuana is equated in the law with the opiates, but the abuse characteristics of the two have almost nothing in common. The opiates produce physical dependence. Marijuana does not. A withdrawal sickness appears when use of the opiates is discontinued. No such symptoms are associated with marijuana. The desired dose of opiates tends to increase over time, but this is not true of marijuana. Both can lead to psychic dependence, but so can almost any substance that alters the state of consciousness." The commission urged a plan of research to be undertaken by the National Institute of Mental Health "covering all aspects of marijuana use."

In an interview just the other day, Dr. Roger O. Egeberg, the new health chief at HEW, said "the present laws are completely out of proportion" to the dangers presented by marijuana. "I think they're punitive. I don't personally think marijuana leads to heroin. I feel pretty strongly that it should

be placed in a different category from barbiturates, heroin, amphetamines and LSD." But the fact is that they are all more or less indiscriminately lumped together. And society in its horror of "dope fiends" punishes youngsters who smoke a reefer now and then as though they were depraved criminals.

Sen. Harold E. Hughes called last week for "enforceable" laws to replace "sadistic" punishment for narcotics violations generally. The proposals sent to Congress not long ago by President Nixon treat drug abuse as a mere law enforcement problem; and they put LSD and hard narcotics in the same category as marijuana—despite all the expert opinion that they are essentially different. Pot smoking among the young appears to be, more than anything else, a kind of defiance of authority which can be dealt with far more effectively through understanding and a sense of proportion than through outright condemnation and vindictive penalties.

Possibly President Nixon needs a commission of his own to acquaint him with the facts of life about marijuana. If he chose a number of eminent physicians, psychiatrists and penologists and asked them to recommend a realistic program for the marijuana menace, it might well come to seem less menacing and more manageable.

CONCERN FOR VIETNAM WAR PRISONERS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. COHELAN. Mr. Speaker, I would like to join with my colleagues who have spoken against the treatment of U.S. prisoners of war in North Vietnam. I share their abhorrence of the fact that the families and friends of these missing or imprisoned soldiers are not informed of the status of these men. The refusal of the North Vietnamese and the NLF to allow the interchange of mail or the identification of these prisoners of war does little to forward the ending of hostilities that each side publicly professes as its goal.

I am even more distressed over the reported treatment of prisoners which seems to be a systematic attempt to deny the physical and psychological needs of the soldiers. I read these reports with horror—parading wounded prisoners through the streets of Hanoi to raise the morale of the North Vietnamese; inadequate medical care and diets; and constant solitary confinement.

There remains some 1,355 U.S. personnel that remain unaccounted for and of these only 401 have been tentatively confirmed as prisoners. Among these prisoners is Lt. Everett Alvarez, Jr., a young Navy pilot from California, who was shot down and captured in the initial Gulf of Tonkin retaliatory strikes. That was August 1964. Since then his wife has received little information during her 5 long years of waiting at home. All that Mrs. Alvarez has received is a handful of letters and an occasional picture. One picture that Mrs. Alvarez did receive was that of her husband being paraded through the streets of Hanoi past jeering crowds. The fact that the North Vietnamese consider Lieutenant Alvarez as a political prisoner in no way diminishes

their moral responsibility for allowing him humane treatment.

The North Vietnamese and the National Liberation Front should adhere to the Geneva Convention of 1949 on the treatment of prisoners, and I hope that they can be guided by a sense of common humanity. It is hoped that as the efforts for a cease fire continue the North Vietnamese can be led by this basic sense of common humanity and inform the families and friends of these prisoners as far as their status and allow the interchange of mail.

In accordance with my concern for the treatment of these prisoners in Vietnam and my sympathy for their families and friends, I am submitting a resolution calling for the humane treatment of prisoners by the Government of North Vietnam.

HOW NOT TO MAIL A LETTER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DERWINSKI. Mr. Speaker, next week on Tuesday a key vote will be held in the House Post Office and Civil Service Committee as to whether or not we will have a legitimate postal reform and I am looking forward to the basic decision the committee will reach.

It was therefore with great interest that I noted a very effective editorial in the Monday, September 15, Chicago Daily News which properly emphasized the fact that Congress should consider this matter from the standpoint of public welfare and set aside any partisan views and provide for long needed postal reform. The editorial follows:

HOW NOT TO MAIL A LETTER

Now that Congress is in session again, it ought to get back to work on postal reform. The need is self-evident, painfully so, and the congressmen have before them a number of proposals that have everything in their favor except one. Politics.

Most prominent and inclusive of the measures is the administration's. It would establish a public corporation that could put the postal system on a business basis, sheltered from political interference and meddling. It could hire its own people, set its own rates and salaries, issue bonds and even balance its books. This proposal arose during the previous administration, largely as the result of a study made by a special commission. That it survived the change of parties in Washington is one indication of its merit.

The postal corporation, however, has met the expected opposition. The postal unions, comfortable in the present arrangement, fear change as a threat to their power, and their accustomed profitable bargaining with legislators for mutual support. Third-class mailers, now favored by a bargain rate, have protested the corporation's "top priority emphasis on the break-even goal, rather than on service as the top consideration." And some congressmen of course don't want to lose patronage and the general political power that is created by control over a large, expensive operation.

If all the protests were heeded, then nothing would be done, contrary to all the evidence in favor of reform. Costs continue to rise, efficiency continues to diminish, it

grows ever more difficult to get a piece of mail from here to there.

There has been one hopeful development. The Senate has passed President Nixon's bill to end political patronage in the appointment of postmasters. Even there, however, Sen. John Sherman Cooper (R-Ky.) complained that since 1933 the Republicans had been unable to appoint any postmasters except for a few during the Eisenhower years. The Republicans, he said, should be given at least two years of such patronage. "We never could catch up," he said, "but we could have 15 to 20 per cent of the post offices."

It will be a banner day for the public welfare when Congress leaves off such partisan bickering and simply opts for a postal system designed to provide maximum service at minimum cost.

VACATION IN RHODE ISLAND

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ST GERMAIN. Mr. Speaker, as a Member of Congress from the great State of Rhode Island and Providence Plantations, I was pleased to read an article in the September 16 issue of the Washington Daily News by Mr. Myron Glaser who recently vacationed in Rhode Island. One of the sites he mentions is the old Slater Mill which is in my district. It is my pleasure to include his article in the RECORD for the edification of my colleagues:

A LOT OF TRAVEL IN A SMALL PACKAGE (By Myron Glaser)

Rhode Island is, as everyone knows, the smallest state in the Union. Drive in any direction a maximum of 40 miles from its capital, Providence, and you are in another state. As its exceptionally well informed tourist promotion chief, Leonard J. Panaggio, says it: A drive across Rhode Island occupies just a sneeze in a New England trip.

Yet, to spend a long weekend there, which my wife and I did with a Washington travel group last week, is a real eye-opener. Rhode Island has more history, more resort areas and exciting travel meccas per square mile than most any place I have hitherto visited.

The Rhode Island and Providence Plantation (a long name for a small state), received its charter from King Charles II of England in 1663. The state declared its independence from England two months ahead of the other 12 colonies. In Rhode Island they celebrate Independence Day twice.

The July 4 parade in the town of Bristol is nationally famous. The red, white and blue stripings down the middle of the streets of Bristol are still there. This patriotic explosion draws about 100,000 spectators. Bristol is a lovely old community and home of the Gibson girl.

My first sightseeing spectacular was a place I have long desired to see, the original Slater Mill in Pawtucket, near Providence. Samuel Slater arrived in Rhode Island in 1789, listed as an agricultural worker. Actually he had worked in English spinning mills and had memorized the details of the complicated Arkwright Spinning Jenny, the use of which was giving England a world textile monopoly.

Backed by financier Moses Brown, Slater built a mill on the Blackstone River at Pawtucket, reproduced a Spinning Jenny, and using water power started the industrial revolution in America. My good friend, Arnold Welles, of Greenwich, Conn., is a direct de-

scendent of Samuel Slater. So my interest was more than casual.

WAGE-PRICE RIVETS?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. OBEY. Mr. Speaker, the persistent inflation which besets the American economy must be regarded as a very serious problem.

For this reason, it seems to many observers a mistake not to wield the powers of persuasion and public opinion to roll back unjustified hikes in prices and wages.

An editorial in the Christian Science Monitor of September 17, titled "Wage-Price Rivets?" sums up the matter particularly well. I should like to call it to the attention of my colleagues:

WAGE-PRICE RIVETS?

The suggestion that Washington should rivet wage and price controls on the inflation-rocketing American economy keeps bobbing up. Almost certainly, no such controls—not even guideposts—will be applied by a Republican administration. But the question persists—how halt this runaway wage and price situation without applying direct controls?

The "new economics," it has frequently been admitted, knows how to stir up the economy, get it moving, even touch off an inflation. Curbing a hot situation is much more difficult. The rulebook answers haven't worked swiftly enough.

Probably the biggest economic mistake made by the Nixon administration was to announce that it would not intervene or interfere in any wage and price decisions. This was abdication of responsibility in a key area. The administration intended to protest quietly to industry and labor about their inflationary moves, but this was a very muted "jawbone approach." Industry and labor could see that the road was clear to do just about as they pleased.

The question is, how much should an administration do, effectively, short of applying direct wage-price handcuffs? There are of course all the indirect weapons now being employed: the tax surcharge, tight money restraints, postponement of federal (and state) construction projects, budget hold-downs. At long last, these apparently are beginning to have impact.

But in the wage-price field the weapons shelf is not totally bare, certainly not in an economy where government has massive impact through quotas, contracts, subsidies, and tariffs. For one thing, there could be much more publicity. Harvard's Prof. Otto Eckstein suggests that a Washington staff publicize every wage and price decision by specific industries. The idea would be to rally public opinion against "irresponsible" decisions.

Others have suggested that government take steps to penalize industries which misbehave. As by lifting the protection of import quotas to an oil industry which raised prices. Or by switching government contracts away from a price-raising steel company, as did the Kennedy administration. Another suggestion is the limitation of wage contracts to one year's duration, which might or might not have restraining effect.

What needs stressing is that a determined regime has many ways of applying pressures, this side of complete wage-price controls.

The administration has left too large an area unpoliced if not unexplored.

DANGERS FACE NATIONAL PARK LANDS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. COHELAN. Mr. Speaker, I commend to my colleagues attention a copy of a letter written by Mrs. Katharine Miller Johnson, wife of the late Congressman Clem Miller, to the editorial staff of the New York Times, concerning Point Reyes National Seashore.

You will remember that the original legislation to establish Point Reyes was introduced by the late Congressman Miller and myself some 9 years ago. This project has still not yet reached fruition.

During this period Katharine Miller Johnson has been in the forefront of the fight to complete the Point Reyes project. Mrs. Johnson's letter is an articulate restatement of the Point Reyes story. I commend her for her initiative and recommend her analysis for the review of my colleagues.

I also submit for the RECORD two reprints from the Times—one an editorial on Point Reyes, the other an article on national parks. Both call attention to the dangers facing national park lands because of inadequate appropriations.

The letter and items follow:

WASHINGTON, D.C.,
September 5, 1969.

Mr. JOHN B. OAKES,
Editorial Page Editor, The New York Times,
New York, N.Y.

DEAR MR. OAKES: Your fine editorial of August 31, "Point Reyes Going" combined with Gladwin Hill's impressive story of August 5 "Point Reyes, a Patchwork Park in Trouble," spells out what threatens to be a tragic loss to the American people, an excellent example of the current conservation crisis.

In 1962, the Congress set aside this National Seashore in Northern California. Located within two hours or less of five million people, in an area visited by countless tourists from every state, are these 53,000 unspoiled acres of dramatic scenery, abundant wild life and 45 shore miles for people to enjoy. It has been estimated that only 2% of the Nation's 60,000 coastal miles are now in public ownership.

The California Legislature has just reaffirmed the overwhelming support of the State for the Seashore. Yet bulldozers are now preparing for subdivision because the Budget Bureau, directly under the Control of President Nixon, has not yet approved the Interior Department's request for funds needed to buy the remaining 30,940 acres of land still in private ownership.

Since land prices around large cities are going up faster than the cost of borrowing money (in the case of Point Reyes, four times since 1962), it becomes only prudent and conservative to spend the money now.

Tragically, however, the Budget Bureau has cut the \$200 million Congress authorized for the Land and Water Conservation Fund (source of land acquisition funds) to \$124 million, leaving after prior commitments, \$17 million for National Park Service land purchases (including Point Reyes) for the entire nation for fiscal 1970. That missing \$76 million must be restored.

Your dramatic article of September 1 "Visitors Are Swamping Our National Parks" provides a bitter foretaste of the desperate needs of our city dwellers to escape to open space. Population growth last year was 2% while use of Point Reyes increased 10%. Use in the first five months of 1969 has increased by 104% over the same period in 1968.

The sums needed are large, but should be seen in the light of billions in the Federal budget spent for items which do nothing to sustain the human spirit.

By approving expenditure of enough money for the Land and Water Conservation Fund, thus preserving Point Reyes, the Delaware Water Gap, Indiana Dunes and other irreplaceable park opportunities, President Nixon should now act upon his commitment to conservation proclaimed last week at the Redwoods Park.

Sincerely,

KATHERINE (Miller) JOHNSON.

[From the New York Times, Aug. 31, 1969]

POINT REYES GOING

The Point Reyes National Seashore project, north of San Francisco, is in imminent danger of dying of financial anemia before it is even half completed.

Seven years ago, 53,000 acres of Point Reyes Peninsula were authorized by Congress as a national seashore to preserve wild ocean beaches, sand dunes, rocky headlands, estuaries, remote canyons, forested ridges and expanses of grassland filled with wild flowers.

So far, only 22,000 acres in an irregular patchwork of Federal land have been purchased. Speculation and rising land costs are expected to almost double the price of the remaining acreage.

The Nixon Administration's recent cut of \$73 million from the Land and Water Conservation Fund appropriation needs restoration—not only to save Point Reyes as one of the major scenic seashore areas in the country, but to make possible many other urgent park opportunities that may soon be lost forever.

[From the New York Times, Sept. 1, 1969]

VISITORS ARE SWAMPING NATIONAL PARKS

(By Steven V. Roberts)

YOSEMITE NATIONAL PARK, CALIF., Aug. 31.—They came in cars and trucks, in buses and campers and trailers, lumbering through the foothills of the Sierra Nevada, toward a Labor Day weekend away from the agonies of city life. But by Thursday evening they read this sign at the park entrance: "All campsites are full."

That warning has been sounded with increasing frequency this year, not only at the national parks and forests but also at thousands of other recreation areas across the country.

Facilities are staggering under a crush of humanity. Attendance at the national parks has been rising at least 7 per cent a year. One study indicates that even if population growth is discounted, four times as many people are visiting the parks today as did 20 years ago.

Last year, an estimated total of 40 million people visited the 32 operative national parks, and 157 million visitor days—one person staying 12 hours—were recorded at more than 12,000 national forest service units.

Park officials agree that the figures add up to a major crisis. As Ernst W. Swanson, a professor emeritus of economics at North Carolina State College, said in a recent study:

"While we may grant that all Americans should have an opportunity to enjoy the many wonders our natural, historical and cultural assets hold for us, the most pertinent question ensues: Can we afford a burden of visits so immense as to threaten the existence of our parks?"

The outlook for the future is bleak.

"Yosemite will still be the same size 50

years from now," said Bryan Harry, the park's chief naturalist. "We can't make it any bigger or build another one. The population is not only growing, it is becoming more affluent and more mobile, and this land will become even more precious as other wild places continue to shrink. We have to find a way to cope with this problem—and we are open to suggestions."

The roots of the problem are fairly obvious. Affluence has spawned a whole new industry—the camping unit mounted on the back of a pickup truck—and the wilderness is now accessible to people who like running water and soft beds. (In lodges and cabins run by concessionaires, accommodations with baths and stoves are far more popular than rudimentary units.)

Vacations are longer, and new superhighways enable travelers to reach almost any park in the country within a few days. The growing congestion and lack of green space in urban areas is driving more people out in search of nature. But they wind up creating what they are trying to escape.

Yosemite, only a day's drive from San Francisco and Los Angeles, is generally considered the most overcrowded park. Congestion reaches its peak on major holidays, and this Labor Day weekend was no exception.

A CONSTANT ROAR

The constant roar in the background was not a waterfall, but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls.

Campsites, pounded into dust by incessant use, were more crowded than a ghetto. Even in remote areas, campers were seldom out of sight of each other. The whole experience was something like visiting Disneyland on a Sunday.

"People who used to come to Yosemite for the beauty and serenity stay away," Mr. Harry reported. "Those who come now don't mind the crowds; in fact, they like them. They are sightseers, and they come for the action. They don't come for what Yosemite really has to offer."

If Yosemite no longer appeals to the purist, it has become a "people's park," an enjoyable place for the average family to spend a few days.

"It's so quiet," said one young couple from Oakland as they stood in a crowd at Yosemite Falls. "At least it's quieter than the city."

IT BEATS ASPHALT

Gary Yaack of Bakerfield added: "It sure beats concrete and asphalt. My son caught three fish this morning—that's a pretty big thrill."

The problems of congestion are not limited to Yosemite, nor to holiday weekends. Overcrowding is a way of life for the national parks, giving rise to problems such as the following:

The fish stock at Yellowstone is so depleted that people over 12 are now prohibited from using live bait. Fish tend to swallow live bait and half of them die even when thrown back.

Lakes in Superior National Forest in Minnesota are becoming polluted from excessive use by campers. Algae fed by nutrients in human waste is beginning to form in even the remotest lakes, and forest officials are desperately trying to "toilet train" the flood of inexperienced campers.

Camping in the back country of the High Sierras is becoming so popular that officials of Sequoia National Park in California are thinking of installing sanitary facilities at the more popular campsites. In the back country of Yosemite there is no more room to bury garbage. Campers are now required to carry their garbage out with them.

More than 10,000 boatmen will ride the Colorado River through the Grand Canyon this year. Last year only 3,000 did it—as many as made the trip in all previous years

combined. Trails leading from the rim to the canyon floor are in danger of eroding from overuse and must constantly be repaired.

Traffic jams are common on Trail Ridge Road, a highway rising more than 12,000 feet in the wilderness of Rocky Mountain National Park in Colorado. Cars are sometimes backed up for 20 miles in Great Smoky Mountains Park in Tennessee and North Carolina; commercial vehicles were recently banned from park roads and traffic lights were installed. Many parks, have instituted one-way road systems.

Older parks, such as Yellowstone and Yosemite, are laboring under the handicap of antiquated sewage plants. Spring floods caused the system to break down here this year, and raw sewage poured into the Merced River. On big weekends, when the winds are wrong, traces of smog hang over the Yosemite Valley.

The normal destruction of plants and wildlife by huge crowds is compounded by vandalism. Signs are torn down, benches broken, doors ripped off their hinges. Piling became such a problem at the Petrified Forest in Arizona that officials bought some petrified wood and now give it out free to anyone tempted to smuggle home an exhibit from the park.

Serious crime rose 67.6 per cent in national parks last year, as opposed to 16 per cent for the country as a whole. Thievery and hooliganism are rising problems. After repeated nasty incidents, Sibina National Forest near Tucson, Ariz., had to be closed down after dark. In some areas, rangers travel only in pairs.

All this has park officials very concerned. "Our challenge," said Fred Novak, Western regional director of the National Park Service, "is to strike a balance between protecting our resources and providing for their use and enjoyment."

In the past, the emphasis has been on use. Vast publicity campaigns urged people to visit the parks and officials took great pride in their burgeoning statistics. Now the stress is swinging toward protection.

"We used to say, 'Welcome, we're here to serve you,'" said one park official. "Now we say, 'Sorry, we have as many as we can take; you'll have to come back later.'"

FIXED NUMBER OF SITES

In the last year or two, national parks and forests have taken several steps toward regulating the use of their facilities. In the past, people were allowed to camp wherever they could find room. Now, most parks have a set number of campsites. When they are full, no one else is allowed to camp anywhere in the park.

Officials are also considering user fees for campsites (they are now free) and reservation systems (they are now on first-come first-served basis). The theory is that fees would make some other places, such as private campgrounds, more attractive. And some people would stay home if they did not have reservations, rather than wander fruitlessly from place to place as they do now.

Many officials are considering plans whereby people would leave their cars outside a park and travel in by buses or other group carriers. An experiment will soon begin here in which tourists visiting the Wawona Grove of Sequoia trees will park some distance away and be brought to the grove by bus.

HARD TO DIVERT TOURISTS

Officials talk about efforts to divert people away from the more popular places, but that is extremely difficult.

"Everyone wants to see Yosemite Valley, the giant sequoias and Old Faithful," said one official. "These are the things they've always read about."

The State of Oregon is so concerned about the influx of tourists that it recently dropped its advertising campaign to attract more visitors. Gov. Tom McCall announced that gasoline tax revenues, formerly used for adver-

tising, would be diverted to an antillittering campaign.

A national plan for outdoor recreation now being prepared for President Nixon is reported to suggest that industries and schools should stagger their vacation schedules. A second recommendation, according to park officials, is that more recreational facilities should be developed closer to urban areas. The true wilderness would then be left to those who are looking more for tranquility than recreation.

FOR SCATTERED FACILITIES

Another frequent proposal is that national parks should build more facilities in unused areas and not concentrate visitors in small sections. Officials point out, however, that funds for new construction are being devoured by rising maintenance costs, especially with so many inexperienced campers coming to the parks for the first time. The proposal also excites the wrath of conservationists.

"When you go outside Yosemite Valley," explained Mr. Harry, "the waterfalls you find are exciting because they are so wild and you're by yourself. If you build a road to them, they lose their charm. The beauty of the back country is in its solitude. It's an illusion to say that all you have to do is open more territory. If you do, you'll ruin it."

FUNDS FOR 265 UNITS

The budget for the National Park Service this year is almost \$130-million, up from \$125.5-million last year. But that is needed to maintain 265 different units, including the 32 national parks, covering more than 27 million acres. Professor Swanson estimates that the service could easily use double its current appropriation.

Even if new parkland is purchased, officials now believe that they will ultimately have to limit access to the parks. A study is being made to determine precisely when a park becomes saturated and starts to lose its essential character. The idea is abhorrent to many officials, but some of them are convinced that the only alternative is the gradual destruction of the national parks.

"I sometimes remember," said Mr. Harry, "a study an ecologist once did about muskrats. When they first moved into a marshland they lived in peace. But when the marsh filled to overflowing, the muskrats started pilfering and fighting with each other. Finally they killed the marsh and they all died. Maybe that's the point we are at."

HONORING ROBERT KENNEDY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ROSENTHAL. Mr. Speaker, in the 15 months that have passed since Senator Robert Kennedy's tragic death we have perhaps only begun to fully appreciate the greatness of this man.

With the passage of time we have sought appropriate ways to commemorate his persistent efforts to translate our national ideals into reality. Immediately after his death, I asked the Postmaster General to honor the late Senator Kennedy with a commemorative stamp. Today I am introducing a joint resolution calling for the issuance of a Robert F. Kennedy memorial stamp.

I hope my colleagues will join with me in honoring this national leader who so passionately loved our country and its people—and who, in his search for justice and peace, touched the hearts and inspired the minds of all.

OPERATION INTERCEPT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. VAN DEERLIN. Mr. Speaker, the administration's vaunted Operation Intercept, to curb drug smuggling, apparently was opened yesterday, by teams of inspectors who searched every car entering the United States from the Tijuana, Mexico, area.

Although traffic was backed up for miles as a result of all this new activity, early reports indicate that few, if any, illegal narcotics hauls were actually seized.

It remains to be seen how well Operation Intercept will work. Perhaps it will proceed more smoothly after a shake-down period.

Speaking generally, Mr. Speaker, I applaud any significant moves by the U.S. Government, acting alone or in concert with Mexico, to curb the trafficking in drugs between our two countries.

Operation Intercept would appear to have many valuable features, especially the proposals for strengthening the border manpower of the Customs Bureau, the Bureau of Narcotics and Dangerous Drugs, and the Immigration and Naturalization Service, and for utilizing new sensory equipment for detecting both smugglers and certain types of drugs.

I would hope, though, that the additional personnel to be assigned to the border will remain there on a permanent basis. Since I first came to Congress nearly 7 years ago, I have been calling for a more realistic allocation of manpower in the border areas, and I am currently cosponsoring legislation to authorize 70 more Customs inspectors at the California ports of San Ysidro and Calexico.

It would be unfortunate if the extra agents assigned under Operation Intercept were to be left at the border only for a one-shot swoop—for the sort of exercise that might generate some favorable publicity but would accomplish little lasting good.

I was somewhat disturbed by the lack of any reference in the plans for Operation Intercept to the grave problems posed by the unregulated flow of dangerous drugs from our country to Mexico.

I have felt for a long time that the narcotics problem is as much ours as Mexico's. Any crackdown on the trafficking of drugs across the border, to be truly comprehensive, should include some positive actions by our Government to control the U.S. pill trade with Mexico. There have been reliable estimates that these exports from the United States, when combined with Mexican-made pills, would provide every man, woman, and child in Mexico with 100 pills per year.

I believe our President already has powers, under the Export Control Act, to strike a crippling blow against the traffickers in dangerous drugs. For under this act, the Chief Executive is empowered to regulate any outgoing commodity if he can show that it impairs our national security. Can anyone argue that

today's flow of dangerous drugs is not a matter of national security?

Finally, I continue to have serious reservations about the wisdom of the idea now reportedly under study in the Defense Department of putting Tijuana off limits to U.S. military personnel.

I have repeatedly stated my opposition to this proposal, most recently during a special order 2 weeks ago. I can see no justification in treating our servicemen as second-class citizens. The courts have ruled that U.S. civilians cannot be denied entry to Mexico, and service personnel are involved in proportionately far fewer narcotics arrests in the Tijuana area than other categories of U.S. citizens.

Under unanimous consent, I insert at this point an article from this morning's Washington Post which describes the rather torturous beginnings of Operation Intercept:

ANTI-DRUG CHECK HELD ON BORDER

SAN DIEGO, CALIF., Sept. 18.—U.S. Customs agents slapped a blitz inspection on car traffic crossing the border at San Diego today in a test run for the forthcoming "Operation Intercept" dope crackdown.

Cars backed up more than three miles. The Justice Department had promised a 24-hour vehicle-by-vehicle inspection of cars at the Mexican border as part of the multi-agency anti-narcotics drive. An hour-and-a-half test was tried today at the Tijuana crossing.

Both San Diego and Tijuana business interests were furious at delays caused by the delay and fearful of how the threat of the impending Operation Intercept might affect commerce and tourism on both sides of the busy border.

One government spokesman said the test run delayed cars only a half-hour. But border businessmen said a half-hour delay is normal for crossing the line at busy hours.

Another government official said the delay was closer to an hour and a half today.

Deputy U.S. Attorney General Richard G. Kleindienst has promised that Operation Intercept, planned for the near future, will be the biggest frontal assault on drug traffic across the border in history.

BICYCLING IN THE NATION'S CAPITAL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. GUDE. Mr. Speaker, as one interested in multiple choice of commuter transportation for the Washington area, it was with more than passing interest that I noticed in a recent issue of the Washington Star an article about a group of citizens who were solving their own transportation problems by way of the bicycle.

These people travel to and from work each day by bicycle. They have formed an organization—the Bicycle Commuters Council—to publicize the advantages of bicycle commuting, and to encourage various programs that would improve the bicyclists' lot.

Several of my constituents commute by bicycle every day in the Washington area. Mr. William H. Speck, an attorney, pedals regularly from Bethesda to his office in the Navy Department. Dr. Lyman Smith, a botanist at the Smithso-

nian Institution in downtown Washington, commutes by bicycle from his home in Kensington, Md. They are typical of a number of people in my district who bicycle to work.

Mr. Speaker, because of my interest in the work of these advocates of "pedal power," they have sent me a letter explaining their ideas and discussing their plans to increase the number of bicycle commuters in the Washington area. I want to share with other Members of the House the letter which the members of the Bicycle Commuters Council sent to me:

SEPTEMBER 8, 1969.

DEAR CONGRESSMAN GUDE: We are addressing you as a member of the House District Committee who has demonstrated a considerable interest in a solution to the transportation problems of the city and the metropolitan area.

We feel, and we are sure you will agree, that today we want to have a city which has a carefully planned system of transportation. It should provide for all modes, but provide for them in harmony with life of the city. We feel that bicycling should have a part in such a plan.

The bicycle is usually considered just a form of recreation in this country. However, it can be a serious mode of commuter transport. Bicycles could provide quick and inexpensive transportation for large numbers of commuters—and they could do so without creating pollution, noise, traffic, or parking problems.

The bicycle is making a significant contribution to transportation right now in many nations. In Amsterdam—a national capital with roughly the same population and climatic conditions as Washington—200,000 people bicycle to work every day.

Washington, of course, has nowhere near this number of bicycle commuters—but there are more than you may think. And we believe that the government could increase the number easily and inexpensively. We have made specific recommendations to the D.C. government of actions it should take to encourage bike transportation in this city.

As a first step, we propose demonstration bicycle routes to bring commuters to the Federal Triangle from three different residential areas. The estimated cost for the three routes total \$20,000. This amount—which would purchase less than 10 yards of modern superhighway—could provide thousands of people with safe, easy, clearly marked routes to work. If the demonstration is successful, we propose extension of the original routes, and additional routes to serve other commuters, shoppers, and tourists.

The bicycle is not a panacea for Washington's traffic morass; but given a chance, it can help. We submit that this city can and should give bikes a chance.

Yours sincerely,

THE BICYCLE COMMUTERS COUNCIL,
THOMAS R. REID III,
WILCOMB WASHBURN,

Cochairmen.

THE PRICE OF PROTEST: THE CUT
IN APPROPRIATIONS FOR THE
CONGRESSIONAL INTERN PRO-
GRAM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the defeat of the Gibbons amendment during the consideration of

the legislative branch appropriations bill for 1970 was a disappointment to me.

Nonetheless, a recent paper by Judy LaBelle of Winneconne, Wis., remains well worth the consideration of the Members of the House.

Miss LaBelle has done an outstanding job in tracing the history and results of the House intern program.

There is a need, Mr. Speaker, for students to learn the legislative process. The internship is by far the best way, but, in order to be successful for all, there is a need for guidelines. Miss LaBelle has outlined one student's recommended guidelines and I urge my colleagues to review this excellent paper as we give consideration in the time ahead to the future of the intern program.

The paper follows:

THE PRICE OF PROTEST: THE CUT IN APPROPRIATIONS FOR THE CONGRESSIONAL INTERN PROGRAM

(By Judith La Belle)

CHAPTER I. THE CONCEPT OF THE CONGRESSIONAL INTERN

There has been an unfortunately scant amount of research done on the nature and use of college interns in Congressional offices. Most published references to it are found in magazine and newspaper articles generated by some of the program's more controversial and unfortunate developments. The broad subject of intern programs within the range of the entire political system has, however, been scrutinized by a small number of writers and political scientists.

The attempt will be made here to ascertain the goals and value of the intern program as seen by the interns, educators, and Congressmen involved. I shall propose some suggestions for definite improvements which could be made in the program which would increase its value as well as its probability of being refunded under H.R. 416.

The practice of having college students work in Congressional offices had its origins in a fortuitous union when several seemingly unrelated factors merged at one juncture in time.

"When a severe shortage of heating fuel developed during the winter of 1942-3, institutions engaged in non-essential activity like the higher education of women were forced to close for the cold winter months. Government workers were, of course, in great demand at this time, so it was not difficult for the Wellesley College Political Science Department to arrange for a small number of students to spend this long vacation in Washington as interns. So began the Wellesley Washington Intern Program . . . this was the first organized attempt at the undergraduate level to supplement academic study with practical experience in politics. The unlikely combination of war and women started a trend in political education that has become increasingly widespread.

"By 1944 the fuel shortage had eased, and the college year resumed its normal pattern. Wellesley decided to continue its educational experiment in Washington but shifted the program to the traditional summer vacation period where it has remained to this day."¹

From this limited war-time measure there developed the acceptance and use of college students in Congressional offices through programs sponsored by educational institutions, private organizations, and ultimately the government itself.

The idea of the college-sponsored intern took root. Several schools, especially those

in the eastern part of the country began to run their own programs: Princeton, Columbia, Yale, Cornell, and Vassar sponsoring some of the more prominent. These programs operate by establishing an initial contact with one Congressional office which is willing to cooperate. The major task and responsibility of screening and selecting the participating students is accepted by the institution sponsoring the program. In most cases the selection process takes into account the need for a basic compatibility between the philosophical and ideological beliefs of the student with those of the Congressional office in order to establish a visible working relationship.² Efforts are made to insure that the students have not only the skills, but also the maturity to make the activities of the semester of mutual value to both parties involved. Thus, by carefully selecting and preparing the students to participate, the schools "carve out a place" in one particular office, assuring the continuation of the program.³ Throughout the period of the internship, close and careful contact is maintained between the student, his academic advisor and the liaison staff member in the Congressional office. At the conclusion of the intern period the student's work is usually graded or judged in some manner.

Intern programs run in this manner are directed toward the ultimate accomplishment of the educational objectives for intern programs as outlined by Dr. Bernard C. Hennessy in "Political Internships: What and Why." The objectives are as follows:

(1) To allow the student to experience in a realistic situation, and to the extent possible as an actor in that situation, the competing expectations and demands of political life, and the methods and processes by which these expectations and demands are met, resisted, or compromised.

(2) To provide the student with concrete examples of political problem-solving that can be compared and contrasted with the literature used in the academic study of politics.

(3) To give insight and understanding that the student can take back to the campus for the enrichment of his further studies.

(4) To provide the student with practical and political knowledge and skills with which to discharge his responsibilities as a participating citizen in a self-governing society, and

(5) And, in the case of some interns who choose political or governmental careers, the internship provides an opportunity to try their aptitude and skills and to gain insight for subsequent employment.⁴

As Mr. Hennessy points out, these objectives are used in relation to the standards set by the National Center for Education in Politics Executive Committee when it began its participation in the realm of internships in 1956. Its report stated that:

"No internship program should be undertaken unless certain requirements are met. Principle among these are: 1) careful preparation, by development of close relations with the political agencies involved (for which purposes instructor-political leader conferences are invaluable); 2) detailed planning for intern orientation and proper identification of responsibilities to be assumed; 3) careful academic supervision, with maintenance of ultimate control in academic hands."⁵

From these guidelines and objectives it is clear that the organization which developed them, the National Center for Education in Politics had a deep understanding of the purpose and usefulness of the intern program

¹ Warren Butler, October 8, 1968, interview.

² William Kendall, October 1, 1968, interview.

³ Bernard C. Hennessy, "Political Internships: What and Why," p. 12.

⁴ *Ibid.*, p. 13.

⁵ Philip N. Phibbs, "The First Twenty Years: A Study of Political Participation by Former Student Interns," Mimeographed, January 1966.

purpose and usefulness of the intern program.

From 1947 to 1967 it sponsored and financed thousands of student and faculty programs for political education including in the last ten years of the organization's existence, hundreds (in all over 2,500) political internships.

The NCEP program was developed so that the responsibility of selecting the student participants and the offices in which they would serve rested with the Regional Affiliate and the academic director of the participating institution. Thus in those schools desiring Congressional internships, it rested with the program's director for that school to seek out a Congressional office willing to participate in the program, establish contact, and make the necessary arrangements.

By 1963 the idea of participating in the government, of becoming involved, gained such widespread influence that it had become "typical" to have students spending the summer vacation months in Congressional offices. In Senatorial offices, particularly, there was an influx of collegians each summer, many working for little or nothing in the way of monetary compensation. Through the combining of these students with the efforts of the programs run by schools and private organizations, the impetus behind the program continued gathering strength.

During this period, from 1963 through 1965 and the inception of the House-sponsored program, it was not uncommon for a Representative to receive so many requests that certain criteria for acceptability had to be adopted by many offices. Those most often included were: (1) residence in the member's district, and (2) Junior or Senior standing in a college or university. In spite of these limitations, many offices were still deluged with applications.

June 16, 1965, in the only roll call vote ever taken on the program, H.R. 416 was passed by a vote of 229 to 153. This bill made it possible for Representatives to hire one student intern for a two and one-half month period in the summer, with the salary of \$750.00 paid from the contingent fund of the House. When the necessity of paying for the interns from the member's regular staff allowance was removed, the movement continued to increase in strength. The climax was reached in 1967 when there were approximately 1,500 interns on the Hill, 1,000 of them on the House side. But this increase of not only student interest but also actual student participation in Congressional offices was not without its weaknesses. As we shall see, many of the strengths to be found in the previous internship arrangements were overlooked and forgotten after the passage of H.R. 416—a situation which undermined not only the governmentally funded program, but which has also posed a threat to the continuation of the entire concept of the Congressional internship.⁴

However, this presents the challenge and opportunity for the creation of a new internship program which would be more advanced

⁴For the sake of convenience and coherence, the phrase "The Congressional Intern Program" shall be used to refer to those endeavors generated by H.R. 416 which were carried on during the summers of 1966 and 1967. When the term is used throughout the remainder of the paper, one must keep in mind that it refers to the House-sponsored internships, not to any of the specific programs or related activities developed by any private organizations or either of the major political parties. It should also be noted that under this definition the study is restricted primarily to activity in the House of Representatives. The U.S. Senate, although increasingly receptive toward the use of interns, has yet to adopt a governmentally-funded program of college internships.

not only to the Congressmen and students involved, but ultimately to the society as a whole. By studying the weaknesses as well as the strengths of the various intern activities we may hope to make positive suggestions which would help and hopefully hasten a move forward in the area of student involvement and education in the area of politics.

Internships have often been sighted as the prime example of student involvement in the political process. Before further studying this involvement, however, the attempt should be made to establish its value. Included in Bernard Hennessy's study of political internships are various statistics revealing increased political interest and participation in students who have completed a period of internship. More valuable to this paper is his general analysis of the unique value of an internship:

"Internships work not so much as devices for gaining knowledge of a factual kind, as for gaining knowledge in the sense of 'feel' and understanding. Internships work because they personalize data. They work because they give to political life and events a reality that has part of it a sense of one's own being. They give to the facts some of the warmth and color of the human condition. They merge, to some extent, the self with the otherwise foreign and non-self stuff of the world out there. They provide the opportunity for art, as art can only be a mixture of emotion and nature in the subtle alloy by which nature restrains emotion and emotion gives life to nature."

The value which accrues to the country as a whole as a result of the training of students in the political process is self-evident. And these individuals active within the political system who shoulder the responsibility for the intern program are not without their rewards; as Representative John V. Tunney has stated: "They need our experience and we need their youth, vigor, and vision."

CHAPTER II. THE CONGRESSIONAL INTERN PROGRAM, 1965-1967

"Certainly, passage of House Resolution 416 would be an historic step forward by the House of Representatives toward giving tomorrow's leaders a firsthand education in our legislative process." Representative HARVEY MACHEN—June, 1965.

Through the increasing number of privately sponsored interns on the Hill each year, many Members had had genuinely pleasant and worthwhile experiences. As early as 1963 the NCEP *Bulletin* optimistically reported that Members of Congress, recognizing the value of the intern program, had begun to introduce bills which would allow for either an increase in the Members' staff size to allow the acquisition of an intern, payment of interns from House funds, or both. One of these early bills, introduced by Representative Howard Robison (R-N.Y.) ambitiously proposed to allot a salary of \$1,300.00 for each intern.

Thus it was no surprise to most Members when the Committee on House Administration reported House Resolution 416 to the floor during the first session of the 89th Congress. Representative Brademas (D-Ind.) author of the bill, briefly outlined its projected value: the availability of extra office help as well as the educational experience and knowledge to be derived by the participating students. He recognized that increased student interest in internships had fostered the need for uniformity in opportunity and administration. With Mr. Friedel, committee chairman, handling the floor debate, the resolution was adopted on June 16, 1965 and became Public Law 89-545.

H.R. 416, although less generous than the bill which Mr. Robison had proposed, nonetheless seemed basically sound in conception. It provided that each Member of the House could hire an employee to be known as a "student Congressional intern" for a period

of two and one-half months during the summer, and that such an intern could be paid a total allowance of \$750.00 from the contingent fund of the House. On closer analysis, however, the bill lacked substance which its parent committee also failed to provide through subsequent regulations. The factors which had provided the basic strength of the previous private endeavors—educational orientation and close supervision within recognized guidelines—had been completely overlooked.

It may be pointed out that H.R. 416 was passed at a time which strongly worked against the development of a meaningful program for the summer of 1965. Some members, not having had interns before but having seen the value which others placed on this practice, took advantage of H.R. 416 to hire in intern for the remainder of the summer. In many cases, there was little forethought given to the basic objective to be served and the role which the intern was to play within the office. Of the goals and needs which Representative Brademas had urged the House to serve: uniformity in opportunity and administration, educational experience for the students, and the availability of extra help in the office, only the latter was uniformly met.

Because of its nebulous nature and the lack of guidelines, the bill lent itself to 435 different interpretations and implementations. An examination of some of the dominant trends of thought reveals the sources of the problems which later came to plague the program. Aside from Representative Brademas' comments on the House floor, no general objectives of the intern program were ever spelled out to the Members: each was left to determine his own view. Three basic concepts of the worth of the program soon developed, each in turn determined what use was made of the intern concerned.

The attention given the intern program in *The Congressman: His Work as He Sees It*, by Charles L. Clapp reveals the differences in interpretation which Congressmen have concerning the value and use of interns.

Interns were cited as a form of valuable assistance enabling the Congressman to undertake activities that he would otherwise be forced to neglect. A mitigating factor, however, is the temporary nature of their stay. Thus some offices eagerly welcome interns and see them as a means to provide greater constituency service, while other offices are leary of allowing interns to deal with constituency matters because through their inexperience, interns may make mistakes which would cause ill will toward the Congressman.

Clapp noted that the Members in the Brookings discussions also mentioned interns in relation to the educational function which many of them see as part of their responsibilities. They stress the benefit which the students gain through actual experience in a Congressional office and a first-hand view of the legislative process. An opinion expressed by Representative Machen on the House floor when H.R. 416 was first considered is perhaps typical:

"We who are deeply involved in the political process ourselves have a responsibility to encourage the widest participation at all levels and especially among the youth of America. The enthusiasm and idealism of young people can be most constructive in providing a broad and informed base for political activity. It is in these ways that we provide insurance for the continuing operation of our democracy. The knowledge gained during a summer's work in a congressional office will more realistically equip a young person for academic pursuits, a political career or simply the duties of good citizenship."

Keeping in mind these two responsibilities—to perform constituent services and to fulfill certain educational functions—let us

now examine what effect the degree of importance which the Members placed on each of these factors had in determining the use made of the interns in Congressional offices.

One concept of the program viewed it as a means to acquire extra office help free (from outside the Member's regular clerk-hire allowance) during the office's peak period of activity. In this situation the Member himself usually took a rather indifferent attitude toward the activity and use of the intern. Interns in such offices were often delegated to take visiting constituents on tours; their regular duties would involve the routine clerical work of the office.

Some Congressmen did view the intern period as one during which a selected student would be introduced to the realities of Congressional politics through as varied and valuable experience as possible. They recognized the opportunity to stimulate political interest and activity in college and university students, to establish the environment for a meaningful dialogue. Congressmen who took this position, being enthusiastic and optimistic about the program, and willing to let the student involved work to his full potential, most frequently allowed the intern varied responsibility—and they were vocal in their praise at the results. Mr. Conte's remarks, made on the floor of the House, are fairly typical: "I have been able to give them meaningful tasks which they have consistently carried out in a manner demonstrating both their abilities and their interest in having an opportunity to play a role in the governmental process."

Although sufficient variations do occur that there can be no definite lines drawn or correlations made, three dominant views of the purpose of the program—educational, clerical, and political—do roughly correspond to the three dominant attitudes toward the program—enthusiasm, indifference, and lack of appreciation. This type of rough correspondence extends to touch methods of selection, and supervision as well.

Five basic methods were used to select interns: (1) written competition, (2) acceptance of anyone recommended by another party member, (3) acceptance of those recommended by politically important friends, (4) selection of those from the district with the necessary writing and secretarial skills and (5) working through programs run by schools which accept the responsibility for selection, usually with the stipulation that the student be from the Member's district. (The stipulation that the student be from the Member's district or state and have Junior or Senior standing usually underlines all others.) Each of these methods has its positive or detrimental value determined by the Member's view of the purpose of the program.

The office interested in obtaining extra clerical help usually accepts suggestions from any educational source, may sponsor a competition, yet ultimately decides on the basis of the clerical skills of the applicants.

If the Member is interested in the political education of the student, he will usually rely on a school to do the selection (removing the possibility of political pressure determining his intern), a writing competition, acceptance of the applications from students suggested by political friends and constituents. Members such as these have become aware that the philosophical orientation as well as clerical and writing skills of the student must be considered if there is to be a harmonious relationship between the intern and the office.

There is also some relationship between the Congressman's view of the objectives of the program and the supervision which he provides. If he is seriously devoted to its educational aspects, he may meet with his interns on a regular basis, try to introduce them to various facets of Congressional activity and make certain that the intern is

assimilated into his staff and given as many meaningful responsibilities as possible.

Offices in which the Congressman and his staff viewed the program as having an important educational aspect, steps were taken which insured its value and success. General guidelines were established within the office as to what role and responsibility the intern would assume, these were communicated to the intern as the conditions of his employment; attempts were made to establish understanding between the Congressman, the intern, and the staff. As Congressman William Steiger (R-Wis.) commented, interns may arrive thinking that they will change the world, which is probably good and the way it should be. But one would hope that the office would "temper" this outlook by helping the student get the "feel" for the government and how it operates. The success of the program in the offices in which this was the attitude is evidenced by the students' acceptance of their position and the appraisal of the value of the program which many Congressmen voiced on the floor of the House.

Offices in which interns were hired merely to gain political advantage or to increase the clerical staff resulted in entirely different reactions from all parties involved. In these offices little attention was paid to the educational aspects of the program—the opportunity to acquaint the student with the government was largely overlooked. Little actual planning was done regarding the specific nature of the intern's work or how he would be assimilated into the staff. In most of these offices it was assumed that the student would be assigned the mundane office tasks which often mount during the hectic days of the summer. Little or no attempt was made, however, to communicate this view of the coming summer to the perspective intern. Because of this many interns reported to their first day of work on the Hill with visions of substantive responsibilities awaiting them, only to find a mailing list in need of revision and envelopes to be typed. It must be noted that tasks such as these which consume a great deal of time in every Congressional office would naturally be included in the responsibilities of any intern. A problem arises when they are the *only* responsibility.

It was this mixed atmosphere of both ardent support and growing disillusionment toward the program that witnessed the development of the Vietnam protest movement among the interns.

As one staff assistant commented, no Congressman should have been surprised by the protests, within the political climate of the times. An intern during the period (who did not join the protest) explained that by the very nature of the students involved in the program there was bound to be an inherent inclination toward organization-mindedness and action on matters about which there were strong feelings. This tendency to act was aggravated and brought to the fore by the disillusionment which many felt with the program which placed them in jobs which held little responsibility. The time to think, plan, and organize were available as were a great number of like-minded individuals.

Once again the lack of guidelines for intern action was a factor in creating the turmoil that resulted. There is in effect in the American political system, and especially on Capitol Hill, a unique system of employer-employee relationships centering on the "law of agency." This "law" says, in effect, that what any one employee in the Congressman's office does reflects on the Congressman himself. This aspect of life and work on the Hill was not made clear to all interns. As Bill Byrd, then President of the Capitol Hill Young Democrats, pointed out, many interns thought they could retain a separate identity. They did not realize that any Congressional employee tends to lose his identity as it is

submerged to that of his employer. Mark Green, originator of the petition, admitted that he had "underestimated the extent that Congressmen would get upset about this letter," even after "we went out of our way to make it clear that we in no way intend to speak for the Congressmen we work for."

Green, an intern for Senator Javits, began the circulation of a petition. The letter accompanying the petition read in part:

"DEAR INTERN: We are seeking your support for the enclosed letter which we will present to President Johnson . . . We believe the letter to be polite yet to the point. If you sign you do so as an individual and irrespective of office. The person for whom you work will not be implicated and will nowhere be mentioned . . . 'Dear Mr. President: We Congressional Interns, selected and appointed by Senators and Representatives, have come to work in Washington because of our interest in Public Service; our presence here this summer evidences our desire to be the 'doers' and builders of whom you spoke. Yet although we are anxious to build a great nation and a healthier world, we fear that our actions in Vietnam are detracting from the achievements of these goals. We therefore sign this statement as a matter of conscience to go on record before our nation that we can no longer condone this war through our silence . . .'"

The petition brought a wide range of reactions from Congressmen and interns alike. A very few Congressmen supported the legitimacy of the petition, and they were far outnumbered by those who were outspoken in their opposition to this action, and by the staff who counseled their interns that the Congressmen had been sent to Washington to try to influence policy, they had come to learn.

Among the interns, some declined to sign because of their own convictions or at the request of their Members, others started a short-lived counter-move. Letters were circulated on both the House and Senate sides by interns disassociating themselves from the anti-Vietnam letter. And, in what might be cited as the tradition of Congress itself, an *Ad Hoc* Committee for Responsible Interns was formed, elected officers, yet accomplished little except to increase the complexity of the situation.

In December, 1967, funds for H.R. 416 were deleted from the supplemental appropriations bill for fiscal 1968; neither were they included in the regular legislative appropriations bill for fiscal 1969 considered by the House in June, 1968.

On the floor

When the Appropriations Committee eliminated the funds for H.R. 416 from the supplemental appropriations bill in December of 1967, the Chairman, Representative Mahon, stated that in a year of economy measures: "I think we can show to the country that we, too, are tightening our own belts a bit." The effect of this action was to prohibit the funding of the intern program from the contingent fund of the House; it did not eliminate the authorization for the employment of a summer intern—the addition of an extra person to the legal staff limit.

After a summer of turmoil inspired by intern activity, many people on the Hill had expected that some revisions in the program would be forthcoming. Yet many Congressmen and staff alike were surprised at the action of the Appropriations Committee, for while the intern program is still authorized by law, without the funds for all practical purposes it is dead.

There was, however, still a good deal of Congressional support for the program. For example: in March, 1968, Congressman John Brademas (D-Ind.) and Harvey Machen (D-Md.) co-authored a letter signed by twenty other Congressmen in a bipartisan

appeal to the House Appropriations Committee to restore the program's funds for the next year. The letter, which was sent to Representative Mahon, chairman of the full committee, and to Representative George Andrews, chairman of the Legislative Subcommittee, read in part: "We believe that the benefits of the program, both to the interns themselves and to the Congressional offices, far outweigh the amount of money required for its operation." On June 27, 1968, restrictions on the funds were continued for fiscal year 1969.

Many Members of the House, especially those who have continued their support of the program, refuse to believe that the funds were cut because of purely economic considerations. This disagreement over the prime factor responsible for the deletion of the funds began to surface during the floor debate on the supplemental appropriations bill in December 1967. When the regular legislative appropriations bill for 1969, which also left the intern program unfunded, was discussed in June 1968, the motivation behind the committee's action became a prime issue on the floor.

CHAPTER III. PROSPECTS FOR THE FUTURE

In offices where the internship was not successful, the failure can in most cases be traced to a lack of understanding of his role and responsibility by one, all or any combination of the major persons involved. The Congressman may not have had a true understanding of the purpose of the program and therefore could not set guidelines for either the staff or the intern; the staff member mainly responsible for dealing with the intern (if the Congressman had sufficient foresight to designate one) perhaps because of lack of understanding of why the intern was there and what he was expected to do, often did not assimilate the student into the staff and assign him meaningful responsibilities. In light of this confusion and lack of coordination, there was great possibility for the student to be unaware of the exact nature of his position—which often lacked any responsibility or meaningful duties.

In summary, the problems which spelled out the end of the Congressional intern program can be traced to the lack of guidelines which should have been established so that each party, would have known, 1) what the purpose of the program was, and 2) within that general outline what specific responsibilities were to be his.

The factors which had been the basis of the success of the NCEP and other programs run by educational institutions had been overlooked and forgotten in the administration of H.R. 416.

Many of the suggestions which follow stem to varying degrees from the standards for intern programs as outlined by Bernard Hennessy for NCEP (see Chapter I). The ideal is, of course, unobtainable, but any move toward it will definitely bring some improvement in the program and its possibility for reinstatement.

First, it should be impressed upon Congressmen that only those who are willing to carry out the underlying purpose of the program should participate by hiring an intern. Mr. Hennessy expresses this requirement well:

"The politician with whom the intern serves must have, most importantly, an appreciation of the educational nature of the internship. He must be willing and able to create an atmosphere of welcome for the intern and, beyond that, a sense of involvement and commitment on the part of the intern. We do not expect any politician to compromise his career, or his staff relationships, or the issues in which he has a stake, to the internship relationship. Unless the internship has practical value to him it ought not to be undertaken. But, his advantage being assured, he has a responsibility also to create an environment advantageous to the intern.

The politician must be willing to see his participation at least in some measure, as a contribution to the intern's education; he must not see it primarily or even mainly, as a way of getting inexpensive help."

If the Congressman recognizes the program as being educationally oriented and is willing to accept his responsibility to carry out this purpose, the entire office relationship takes on the proper dimension. He can and will outline to the staff how they are to facilitate his experience of governmental action through his integration into the staff. If the staff is not receptive to the idea or unwilling to spend the time necessary to help the student become familiar with his new situation, the office should not accept an intern. The Congressman with a clear understanding of the program would also determine the boundaries of acceptable behavior and familiarize the student with them as part of the conditions of his employment. If the intern chooses to disregard these behavioral standards his employer should deal with him personally and immediately.

The ideal program would reinforce its educational orientation through close ties with the student's home institution. The student's academic advisor and the Congressman involved would have sufficient contact to reach an understanding on the student's position and responsibilities. The student would be responsible to his academic advisor for frequent reports, analyzing his situation, experiences, and the new insights which he was developing. In these programs run by educational institutions, themselves, the students often receive a certain number of credit-hours for this work. It is clear that for the most part this development of definite educational ties is out of reach for a general Congressional intern program. If, however, a student selected as an intern was from a home institution willing to extend his credit and had an advisor willing to work with him during his internship period, it would be hoped that the understanding Congressman would cooperate with them in every possible way.

Some ties to the educational community would be of great advantage to the individual Congressman as well as the program in general. Each Congressman could establish a committee of educators—from his district or state generally, depending on availability—to assist him in the selection process. Whether the students who applied lived in his district or attended these schools would be of no consequence. The importance of this arrangement is that the selection process would work toward the development of a program mutually valuable to student and politician, with the selection on the basis of needed skills and intellectual tendencies, with no allowance for patronage which often overlooks merits and compatibility. The idea of using a committee is not to be considered unrealistic or even novel; much the same process is used to screen candidates for appointments to military academies.

The indication that many Members had failed to perform adequately in the selection process under H.R. 416 was made by Representative John Moss: "I think we ought to recognize that it [the cut in funds for the program] was also a vote of no confidence in the judgment of the Members of this House who selected those who served as their interns."

Another aspect which must be considered is the number of interns to be allowed in any one office during any given period. The regulation accompanying H.R. 416 stated that only one intern could be employed by an office at any one time and no more than two could be employed within the two and one-half month summer period. Congressional offices, however, were ingenious in inventing ways to circumvent this stipulation. By using both the money provided under H.R. 416 and the extra money from their clerk-hire allowance, plus out-of-pocket funds, some offices secured from four to eight interns,

although the applicability of the title at that point may be questioned.

A valuable situation involves the close working relationship between the intern and one staff member. Some offices see an advantage in having two interns who can be alternated between the mundane clerical work of the office and the more stimulating work such as research and speech writing. Stress should be placed on the selection of one or two interns who can be closely supervised and trained.

It is recognized that none of these suggestions could, or should, be made any more than just that—suggestions. The Members of Congress have been selected and sent to Washington by their constituents and are expected to have a free hand in fulfilling their roles as they see them. There should no more be any restrictions on Member's selection of their interns than should there be on the selection of their permanent staff members.

These suggestions, or guidelines, should, however, be made. They should be made so that all Members are aware not only of the purpose of the program but also of the alternatives which are open to them in working toward its fulfillment. Perhaps it is unfair to expect intern guidelines to emanate from the House Committee on Administration which administered the program. But if this House committee cannot fulfill this function, it should not be abandoned. It should be taken on by an organization interested in political education and capable of handling the task.

BLOUNT STATES FACTS: POSTAL REFORM NEEDED

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. COLLINS. Mr. Speaker, the September 1969 edition of *Nation's Business* has an excellent article by Winton M. Blount. He states in plain language why we need postal reform today.

Postmaster General Blount supports a plan to provide for changing the Post Office from Government to private operation. Like any all-encompassing plan, everyone thinks of suggested modifications. Whatever the final plan, Blount is absolutely right about the fact that we need a modern postal system.

We are still sorting mail in bins designed by Benjamin Franklin. Postal workers have no incentive, as 63 percent retire in the same job in which they started. The 740,000 persons who work for the Post Office deserve an independent opportunity to build a great postal system. Read the case for postal reform by General Blount:

Nine and one half pounds!

That's the current weight of the Postal Manual, the organizational Bible of the U.S. Post Office Department.

It includes laws, rules, regulations and restrictions . . . and interpretations of those laws, rules, regulations and restrictions . . . all accumulating for centuries.

Every conceivable matter of postal operations is covered. It even tells postal employees how to put rubber bands around envelopes and how to recognize a mail bag in need of repair. (Answer: When it has a hole in it "larger than a 10 cent coin.")

As a result, postal operations are run strictly "by the book." The system is authoritarian, and leaves little room for initiative and innovation.

Contrast the position of the local post-

master, working under these conditions, with that of the local plant manager for a decentralized industrial concern. While the postmaster is thus boxed in, the plant manager makes his own decisions within clearly defined limits, established by his top management. He is accountable for specific results, but is given broad authority to attain them.

This is but one of many reasons President Nixon and I have sent to the Congress a reorganization plan for the postal system, to convert it into a government-owned corporation, headed by a board of directors and run by professional managers.

The present archaic and inappropriate management structure gives rise to countless difficulties.

LONG ON DELAYS

Building a major new post office, for example, requires not only a 22-step decision process within Department Headquarters, but subsequent clearance with the General Services Administration, the Bureau of the Budget, the public works committees of both the House and the Senate, the appropriations committees of both House and Senate, and finally, approval of the entire budget—including our project—by the full House and full Senate.

It is not surprising that it takes an average of seven years from the time a major project is conceived until it's completed.

More unfortunate is the fact that only a meager amount of capital funds emerges in this cumbersome process. Congress is pressed for funds in the cities, in Viet Nam and elsewhere, and little is left for post offices.

Capital investment for the postal service has lagged by almost any measurement. We've been building a thousand new post offices a year for a decade and still you can just about throw a dart at the map of the United States and justify the building of a new postal facility where the dart sticks.

As a result, postal productivity suffers. From 1957 to 1967, the average American worker increased his productivity by 34 percent. For the postal service, total productivity for the same period of time actually decreased by .1 percent. It's not the fault of the postal worker. We're not giving him the mechanized equipment to boost his productivity.

The figures tell the story.

The Post Office Department has an investment of less than \$2,500 net fixed assets per employee. The telephone and communications industry, by comparison, has invested \$35,630. Even the merchandising industry spends \$2,836.

And look at our employees.

For eight hours a day, they step back into the Eighteenth Century—a century of hand labor, little or no training, few chances for advancement, no collective bargaining, poor working conditions.

Little wonder the annual turnover rate is 23 percent!

Or that 60 percent of all postal employees retire in the same job in which they started.

TURNOVER AT THE TOP

There's a pretty good turnover rate at the top, too. I'm the sixth Postmaster General in this decade. With each has come changes in policies and politics.

There is really little reason for the Postmaster General sitting in the President's Cabinet. It is a circumstance left over from earlier days, when the Post Office was a policy arm of government.

Today the nature of the postal service more nearly resembles a public utility than an Executive department of the government.

Business originates 74 per cent of the mail; households send only 20 per cent, and all levels of government, only 6 per cent.

Like all economic functions, the Post Office should be professionally managed and supported by revenues from its users.

President Nixon described the dimensions of our postal crisis in these words:

"Encumbered by obsolete facilities, inadequate capital, and outdated operation practices, the Post Office Department is failing the mail user in terms of services, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment. It is time for a change."

ELEMENTS OF REFORM

There are four elements we consider essential for effective postal reform:

1. Removal of the Postmaster General from the President's Cabinet—an essential action if we are to provide management continuity and effectively insulate the postal service from partisan politics.

2. Collective bargaining between management and employee organizations to determine postal pay, thus transferring that responsibility from Congress.

3. Bond financing as a method for securing the large amounts of capital needed for postal improvements.

4. Rate setting by a board of full-time commissioners, independent of operating management and subject to Congressional veto.

The new Postal Service would have a management structure similar, in many respects, to organizational forms that have proved highly successful in other nationwide service enterprises.

It would be headed by a nine-member board of directors. Seven, including the chairman, would be appointed by the President, with the advice and consent of the Senate. They would be "part-time" directors, not personally involved in day-to-day operations, and chosen to represent the public interest without regard to political affiliation.

These seven public directors would select an eighth member, who would serve as a full-time chief executive officer. A ninth board member—a full-time individual serving as chief operating officer—would be chosen by the other directors.

All postal employees would be transferred into the new Service with their accrued pension rights, leave, pay and seniority. Changes in personnel procedures and policies would be subject to collective bargaining.

BARGAINING WITHOUT STRIKES

The major change in the personnel area is that wages would, for the first time, be subject to collective bargaining.

Labor-management relations would, in general, be conducted under the provisions of the Labor-Management Relations Act of 1947, with the exception that postal employees would not be permitted to strike.

In lieu of the right to strike, however, an impasse-resolving mechanism would be set up. Here's how it would work.

Both parties—employees and management—would be encouraged to devise procedures for settling their own collective bargaining disputes.

If they failed to reach agreement under these terms, either party could cause the matter to be referred to three members of a Postal Disputes Panel.

The Disputes Panel would consist of nine individuals. Three would be named by the Federal Mediation and Conciliation Service and three by the American Arbitration Association. Those six would select the remaining three panel members. Only three members of the Disputes Panel, however, would hear any particular impasse, and neither employees nor management would know in advance which three members would participate.

The Disputes Panel might apply any of a wide range of settlement techniques to resolve a dispute, including mediation, fact-finding and recommendations. If the dispute could not be settled, the panel would have the authority to refer any or all of the unresolved issues to binding arbitration by

a separate ad hoc board or to require that the status quo remain in effect.

The Disputes Panel's job is to see that meaningful collective bargaining does in fact occur, and that no issue is sent to arbitration before every possibility of the parties reaching mutual agreement has been exhausted.

The ad hoc arbitration panel, incidentally, would consist of one member appointed by management and another by labor, and those two would select a third panel member. In the event they could not agree, the third member would be selected by the federal mediation and conciliation director.

A SELF-SUFFICIENT SERVICE

An important feature of the Postal Service Act is that it contemplates the Service would become self-sufficient within five years. Debt-free operation would be particularly important, we believe, in building confidence in the Service's public bonds, issued without the full faith and credit of the government behind them.

We do not intend, however, to arbitrarily raise rates in order to accomplish this. Hence, the transition period.

Rate changes, recommended by postal management, would be considered by a semi-independent panel of full-time rate commissioners. The important point here is that the rate commissioners would not be responsible to postal management, but rather to the outside members of the board of directors. This should free them from pressures from operating management and permit them to be more concerned with protecting the public interest.

The panel, supported by a small staff, would conduct public hearings on proposed rate changes, at which postal management and the affected mailers and other parties could appear. The initial decision of the rate commissioners would go to the Presidentially-appointed members of the board of directors who could accept, reject or modify the proposed change. In general, the rates established by the board would take effect after 60 days, unless Congress vetoed the proposal by concurrent resolution.

The rate commissioners also would be charged with hearing complaints from customers concerning service, and with conducting public hearings and making recommendations concerning changes in the scope of postal services proposed by management of the Postal Service.

Public reaction to the proposal seems to have been extremely favorable.

I've seen perhaps 30 polls by Congressmen of their constituents, and in each case, the majority favored the concept of a public postal corporation.

Of more than 200 editorials we've collected on the subject, only seven opposed the proposal.

Several major mail groups have endorsed the bill.

The postal employee organizations, with the exception of the National Association of Postmasters, have expressed reservations. They contend that while reforms are needed, they are unable to accept the basic recommendation for a government corporation.

PATCHWORK ROUTE REJECTED

We gave serious attention to the question of whether meaningful reform could be achieved within the present departmental structure, but concluded that it could not. So did the members of the President's Commission on Postal Organization (Kappel Commission), whose year-long study of the Post Office Department and subsequent recommendation that it be converted into a public corporation formed the basis for our own proposal.

Murray Comarow, who was executive director of the Kappel Commission, writes:

"The Commission concluded, however, that the Post Office's most serious problems were

inextricably bound up in its organizational form, and that no solution which stopped short of changing the Post Office fundamentally would have enduring benefits."

I am convinced this legislation will provide us with a truly productive, efficient, professionally-managed postal system, and enable us to move the growing mountains of mail at substantially lower costs than the present structure permits.

The present method for operating the postal system was good for the old days. It is inadequate for the space age.

It's like the four-year-old girl who was waiting impatiently for her mother to bring the dessert.

"Hold your horses," said the mother, busy with something else.

"I'll hold my rockets," replied the girl.

It's time to set aside the old, to try the new. It's time to think in terms of rockets rather than horses.

NOTED DAYTON COLUMNIST,
MARJ HEYDUCK, DIES

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. WHALEN. Mr. Speaker, the Greater Dayton area, which I am privileged to represent, has lost a colorful and unique personality.

Mrs. E. C. Heyduck, known throughout the area as Marj Heyduck, was found dead in her home on Tuesday.

Marj was a nationally known columnist for the Journal Herald in Dayton. The title of her regular column was "Third and Main," perhaps the most popular effort of its kind in the Miami Valley.

The regard that her readers had for her was manifested in the heavy response to the "Tea With Marj" functions periodically scheduled in our area.

Marj was many things and, in many ways, a kind of pixie. Above all, she was a great person who left her mark on her community and those around her.

The most accurate picture of Marj should come from her own colleagues in the newspaper business. Unfortunately, the Dayton newspapers presently are shut down due to a strike.

However, I have obtained a draft copy of Marj's obituary, written by one of her associates, Hugh McDiarmid, city editor of the Journal Herald.

Mr. Speaker, I insert herewith that copy and extend my deepest sympathy to Marj's parents and her brother and sister:

Marj Heyduck, The Journal Herald's nationally-known columnist and a journalist since 1936, was found dead Tuesday at her home near Greenville in Darke County.

Mrs. Heyduck, who was 56, was found by a neighbor, Darke County Coroner Dr. W. S. Elliott said she had been dead about 24 hours and died of coronary insufficiency.

She was found shortly before 10 a.m. An autopsy was performed Tuesday afternoon.

The neighbor, Mrs. Naomi Fisher, investigated at the request of friends who became concerned when they couldn't raise Marj by phone at her home.

Marj, less well known as Mrs. E. C. Heyduck, was the daughter of Mr. and Mrs.

Robert C. Evers, of Dayton. She was graduated from Stivers High School in 1931 and majored in journalism at Ohio State University.

Marj got her start in newspapering in the women's department of the old Dayton Herald in 1936. Leaving that job, she worked for the Dayton Press, a weekly newspaper, and broadcast a daily human interest and woman's feature program over WING radio from 1939 to 1941.

She rejoined the Herald as a general assignment reporter in 1943 and began her regular column which later gained fame as "Third and Main" a year later.

It was at that time that she inaugurated a feature column on wrestling for the Herald's sports department. In recent years, tales of her escapades as a reporter covering wrestling matches in Southern Ohio have entertained hundreds of women at regular "Tea With Marj" occasions throughout the Miami Valley.

Marj was named editor of the Herald's Women's Department in 1948 and became women's editor of the Journal Herald when the two newspapers were merged in 1949.

She gave up her title as women's editor in 1966 and was named assistant to the editor, an honorary title, but she continued her daily "Third and Main" column for The Journal Herald's Modern Living section.

Marj was best known for her sense of humor and devotion to anecdotes. She spun her tales from the thin thread of the most common, everyday occurrences, embroidering them with a bit of fancy and securing them in a bright burst of hilarity.

Such was the inspirational source of her daily column which she wrote in the same conversational style in which she talked to her friends. Human frailties, the pitfalls and pratfalls of everyday were there, cloaked in the warmth of her humor and her sheer glee in the repetition of "see, the last laugh's on me!"

Marj's affairs with hats were almost as legion as her anecdotes. She seldom appeared in public without a hat and made a great fuss over them at her teas and in her column. She also demanded whenever possible that the picture that ran with her column be changed daily, each day with a different hat—a practice that left JH photographers sometimes fearing for their sanity.

Marj's journalism prizes were legion and her reputation as a columnist was nationwide.

She won more than 75 prizes over the years in annual contests of the Ohio Newspaper Women's Association; she won a National Headliners Award in 1946; was given the best column in Ohio award by United Press International in 1963; and her women's pages won first place in the University of Missouri's Penney Award for Excellence in 1964.

Marj was a regular discussion leader at women's editor seminars at the American Press Institute at Columbia University appearing there 23 times between 1952 and 1968.

She also was invited to lead similar discussion for the Ottoway Papers and the Press Associations of California, Tennessee and Pennsylvania.

Marj married Emerson C. Heyduck, an insurance man and also a native Daytonian, in 1934. Mr. Heyduck died in 1953. They had no children.

Charles T. Alexander, editor of The Journal Herald, had this to say of Marj: "She was as comfortable as home. She was as much a part of The Journal Herald as its masthead. The regard all who knew her and read her column had for her is inestimable. The depth of our personal loss is inestimable."

Said James M. Cox Jr., chairman of the board of Dayton Newspapers, Inc. "We are deeply saddened by the loss of Marj Heyduck, Dayton's best-loved newspaperwoman.

"Her 'Third and Main' column brought good cheer and warm human sentiments daily for a quarter of a century. To thousands of Journal Herald readers, Marj was a welcome morning visitor. We share with them a feeling of great loss. Marj was truly an outstanding journalist, but even more a great lady."

As a columnist, Marj travelled widely. Many of her columns were written from the scenes of national political conventions and inaugural balls where she found anecdotes and other material overlooked by thousands of other correspondents.

She also wrote her column from the decks of riverboats bound for New Orleans; from international fashion shows on New York's Fifth Avenue; and from her stateroom aboard the SS Independence cruising in the Mediterranean.

But perhaps her best columns were written from tips and anecdotes exchanged over the phone with friends who called her regularly and strangers who overcame their awe and phoned nervously with a good story.

She also wrote frequently about her beloved Darke County and small Ohio city of Greenville near her home at Wayne Lakes Park where she lived alone following her husband's death.

Marj was a member of the Salvation Army Advisory Board, a Dayton Corps Trustee and a member of the Dayton Stivers Foundation.

Her three books, published by The Journal Herald, are The Best of Marj, published in 1962; The Anniversary Marj, 1964; and The Third Marj, 1966.

Surviving are Marj's parents, Mr. and Mrs. Robert C. Evers; a brother, Robert W.; and a sister, Mrs. Martin Edwards. All are of Dayton.

Funeral services will be private and there is no visitation. The family suggests that any contributions be made to the Dayton Corps of the Salvation Army.

ALBANY STUDENT CONFERENCE ON
REPRESENTATION

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BUTTON. Mr. Speaker, there recently was held in my district, under the academic auspices of the Graduate School of Public Affairs of the State University of New York, the Albany Student Conference on Representation.

I am indebted to Mr. Roy A. Speckhard, who was in charge of the conference, for an insightful and provocative report of that conference. Because it deals with matters of great concern to every Member of this body, I am offering it to my colleagues for their consideration in the pages of the RECORD. I am sure that many, like me, will find it of interest and value.

The report covers, consecutively, such topics as the concept of representation, representing the constituency, goals reflected by representation, current dimensions of representative government, one man, one vote and representation, the job of representing, constituent expectations, perspectives for the future of representative government, computer technology and representations, communication media and representation, and a concept of future representation. It notes, in closing, that:

The role of a representative is changing from the simple "delegate of the people" function of the past to a complex pattern of action, encompassing modern technology and increased awareness.

I commend the report to my colleagues, and at the same time extend my commendations to Professor Speckhard and to the conference participants, who were Rochelle Alpern, Anthony Cantore, M. Sheila Galvin, Douglas Goldschmidt, Emma Guglielmino, M. Gundlach, Glan Martin, Nelson Stiles, and Pauline van de Velde.

The material follows:

ALBANY STUDENT CONFERENCE ON REPRESENTATION

The conference, held in conjunction with a regularly scheduled class on Congress, has produced a group statement on representation. Certain important aspects of the problems of representation were individually developed and incorporated into a final statement. This report hopefully may lead to some re-examination of Democratic representation.

I. THE CONCEPT OF REPRESENTATION

Definition of representation

The concept of representation, often ill-defined, is an intensely important aspect of American government. Representation is generally accepted by Americans as one of their basic undeniable rights. Yet here ends agreement. Controversy ensues when representation is discussed in depth.

First, it would prove beneficial to examine the word "representation" itself. According to Professor Hanna Pitkin (*Concept of Representation*), the Latin word "repraesentare," interestingly enough, had nothing whatsoever to do with government, but referred primarily to inanimate objects. It meant "to make present or manifest, or to present again." In the Middle Ages it was used with a religious connotation, symbolizing Christ and the Apostles. Evolution of the word as a political term came in the 1600's with the British Civil War, when the members of the House of Commons began to see themselves as representing the entire realm. The British brought this concept to America. It became a common phrase during the American Revolution: "No taxation without representation." From this time, popular representation became deeply imbedded in the American system of government.

Still, there was little theorizing done about the concept of representation and the position of representatives. For instance, there is the unsettled question of what constitutes a representative legislature. John Adams felt it "should be an exact portrait in miniature, of the people at large, as it should think, feel, reason and act like them." Thomas Hobbes presented a theory of men forming a commonwealth with a sovereign at its head as the representative of the entire group. The representative was to be an "artificial person"; that is, one whose actions are not his own, but the actions of others. Max Weber saw representation as a state of affairs in which "the action of certain members of a group is ascribed to the rest; or that the rest are supposed to, and do in fact, regard the action as 'legitimate' for themselves and binding on them." Edmund Burke viewed representation in an inconsistent doctrine based on interest—with personal unbiased realism. With his view of the inadequacies of the mass of the people, Burke viewed representative government as government by an elite group (natural aristocracy), acting in the best interests of the people.

In applying the theories mentioned to the American system, one must recognize that they may not apply fully or even partially to America. For such is the nature of repre-

sentation that it has not lent itself easily to definitions and rules.

Representing the constituency

The problem developing in the United States government, as in other representative governments, is who a representative actually represents. When we are talking of representation in terms of a legislative body from different constituencies, as in the American Congress, the problem becomes manifold. A legislator may represent the interests of the nation as a whole. However, he was sent to Congress from a specific geographical location to represent particular desires and he may respond to this constituency. Registered voters are the only citizens capable of electing a representative. Thus, he may yield to the demands of those who can vote him into or out of office. The people who participated in the last election are the ones whose desires were strong enough to encourage them to vote, so he may listen to them. He was not elected by all the voters, so he may choose to listen to those who voted for him and, particularly, his most avid supporters. Therefore, there are any number of constituencies that the representative can consider himself responsible to.

Once the constituency is determined, then a representative may act in one of three ways. (1) He may act as a delegate, reflecting the desires and interests of his constituency. (2) He may act as an elected representative of the people with the prerogative of exercising what he interprets as being most beneficial for those people. (3) He may act in both capacities depending on the given circumstance. Is he elected to support and lobby for what the constituency considers important (represent the constituency) or is he elected to determine what is necessary (in a sense, representing himself) or is he elected to act both ways at various times depending on the issue?

In most cases, the constituency that the representative will serve and the role he chooses, will depend on the specific issue involved. In a decision on foreign policy, he may serve a national interest. On a bill on a housing project, he may represent his specific geographical location. In most cases, the issue will not be so vital as to determine what constituency the representative should serve, but, at times, sanctions will be placed on the representative. An example is the influence of an interest group which, through its wealth, can threaten the chances of reelection by mounting a campaign against the representative.

Representatives are usually in close sympathy with the ideas of their constituents. Coming from the same area, both are the product of somewhat the same socialization process. The fear of going against his electorate and being defeated in the next election usually serves to keep the representative attuned to constituent desires.

In the Republican system, the representative will have to maintain a certain degree of responsibility to the people who actually elect him. Should the representative serve the people or his conscience? In many cases, the demands of his conscience will be inconsistent with the demands of the electorate. What is his responsibility? If he fears the loss of election, he probably goes along with electorate demands, rationalizing that there will be another day. If he firmly believes in the cause, he goes along with his conscience. In most cases, the representative will take the alternative that is most expedient politically.

Goals reflected by representation

The possible representational roles of a legislator are influenced by the goals of our society. The ultimate goal, generally stated, is the successful resolution of conflict within a system of broad personal freedoms. We desire that personal freedoms be expanded

whenever such expansion does not lead to social and political disorder. It is also desirable that progress be continued toward greater perfection of our democratic system.

If conflict is to be regulated in a manner that is in keeping with our pursuit of perfection of democracy, all interests involved in a conflict must be represented. Representation for all is an ideal basic to our concept of democracy, as well as an effective technique of problem solving.

Several factors concerning the nature of conflict are important. First, conflict results when an individual or group adopts and pursues a goal which is not compatible with the pursuit or realization of a goal or goals held by other individuals or interest groups. Second, new goals may come into being as the result of a variety of changing social, political, or economic factors within a society or among societies. A new goal identified, adopted, and pursued by an interest group holds a potential for conflict. Third, if conflict is not successfully resolved it may lead to disruptive behavior which upsets the entire system.

If a representative body is to successfully resolve conflict, the views held by each interest involved in a conflict must be presented to all involved members of the representative body. The best way for this to be accomplished is for each representative to accurately reflect the views of his constituency. The elected representative is the most convenient and most likely access point to the governmental structure that an interest group has. If each representative articulates the goals of his constituency, most interest groups will have a spokesman.

The problem may arise, however, that some interest groups do not represent a majority or an important part of the electorate of any representative's constituency. Thus, a conflict may arise where one of the goal seekers involved does not have a representative. Students, for example, may be involved in conflict but may have no representative in the legislature. If a conflict is to be successfully resolved, it should be the duty of some elected representative to articulate the goals of each individual, or group of individuals, involved in a conflict that is of sufficient disruptiveness to gain the attention of the legislative assembly. Some system, it would seem, needs to be devised whereby all groups involved in conflict are represented.

At the same time that a representative reflects the views of his constituents, however, he must consider other factors. He must be concerned that the policy which results from the work of the representative assembly is in keeping with the ideals of expanding individual freedoms and the perfection of the democratic system. Policy which results from the legislative process must be intelligent and generally acceptable to society.

The representative holds a unique position for evaluating policy. He has access to a wide range of expert opinion and information relative to the national and international situation which is not available to the general public. Through his work with other representatives, he learns what interests are being expressed within the system, and he can judge with some degree of accuracy the intensity and amount of support that can be expected for his constituency's interests in relation to other interests. He can be aware of the needs of society as a whole and work toward the fulfillment of those needs.

It is his job then to represent his constituents but to decide upon a policy which is in keeping with the goals of the system. Representation shall reflect all political and social ideals.

The solutions which result from the legislative process will probably be less than a total realization of anyone's goals, but they

should be the best policies available under whatever circumstances exist.

II. CURRENT DIMENSIONS OF REPRESENTATIVE GOVERNMENT

When dealing with political concepts which appear to be based on logical ground, difficulties may arise when an attempt is made to apply the resulting theories to any specific situation in the real world of politics; conflicting interpretations and problems often ensue. In considering current aspects of representation, two problems become apparent: one dealing directly with the job of the representative in meeting constituent expectations, the other evaluating the numerical relationship between the representative and his constituents. The following section considers these two dilemmas.

One man—one vote and representation

The question of equal representation of voters only occurs as a serious consideration in a democratic system of government. In the United States general elections were selected as the mode through which those citizens eligible to participate in the political process were to demonstrate their choice of representatives. However, neither was universal manhood suffrage immediately adopted nor did the leaders of the new government believe that direct election of the majority of legislative officials was desirable. The founders of the government settled on a system which placed limitations on the control of the population over the selection of their representatives; they deliberately excluded a certain portion of the population from participation in the electoral process. With regard to the election of representatives in the House and in the Senate, the Constitution Article I, Sections 2, 3, 4, specify means of elections, powers of Congress and limits of the powers of both houses. Not until the amendments does the concept of legislative representation receive additional consideration. Here Section 2 of the Fourteenth Amendment the Fifteenth Amendment, the Nineteenth Amendment, and the first section of the Twenty-fourth Amendment deal with the general issues of voting rights and of apportionment.¹ The broad outlines for the functioning of the electoral process and for the determination of representation within the United States were enumerated in the Constitution and the amendments to that document; however, the actual development of the concept of representation in this nation has not followed the precise pattern which might have been predicted immediately preceding an examination of the philosophical tenets of a democratic system of government.

The founding fathers basically represented the elite of the new nation, and while many espoused extremely democratic positions for the latter portion of the eighteenth century, the government which they developed remained an elitist organization. Although the government conceivably was open to all those eligible to vote, and therefore, represented evenly shared electoral power, basic limits such as property qualifications existed which effectively disenfranchised a significant portion of the population. Many of these qualifications were eliminated however, precisely equal apportionment of representation has yet to be achieved in either house of Congress, and it also has yet to be implemented in the majority of state legislatures across the nation. However, with the application of some of the recommended changes for reapportionment designed to achieve a more accurate balance of population representation in the national legislature, the hope for the future seems bright, but it should be remembered that equality cannot be legislated, and true equality of political power cannot be achieved merely by means of a Supreme Court ruling;

although equal districting may be achieved, equal influence upon legislative function cannot be guaranteed in this manner.

In consideration of the progress in the United States toward the goal of one man-one vote, the decisions of the Supreme Court in the area of voter equality deserve detailed consideration. In chronological order the primary cases to be considered include: *Colegrove v. Green*, 1946; *Baker v. Carr*, 1962; *Gray v. Sanders*, 1963; *Wesberry v. Sanders*, 1964; *Reynolds v. Sims*, 1964.

First to be considered is the case of *Colegrove v. Green*, 1946. The facts of the case were as follows:

The Illinois legislature was no more willing to give the Chicago metropolitan area its fair share of seats in Congress than in the state legislature itself. . . . The Court was asked to enjoin the appropriate Illinois state officials from conducting an election in November, 1946, under the provisions of the old congressional apportionment act of 1901.²

In delivering the opinion of the Court, Justice Frankfurter declared, "To sustain this action would cut very deep into the very being of Congress. Courts ought not to enter this political thicket."³ With the enunciation of this position in *Colegrove v. Green*, the Supreme Court clearly took its stand away from the future hassles in the area of legislative malapportionment.

In the 1960's the Court began to voice second thoughts as to the necessity for strict adherence to the *Colegrove* rule. *Gomillion v. Lightfoot* (1960), a case involving effective disenfranchisement and discrimination resulting from gerrymandering in the area of the city of Tuskegee, Alabama, moved the Court in the direction of considering malapportionment, gerrymandering and reapportionment. In the landmark decision of *Baker v. Carr*, the Court clearly moved into the full fray of the "political thicket." The case in point involved malapportionment in the General Assembly of the State of Tennessee.

The complaint, alleging that by means of a 1901 statute of Tennessee apportioning the members of the General Assembly among the State's 95 counties, "These plaintiffs and others similarly situated, are denied the equal protection of the laws accorded them by the Fourteenth Amendment to the Constitution of the United States by virtue of the debasement of their votes . . ."⁴

Justice Brennan stated that the Supreme Court considered the case justiciable, declaring that political considerations were not the dominant theme; rather, the denial of a right under the equal protection and due process clauses of the Fourteenth Amendment took precedence over any political side issue involved in the determination of the case. The Court held in favor of the appellants, and from this point on, squarely placed itself in the center of this "political thicket." Justices Frankfurter and Harlan, who dissented believing that the Court should not enter into the area of political consideration, stated:

Disregard of inherent limits in the effective exercise of the Court's "Judicial Power" not only presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been and now is determined. It may well impair the Court's position as the ultimate organ of "the Supreme Law of the Land. . . ."⁵

By reaching the decision announced in *Baker v. Carr*, the Court opened the way for judicially proposed remedies for the correction of inequities existing in specified districting arrangements.

In 1963 the Supreme Court chose to elaborate on the concepts which it espoused in the field of legislative apportionment in the case of *Gray v. Sanders*, a case involving the questionable practice of employing a county-unit vote in the state of Georgia. Basing

their reasoning on the equal protection clause of the Fourteenth Amendment, the Court declared, "Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote. . . ."⁶ This ruling gave new importance to the type of reapportionment plan adopted by those states which were directed to redraw legislative districts. This decision indicated that certain types of weighted voting would be considered unconstitutional. Exactly how judicial remedy could be provided for the obvious political question of equal representation remained unclear.

One of these basic questions was considered in the case of *Wesberry v. Sanders*, 1964, which involved the equality of congressional districts existing in the state of Georgia. Justice Black delivering the opinion of the court clearly announced the "one man-one vote" doctrine at this time; going farther than to state that all men should have equal opportunity to cast a ballot of equal weight, his remarks appeared to embody the entire concept of political equality.⁷ The dissent of Justice Harlan and of Justice Stewart contains the basic principles on which a constitutional argument may be launched against the implementation of the concept of the one man-one vote principle. Also in 1964, the Supreme Court considered the case of *Reynolds v. Sims*. Here ". . . the Court ruled that both houses of state legislatures must be apportioned in accordance with population, . . . extending the principle of 'one man-one vote' . . ."⁸ the trend definitely is in the direction of moving the body into the center of the fight to implement what some believed to be a more democratic system of representation.

Consideration should be given to the question of exactly what kind of a democratic system presently exists in this country. The actual system of general election voting in geographically defined districts may result in the overrepresentation of a certain segment of the population at the expense of a minority; however, there are provided within our system of government, several possible channels through which a determined majority or an underrepresented minority may seek true representation. Consideration of the one man-one vote question ultimately revolves around whether or not it is desirable to implement a system in which absolute political equality flourishes.

It would appear that if the floodgates were opened to allow the truly popular control implicated in the concept of one man-one vote, then political chaos could ensue which would benefit none. Political equality in its ultimate application would require not only the active participation of all individuals in the actual legislative function through the traditional form of the general election, but also would demand their sustained interest in the day to day, relatively uninteresting and often tedious, but always essential, operations involved in this legislative process. Most citizens would be unwilling to devote a sufficient amount of time to such a demanding system to make true political equality workable. Individual importance is emphasized in terms of political equality; however, in our political system group access and group influence are more practical political considerations. Many other avenues of influence and of resource are open to those who actively aspire to transform their desires into effective legislation. Political parties, interest groups, the executive branch, the bureaucracy, and the process of judicial action, to name only a few, all provide alternate avenues to effective legislative influence.

The most clear argument presented against the application of the total concept of one man-one vote, was put forward in the dissent of Justices Harlan and Stewart in the case of *Wesberry v. Sanders*. Here they:

Took issue with the majority's contention that the framers had intended one man's vote

Footnotes at end of article.

to be worth as much as another's. First, in speaking of allocating representatives according to "the number of state's inhabitants" the Constitution clearly referred to apportionment of representatives among the states, rather than within the states. "In all of the discussion surrounding the basic of representation of the House and all the discussion whether Representatives should be elected by the legislatures or the people of the States, there is nothing which suggests even remotely that the delegates had in mind the problem of districting within a State." Second, both the three-fifths compromise regarding representation for slaves and the provision that each state, no matter how small, have one representative, showed the framers intended "weighted" votes to some extent. . . . Third, the Court, in deciding the issue at all, was derogating the authority of both the states and Congress, clearly given in the provision of Art. I. Sec. 4. . . .⁹

In addition to the actual one man-one vote aspect of political equality, the concept also includes the idea that each individual should have equal access to and equal influence upon the workings of the legislative system. One man-one vote cannot insure political equality. The relative power of each legislator definitely affects the end result of influence on given legislation. Certain congressmen possess greater power and exert greater influence as a result of personality, seniority, and a combination of other related factors than do many of their fellow lawmakers. The question then arises as to whether or not the true ideal of one man-one vote can be implemented in a system which allows such inequities.

Although the Constitution nowhere specifies the necessity of exactly identical population-representative ratios in the designation of legislators from districts, the Supreme Court has held that such voter equality is necessary to achieve the desired democratic ends of our system of government. Accordingly, in the years following *Baker v. Carr*, direct steps have been initiated to provide for such reapportionment as has been deemed necessary. The basic value of these changes may lie only in the fact that they serve as symbols of increased individual equality rather than as any significant attempt to legislate political equality, which in the practical sphere is inconceivable. However, as it stands our system has proven to be workable, democratic within reasonable limits, and sufficiently subject to change when abuses within it persist. Clearly no viable alternative, even one stressing the democratic aspect of one man-one vote rule, to this system has been presented which functions within the limits of the reality of the political world in which the legislature attempts to function, and until such time as a workable plan can be implemented, the ultimate democratic ideal of one man-one vote, whether totally desirable or not, will not be effected.

The "job" of representing and constituent expectations

In line with this theoretical concept that each citizen, as an individual, should have an equal effect on the election of representatives, is the more traditional operational concept that each citizen, as an individual, has an equal personal and continuing claim on the time and energies of representatives.

The concept of representation as discussed in political theory implies more than just a process whereby the public chooses who will represent them in the legislature. Essentially, representation allows in some measure a means for the public to state preferences and influence law-making through their elected representative. Regardless of whether the representative sees himself as a delegate whose job is to mirror the constituent will in his policy-making or as a trustee with

freedom to determine what he feels is in the public interest regarding legislation, the representative feels it necessary to at least listen to constituent opinion in carrying out his responsibilities as even Edmund Burke admitted.

The job of fulfilling representative responsibilities as realized by the representatives of the American legislature, notably Congress, is complex and time-consuming. It includes in its scope the legislative process in all its intricacies, some means of apprising the public opinion in order to determine public will or public interest (depending on one's role orientation), and various non-legislative service functions to constituents. As Eulau, Wahlke, Buchanan, and Ferguson have stated, "the term 'representation' directs attention, first of all, to attitudes, expectations, and behaviors of the represented . . ." and ". . . their acceptance of representatives' decisions as legitimate and authoritative for themselves."¹⁰ In this sense any discussion of the job of representing must consider constituent expectations about the behavior of the representative in doing his job. It becomes apparent that these expectations do not always coincide directly with the major legislative task. Thus, any description and evaluation of constituent expectations of their representatives involves questions of the legitimacy of these expectations and how they may impinge on the legislative task of the representative. Possible solutions to the problem of constituent expectations' limiting the representative will also be considered.

As V. O. Key has suggested, few constituents have any awareness of their representatives' positions on most legislation where roll calls are taken.¹¹ The average constituent is much more concerned with what the representative can do personally for him than with the representative's stand on legislation. Thus the expectations of the average constituent concern the service function of representation rather than the legislative function. As many Congressmen complain, constituents expect them to be errand runners. The nature of these errands are often strictly personal such as securing hotel reservations or tickets for the theatre for visiting constituents. Representatives are also expected to intervene in the solution of strictly local problems. This includes all the time some representatives spend getting government contracts and funds for their district. During visits to Washington, constituents seem to think that the representative has nothing better to do than arrange for or give them a guided tour. Constituents are also apt to consider their representative as a free legal service in seeking claims from the executive branch. The major source of these opinions and requests are the mail. An important part of the mail involves "case mail" in which constituents request aid in their dealings with the executive bureaucracy. Requests for information are answered by mailing of appropriate committee reports and government publications to constituents. Despite their meager appointive powers, representatives are plagued by patronage requests. In response to requests for information, the representative sets up many services such as newsletters, television and radio appearances, questionnaires and trips to the constituency (these latter two for the purpose of determining constituent need and opinions). Most of the constituency requests imply a basic disrespect for the Congressman—this is the attitude of "We pay him, why not use him?"¹²

The legitimacy of these constituent expectations are questionable as part of a representative's job. Certainly, listening to opinion through the mail and personal contact and providing information are legitimate representative functions apart from those concerned with legislation. The problem with these methods of learning constituent opinion is that Congressmen tend to get letters only from those who agree with them—

perhaps this is the fault of the constituent. Nevertheless, Congressmen place too much faith in the mail as reliable indicators of public opinion. Providing information is part of the representative's function of education of the public often in an attempt to lead opinion. Despite the claim of Congressmen that providing personal services give the representative some of his few direct contacts with constituents, providing strictly personal errand running should not be done by the representative because it is not a legitimate part of his responsibility. Although most of these constituent expectations are solved by staff, it takes up too much of their time which could be better used in considering legislation. Invariably, many constituent claims are solved by the Congressman himself because of his own desire for personal contact or constituent demand that he (the representative) is the only one who can help. One argument that has some merit is that only the representative and his staff are an agency sufficiently interested to be able to help the constituent by acting as a clearinghouse in dealing with the confusing bureaucracy of the executive branch.¹³ However, the time consumed and suspicions aroused between representatives and the administration because of legislative intervention negates the argument to some extent. This is especially true since the representative tends to uncritically promote constituent interests without first determining if the request is one which should be supported in light of public interest.¹⁴

In view of the time-consuming nature of meeting constituent demands it is obvious that constituent expectations limit the time the representative and his staff have had for participating in the legislative process. Since participation in the legislative process which is the major function of the elected representative is even more time-consuming than constituent expectations, some means of alleviating the representative of certain unreasonable constituent demands without impairing the representative responsibilities should be discussed. Adopting a law prohibiting Congressmen from appearing as counsel before administrative boards and commissions would end constituents' taking advantage of well-meaning representatives who provide free legal service and would decrease bureaucratic suspicion of Congressional intervention. Other useful proposals involve putting all post office jobs in the civil service and changing the method of appointment of candidates for military and naval academies alleviating the representative from patronage demands. Such radical plans as the Ramspeck plan which would divide the representative job into a legislative part handled by an elected representative and a service function by elected agents before the executive branch have merit in allowing a functional division of labor of the complex job of representing. However, it is most doubtful that it would ever be passed since it would require a constitutional amendment and redistricting. The problem in reform is that representatives would be reluctant to completely give up the service function of their job although they might welcome release from much errand-running. Most representatives regard services to constituents as a necessary and proper representative function.¹⁵ Also, they realize the campaign value of providing personal services which provide many more votes than unpublicized hard legislative work can. In view of the representative's stake in the service function as a means of political survival, the solutions most likely to be implemented involve allowing the representative more staff assistance, access to liaison offices campaign value of providing personal service bureaus which could handle some of the mail. Thus, constituent expectations of the job of representation which center around the service function must be limited within

Footnotes at end of article.

reason to allow the representative and his staff more time to involve themselves in the legislative process. Ideally, specially designated agencies or an ombudsman could better handle the service function of representation which does have legitimacy within reason (irrelevant personal services are not reasonable) since the legislative function has become so complex that the American representative cannot really handle both adequately.

III. PERSPECTIVES FOR THE FUTURE OF REPRESENTATIVE GOVERNMENT

Computer technology and representation

Electronic technology offers innumerable implications for representation in the future. A basic question that should be asked when considering the future of representation as affected by the electronic age is, "Will technology be capable of aiding the representative and, in the end, be capable of replacing our system of human politicians as it now exists?"

Perhaps, it would be valuable to understand our present stage of development and where it will lead us. We have done very little in computerizing our government. This is understandable considering three major drawbacks. The first is that government operates in a highly cost-conscious environment. Where computers have been incorporated into operations, the emphasis has been on making these applications demonstrate their self-supporting capability. Second, state and local government cannot compete with private industry for well qualified technical people. Third, there has not been much research due to budgetary restrictions. Because of these limitations, the computer is only used in two basic capacities. The first is the off-line, repetitive type of scheduled job, such as payroll systems, and the second type is the application of engineering calculations. The computer has yet to begin to apply itself to larger and more abstract problems in government.

The equipment available, however, is accumulating daily. We will soon have available operational systems which will be able to react to English language symbols rather than coded language. This will allow a substantive specialist, such as an urban planner or an economist, rather than a computer operator, to program and to receive information. Data communication could also be an aid to representation. Data communication involves the linking of remote stations to central computer operations by phone lines and teletype. This could organize and centralize information for use by representatives.

There is also the concept of "time-sharing," the simultaneous use of a central computer by multiple users. Each user would operate a different computer program, remotely communicating data and instructions to the machine and receiving on-line responses. This provides rapid on-line programming, that is, information being processed while one is engaged in the operation that requires the information. The implications for this as an aid to the representative process are unlimited.

There is no doubt that the job of the computer is to provide information. It can provide an improved basis for decision making, but it cannot make the decisions. The question at hand is whether or not our technology will be capable of going beyond merely processing information to the role of actually making the final decisions. A representative has two roles in our system: (1) he can be thought of as a medium which relates the problems of the nation to a problem or issue solver, and (2) he can be thought of as an element of the problem solver. It seems that with our present technical advancement, we can eliminate the first role of a representative. The information devices can relate problems and issues if they are requested. The masses would merely electronically relate

their problems, via user-oriented program devices and time-sharing devices, to the problem solver directly.

The second function has yet to be solved by technical machines, but the nature of the discipline of science tends to imply that the second role is technically possible. Science is particularly adept at determining goals through the use of operational definitions. For example, a politician's goals might be freedom and equality. The scientist would operationalize these goals to open housing and equal income. Science is also precise at defining alternatives to a problem. Therefore, for example, the policy makers could ask a scientist what the various policies are that would have some relevance to the solution of the Vietnam problem.

If the representative is one who relates the problems of the nation to another body, he is one who is sensitive to problems and issues, and changes in demand, and attitude. He is the medium between the input and output functions. The more sensitive he is, the better representative he is. If he is also an element in deciding the solution to the problem, he can be considered an information processor. He receives information in the capacity of his first role, and he weighs it and decides on a solution; i.e., he processes it, in the capacity of his second role. A computer also is an information processor and scientists believe it can be ultimately made more sensitive to public needs and therefore a better representative of those needs. This could bring about a radical change in representation as we know it.

If this computerized society seems impossible, an analogy may help to make it seem more realistic. Consider the computer as a biological organism as Professor Lederberg suggested. The computer's ancestor was the hand calculator. This ancestor, compared to the modern-day computer, was an inept and highly constrained mind. The modern computer's ancestor, however, lived only twenty years ago. If the evolutionary process goes on, every limitation of today's computer will be soon non-existent. If we turn to other forms of electronic media, further implications for representation will be seen.

COMMUNICATIONS MEDIA AND REPRESENTATION

The media may prove to be a booster of democracy or its executioner. Depending upon their use, the media have the potential of making representation more indicative of the people's will, while similarly they could make the people more indicative of their "representative's" will.

The media have helped to create what Marshall McLuhan calls the Global Village. The instantaneous communication of the electronic media allows people from diverse regions to share values and ideas. The town meeting concept on regional and national levels, which was believed to have been lost with the growth of mass society, is now retrievable. The constituency may interact with it, representative through the media. There now exist devices which allow instantaneous feedback of information from the users of media. Thus, meetings between a representative and his constituency are possible. These meetings would allow the representative to solicit responses to particular legislative problems. The people in turn would be participating (although somewhat passively) in the legislative process through its display over the media and through their electronic interaction with their representatives.

This would indicate a change in the constituency. They would require more time and incentive to participate in the political process. However, with the growth of the cybernetic society, leisure time will be available in large quantities and may be converted (with the proper incentives) to media participation in legislative processes.

This would also alter the role of the representative. The trustee function would become obsolete. As the district merges into the Global Village, the problems of all sectors of the economy become apparent to the entire nation. Remote problems, like rats in urban ghettos, may be effectively displayed to the rural population through the media. This sharing of problems (which admittedly will take some time to develop) would allow all people to at least comprehend the problems of the nation and place themselves in the role as "trustees" for themselves and the nation. The representative could no longer act (except in very minor issues) as a trustee removed from his district, for first, his district would be aware of their relation with the nation, and second, every action of the representative would be made visible through the media. Thus, a modification of the delegate function would seem to be a prominent role for representatives in the future. Optimally, as the media further breaks down barriers and the Global Village develops, a representative would be representing larger constituencies than is now possible. These predictions, however, are meant for the future. The use of media has not yet been perfected sufficiently. Further, the population is still imbued with the print medium which due to its linear force cannot be transplanted into the political-legislative function. A look at the role of television will further explain this.

Professor McLuhan has argued that television has opened a new dimension in media. It allows total participation in the media. One must employ his total faculties in television because it forms a non-linear mosaic. We have to fill in the blanks in the screen and add detail where it is lacking. It allows total participation in ways impossible with print, radio, or movies. One becomes aware of the total information at once rather than in specialized fragments. A book is linear because it breaks down all information into specialized fragments. Politics is a non-linear, non-rational process. It is virtually impossible to describe how politics operated in the linear text of a book. The nuances are lost in separating inseparable functions. The television, however, disavows the separation of functions. Politics could be presented over the television in a way that one's constituency could be involved in the process. This involvement would help people to understand the political process and could encourage greater participation.

We may briefly look to the other, more dangerous side of the media. According to some, the media may inspire a mass culture with mass tastes. Harry Skornia has stated that "The American seems to be becoming more unable to demonstrate the individuality which democracy requires. Continuing hypnotism, emulsification, and homogenization of men by the media is the opposite of what our nation needs." Others, like Professor Galbraith, have pointed to the ways the media instill economic values. The media have allowed advertising to create markets for goods rather than the markets creating the supply of goods. One may imagine the danger of a media misused which would allow a politician to create his constituency rather than vice versa.

Professor Skornia has also pointed to the dangers of totalitarianism which arise through the media. The callousness encouraged by excessive violence is often one foundation of the violence seen in totalitarian structures. Television also encourages passivity of all sorts since the activity is done to a person rather than through him. Skornia and McLuhan also point to the possibilities of merchandising politicians and politics through the hypnotizing effects of media. Public opinion may in the future be created through the media in that the media, instills values upon the population at

an early age. This may be unfavorable. However, the content of the information programmed through the media may be controlled. We may still prevent representatives from becoming dominant by programming the media which shape our lives. If we don't, our representatives may represent us only in a euphemistic sense.

Increasingly important is the question of who will program the media which will program us. This may become a new representative function as ideas compete over what nature media should take. To fail to resolve the question invites totalitarianism.

We must remember, however, that this is all speculation. Current empirical research indicates that media is not totally pervasive. Raymond and Alice Bauer have argued that the media is not all-pervasive and that the mass society which is needed for a mass media does not yet exist. The danger is that with the growth of population and the continuation of the cybernetic society, it is possible that the state will take over functions of entertainment and education and provide them on a mass standardized basis. Therein lies the danger.

Thus, the future of representation may take two turns. The media, through the communication of values and ideas may allow the return of town meetings and communication among constituencies to create a larger constituency. This would make the delegate function of politics more active because everyone would participate in the political function.

On the other hand, the hypnotizing effects of the media in creating shared values may be misused in a non-democratic way to allow representatives to control their constituency. This problem may only be prevented by research and preventative measures before future generations are effected by McLuhan's "media fallout."

A concept of future representation

Assuming that man is to control his electronic environment, technological advances and the accepted use of the mass media, as well as the increased tempo of living and learning, will demand of a 21st century congressman a high degree of specialization unknown today and present a challenge to our present day concept of "representation."

The norms for those entering the political arena of the future will demand concentrated knowledge unique to legislative functions. One available signpost is the rapid expansion of political science departments in colleges and universities since World War II.

Assuming that the next 30 years will see a linking of government information systems among executive departments and Congressional programs, these systems will provide many benefits to legislators. Senator George Murphy (R. Calif.) (This Week Magazine, July 6, 1969) indicated the existence of over 1,000 Congressional programs, many of them outmoded, overlapping, insufficient or contradictory, and some not doing their job, or impossible to monitor. Proper usage of computer time could sort these out, but only men versed in economics, and social and educational concepts could select from the alternatives available and reach a tenable decision. Such an information system would reduce the necessity of Congress to rely upon bureaucratic expertise, and would bring the complexity of government into the range of a single human's comprehension, returning to Congress the option of doing more than accepting, modifying, or rejecting an executive demand for legislation.

If such specialization required an additional period of training, candidates for congressional offices might be required to complete study in a "School of Congressional Science." Actually, change will probably be

gradual and informal. It is unlikely that the constitutional requirements of a congressman will be changed. Just as today's congressman is better educated than his predecessor of 25 years ago, and arrives in Washington knowing much about the workings of Congress, tomorrow's candidates will need to gather even more expertise.

The trend could well be more towards "trustee" representative. As people succumb to the extensive demands of their own specialty, they will rely on the knowledge of experts in other fields, and among them, their congressmen. As a civilization advances, its members become less versatile and more dependent upon others. Of course, if the expansion of information supply by the mass media should effect a generalization of electoral attitudes, this could produce a trend toward a "delegate" representative as indicated in the statements on the use of such media. It is likely that exchanges of mutual confidence between representatives and citizens will increase with regard to congressional activities as methods of gathering and dispensing meaningful information improve.

Also bearing upon future representation are the terms of limits in campaign techniques. If a good T.V. manner or a superior public relations firm can "elect" a candidate, perhaps fundamental limitations on the use of mass media will need to be set.

Although conditions, attitudes and technology may change, we are faced with the fact that human nature itself tends to remain the same. It would seem fair to guess that a future representative would use the means at his disposal to better understand legislation before him, and increase the supply of information and analysis via the mass media to his constituents.

Use of computer science will contribute to better co-ordination of programs to relieve unemployment as technology advances and will plot curves needed in funding programs such as education. The future representative will have a clearer perspective of such problems as pollution and population explosion and will be better able to establish priorities for solving problems.

In tribute to the many congressmen wanting to do a good job now and hampered by outdated methods, it can only be concluded that the future will be one of even better representation.

IV. CONCLUSION

Computer science has broadened the possible scope of representation. The role of a representative is changing from the simple "delegate of the people" function of the past to a complex pattern of action, encompassing modern technology and increased public awareness.

The Conference has only touched the surface of the concept and the current dimensions of representative government. Nevertheless, it is hoped that its efforts will invite re-evaluation of the complex phases of representation.

FOOTNOTES

¹ Robert E. Cushman and Robert F. Cushman, *Cases in Constitutional Law*, (Third Edition, New York: Appleton-Century-Crofts), p. 1179.

² Cushman and Cushman, *Cases in Constitutional Law*, p. 42.

³ Cushman and Cushman, *Cases in Constitutional Law*, p. 44.

⁴ Cushman and Cushman, *Cases in Constitutional Law*, p. 46.

⁵ Cushman and Cushman, *Cases in Constitutional Law*, p. 54.

⁶ Cushman and Cushman, *Cases in Constitutional Law*, p. 1059.

⁷ Cushman and Cushman, *Cases in Constitutional Law*, p. 1060.

⁸ William J. Keefe and Morris S. Ogul, *The American Legislative Process Congress and the States*, (Second edition, Englewood Cliffs, New Jersey Prentice-Hall, Inc.), pp. 91-92.

⁹ Cushman and Cushman, *Cases in Constitutional Law*, p. 1060.

¹⁰ Hanz Eulau, et al., "The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke," *American Political Science Review*, September 1959, p. 743.

¹¹ V. O. Key, "Roll Call Votes and Constituency Opinion," in *Public Opinion and Public Policy*, ed. Norman Luttbeg (Dorsey Press, 1968), p. 81.

¹² Donald Matthews, *U.S. Senators and their World* (Chapel Hill: University of North Carolina Press, 1960), p. 225.

¹³ George Galloway, *The Legislative Process in Congress* (New York: Thomas Crowell, 1953), p. 203.

¹⁴ Joseph Witherspoon, "The Bureaucracy as Representatives," in *Representation*, ed. Pennock and Chapman (New York: Atherton Press, 1968), p. 245.

¹⁵ Galloway, *op. cit.*, p. 205.

DESPITE CRITICISM, POST OFFICE RETAINS PUBLIC CONFIDENCE

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. WRIGHT. Mr. Speaker, Kipling knew the value of keeping one's perspective. In the poem "If," he paid tribute to the quality of being able to "keep your head when all about you are losing theirs and blaming it on you." Every public official, on occasion, must do just this.

In a recent editorial discussing the Post Office Department, the Fort Worth Star-Telegram provided, I believe, a good example of the type of restraint that Kipling had in mind.

In the September 15 editorial, the Star-Telegram noted that it is popular these days to criticize the Post Office Department. It is fashionable to say that this oldest and most important of our Government service organizations is bumbling, inept, wasteful, and any other derogatory adjective that comes to mind.

While admitting there is always room for improvement, the Star-Telegram points out that the public nevertheless has abiding confidence in the U.S. mails, and that newly revealed statistics prove that this confidence is well justified.

In short, the Star-Telegram puts the current controversy into perspective. Let us improve the Post Office Department, surely. But let us not jump in blindly and tear up a system which, on balance, is working pretty well. The editorial follows:

[From the Fort Worth Star-Telegram, Sept. 15, 1969]

POSTAL CRITICISM NOT ALL JUSTIFIED

It has become fashionable to take a healthy kick at the Post Office Department any time the opportunity presents itself, as one might boot an old volleyball lying in the back yard, just because it's there.

One hears dark reports of massive mail jams, delays, inefficiencies. The whole system is going to come to a creaking halt, we are told. Something better must be supplied.

Maybe so. We remain open to persuasion either way, but we feel compelled to observe that all the postal troubles we hear so much about seem not to have had the slightest effect on the general feeling that if one drops a letter in the bin today it will be in Abilene or Houston tomorrow or New York or Los Angeles the day after.

We believe that despite all the "inefficiency" talk there still persists a deep reservoir of public confidence in the U.S. mails, and that this confidence is, for the most part, completely justified. Statistical support for this confidence is now at hand.

An evaluation prepared by Post Office Department statisticians, made public this month, shows that it takes an average of a day and a half to deliver a first class letter and about two days to deliver an airmail letter. These are inclusive, nationwide averages. That's why the two days for airmail letters, which generally are headed for distant destinations. Sixty-four percent of first class mail and 26 percent of airmail reaches its destination in one day. Only one out of 10 letters sent first class takes three days to be delivered, and one out of five air mail letters.

So what's so terrible about this kind of performance? It looks pretty good to us. And it's just possible that it is a performance that does not lend itself to spectacular improvement unless somebody is ready and willing to spend a spectacular amount of money on it, namely, the taxpayer. When you have a system that can get a letter from here to there within two days, nearly anywhere in a country 3,000 miles by 1,500, one suspects the law of diminishing returns is about to take over.

Speedy mail service is certainly desirable, and we're not suggesting that anyone get complacent about it. Improvement is both possible and desirable. But how fast can you get? And how much are you willing to pay for it? These are questions that ought to be asked in an era when instant communication between distant points has changed and continues to change the whole ball game.

Meanwhile, we might bear in mind the fact that Americans drop millions of letters through the slot every day in perfect assurance that barring extraordinary circumstances or an act of God they will reach their destinations safely and routinely. And not altogether slowly, at that.

HORTON BILL SEEKS POSTAL FAIRNESS FOR AMATEUR PHOTOGRAPHERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. HORTON. Mr. Speaker, I have today introduced legislation to straighten out a seemingly minor inequity in our postal rate structure.

The inequity I refer to is minor only in the sense that it does not affect millions of citizens. Those who are affected are nonetheless unjustly dealt with by the present law.

I am referring to that section of the postal statutes which describes materials allowed to be mailed under the "educational or book" postal rate. My bill would permit amateur photographers who send photographic prints or slides to and

from nonprofit photographic exhibits, or to and from other amateur photographers for educational purposes, to send these materials under the "educational materials" rate.

This change would be consistent with the fact that many "educational materials" sold through the mails for profit now qualify for this privilege. The present provisions, as they apply to photographs mailed for educational purposes, are so confusing that they are unequally applied in post offices across the Nation. Each postmaster seems to have a different interpretation as to which rate applies to amateur photos.

This morning, the very able executive secretary of the Photographic Society of America, Mr. Frederic B. Shaw, testified on this problem before the Post Office and Civil Service Committee's Subcommittee on Rates, chaired by our able colleague, the gentleman from Montana (Mr. OLSEN).

I would like, at this point, to include a brief excerpt from Mr. Shaw's testimony which illustrates quite effectively the nature and extent of this inequity:

Prints move to these shows in standard sized cases of almost identical weights. Postage for these prints however may vary, in total postage charged, by from 9¢ to 95¢ even though they are posted in like postal zone areas. This variance is due simply to separate interpretations of the law by different postal officials.

For instance, print cases may be shipped from Houston, Shreveport, or St. Louis to Oklahoma City and be charged for at three separate and distinct rates though all fall within the same postal zone and weight class. Following the exhibition, these same cases of prints may have to be returned at still a fourth rate as the result of still another interpretation.

The experience, in recent years, of the salon committee in a major metropolis in Kansas has been that many print cases shipped to their exhibit may almost certainly be held up by local postal officials until a ransom in postage due is paid out of entry fees. The accepting post office, which has interpreted the regulations another way, may then be recipient of a sizzling letter from the receiving post office about "law violation."

A sad commentary is the fact that a case of prints as described above may be sent to Asia, Africa or Europe for a rate less costly than to a fourth postal zone in the United States, to say nothing of the fifth through eighth zones.

A monthly book selection, an album of records, or a TV commercial on movie film, which can weigh more than the above mentioned prints with ease, is likely to move at a lower postal rate because post office officials have ruled that educational rates can apply only to materials moving to or from the office of a recognized agency. Apparently the office of an "educational division" of a watch company, selling phonograph records, or an advertising agency shipping TV commercials to a customer or a paying client, do qualify in this regard.

While this is not a problem of major proportions from the standpoint of national policy, I feel that as long as Congress is setting postal rate policies, those policies should be free from unfairness and confusion. The support of each colleague in clearing up this point of postal rate law would quickly alleviate the problems, Mr. Shaw points out.

CONGRESSMAN REES ANNOUNCES RESULTS OF 1969 CONGRESSIONAL QUESTIONNAIRE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. REES. Mr. Speaker, this June I sent to my constituents in California's 26th Congressional District my annual congressional questionnaire. The response was immediate and enthusiastic, and I would like to thank the more than 15,000 citizens who were sufficiently concerned to take the time to complete and return this poll.

My congressional district is in the western section of Los Angeles County and includes the cities of Beverly Hills and Culver City; the Los Angeles City communities of Rancho Park, Venice, Mar Vista, Westdale, West Los Angeles, Crenshaw, Cheviot Hills, Beverlywood, West Adams, and Fairfax Avenues; as well as the Los Angeles County areas of Marina del Rey, West Hollywood, and the Sunset Strip. Incomes range from lower middle to upper; a majority of my constituents are homeowners, and their educational level is higher than average.

The questions were written to reflect issues of particular concern to my district, as well as the current major national and international issues. In the multiple-choice questions many respondents chose several alternatives. Because of this some percentages add up to more than 100 percent.

In the many thousands of questionnaires which were returned this summer, the most apparent difference from past questionnaires was the constituent comment accompanying almost all the questions. The overriding issue throughout the comments was concern with the Vietnam war and this concern was reflected in replies from all areas and sectors of the district.

Besides Vietnam, many other issues of major importance were brought up by the voters. Many constituents are concerned with taxation—the letters received reflect a widespread taxpayers' revolt. Numerous comments were received about extension of the surtax, equalization of the tax load for all—there were many complaints about unfair taxation of the single person—and criticism about legislators' salaries and legislative junkets. Quite a number of letters favored disclosure of assets of public officials.

Pollution has finally become a question of great voter importance—pollution of the air, of the water, noise pollution, pesticides, DDT, and chemical warfare. Many, many persons fear that man has so changed his ecology that he may have marked himself for extinction. Hand in hand with this feeling is support of consumer legislation—particularly legislation regarding preservatives and additives in foods. There is also great concern about hunger and the feeding of the poor in America.

The Middle East was the subject of much voter comment; the overwhelming

majority of remarks were very much in favor of full moral and military support of Israel by the United States.

Comment in the district on education and campus disorders was surprisingly light and mild in contrast to national surveys. There is much constituent understanding that the ferment on campuses reflects the failure of our Nation to solve our worst problems: Vietnam, the draft, the terrible burden of taxation. Of course, there were some irate letters and also some sharp awareness of Ronald Reagan's politics of antagonism toward education and those who are receiving their education.

In addition, there were lengthy comments pro- and anti-ABM and MIRV, the beginning of public awareness about the vast military complex, unlimited military spending, and chemical and biological warfare.

The questionnaire was sent out before Apollo 11, but there was some comment about the space program. There was also reflected a feeling of despair by the voters about America—about the system and the establishment, a fear of repression, a belief that America no longer stands for the same things it used to, a distrust of people and institutions.

Knowing that my colleagues in Congress will be interested in the response of my constituents to the vital issues of the day, I include here the tabulated results of this poll:

REES 1969 CONGRESSIONAL QUESTIONNAIRE SURVEY COMPILATION

FOREIGN POLICY

1. Vietnam—What do you think the U.S. role should be in Vietnam?
 - a. Continue our present policy of engaging in a limited war, while at the same time seeking peace by negotiations with the South and the North Vietnamese and the NLF (Viet Cong) at the Paris talks..... 9.7%
 - b. Expand the war on all fronts in an attempt to achieve a complete military victory 16.3%
 - c. Establish a time schedule for U.S. withdrawal, turning over the responsibility for the war to the South Vietnamese Government with or without agreement in Paris..... 50.4%
 - d. Support a mutual withdrawal of U.S. and North Vietnamese troops from the South and the establishment of a coalition government in South Vietnam composed of the South Vietnamese, the Viet Cong, and other dissident and neutralist forces 27.3%
2. The Middle East—In view of the mounting tensions in the Middle East between the Arab nations and Israel, what do you think our U.S. policy should be?
 - a. The U.S. should support the Israeli policy of continuing to occupy the conquered lands until the completion of a direct peace treaty between Israel and the Arab nations..... 52.0%
 - b. The Big Four, i.e., the U.S., Great Britain, France and the Soviet Union, should impose a peace on the Middle East..... 13.4%
 - c. The U.S. should enter into a non-aggression pact with Israel guaranteeing her legitimate borders in the event of an invasion..... 12.9%
 - d. The U.S. should stay out of the entire controversy 27.2%

NATIONAL DEFENSE

3. ABM and MIRV Systems.—Congress is currently debating whether or not to develop two new nuclear arms programs, the ABM (Anti-Ballistic Missile) and the MIRV (Multiple Independently-Targeted Reentry Vehicle).

The ABM is designed to protect our ICBM (Intercontinental Ballistic Missile) sites, and the MIRV is an ABM with multiple nuclear warheads designed to hit several separate enemy targets.

Supporters contend these systems are needed for our security. Opponents question not only the multi-billion dollar price tag, but doubt the systems' protective ability and feel that they represent a dangerous escalation of the arms race. What policy do you favor?

- a. Support the present plan calling for construction of the ABM and MIRV systems..... 36.4%
- b. Delay nuclear arms expansion until we have had an opportunity to discuss with the Soviets the possibility of a strong arms-control agreement 32.0%
- c. Do not develop either of these systems because their creation would trigger a dangerous, expensive, and unnecessary escalation of the arms race..... 30.2%

PROPOSALS BEFORE THE CONGRESS

4. The Draft—There will be an attempt to change the present Selective Service Act. Would you favor:

- a. The present system which permits student deferments?..... 19.4%
- b. A random-chance lottery system with only very limited deferments 32.8%
- c. An all-volunteer professional army (the estimated payroll cost is expected to be an increase from \$6 to \$17 billion a year)?..... 23.5%
- d. The choice of alternative peaceful civilian service such as the Peace Corps, Vista (the domestic Peace Corps), or the Teacher Corps?..... 26.2%

5. The Electoral College—Should the election of a president by means of the Electoral College be replaced by a national popular vote for president?

- Yes 84.0%
- No 10.5%

6. Capital Punishment—Do you feel that capital punishment should be abolished?

- Yes 42.4%
- No 52.4%

7. The 18-year-old Vote—Do you favor reducing the voting age from 21 to 18 years of age?

- Yes 46.6%
- No 49.4%

8. Social Security—Do you support the automatic cost-of-living increases in Social Security and the elimination of ceilings on outside earnings of recipients?

- Yes 80.1%
- No 13.1%

9. Campus Disorders—What is your view of the disturbances that have been taking place on our campuses?

- a. They are local affairs and should be dealt with by individual college administrations working, if they wish, with local law enforcement agencies 43.8%
- b. The federal government should withhold grants to colleges which it feels are not taking strong enough steps in dealing with dissidents... 28.3%

c. Federal loans should be withheld from students who have been arrested and convicted in conjunction with such disturbances.... 54.7%

THE FBI IN OUR OPEN SOCIETY

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. MARSH. Mr. Speaker, there was recently published by the W. W. Norton & Company, Inc., the book entitled "The FBI in Our Open Society" by Harry and Bonaro Overstreet, which I think is worthy of mention to members.

In their book, "The FBI in Our Open Society," Harry and Bonaro Overstreet, present a careful and well-documented study of the Federal Bureau of Investigation. Having become interested in the work of this investigative and law-enforcement agency and having heard tales of its so-called interference with the processes expected in a free society, the Overstreets set about studying the facts behind the establishment and operation of this organization. And what they have found is presented here in an objective and highly informative portrayal of the Bureau and its work.

The book tells the story of the FBI—its founding and the reason behind its existence; its relation to the Secret Service, the Central Intelligence Agency, and the Justice Department; and its work on the American scene, especially with regard to the movements of communism and civil rights. Throughout there is an acute awareness of the problems involved in a free society where each individual is granted certain fundamental rights under the Constitution. The place of an enforcement agency which must protect the rights of its citizens, but must also assure the national security of the country becomes a highly delicate one of carefully drawing the line between the needs of its double jurisdiction. The Overstreets do not gloss over this difficulty. It is a very present factor in their presentation. But because they readily admit the problems to be faced, they are also able to show how unfair much of the criticism leveled against the FBI and its Director, J. Edgar Hoover, has been.

The Overstreets also point out how Hoover's personal direction of the FBI has been to avoid bringing ever-increasing areas of jurisdiction under its authority. They answer criticism of the agency by pointing out how ambiguous this criticism has been. While the FBI has been denigrated, for instance, for its failure to protect the lives of civil rights workers, it is likewise criticized for the extent of its authority. The two are incompatible. The one implies that the FBI should increase its jurisdiction into the area reserved to State and local law enforcement officials while the other asks for a decrease in the areas over which the FBI exercises its power.

Most importantly, the book shows how the FBI is limited to areas in which Federal statutes have been enacted. The agency operates in the fields of intelligence and of law enforcement where

Federal legislation has been passed—and, as such, the Overstreets show how very well the Bureau has stayed within its authority. They summarize the essence of the complexity of the situation in the concluding paragraph of the book:

The work of the FBI is far less melodramatic than it is often made to appear and far more quietly dramatic than is commonly realized. The drama stems from its relationship of freedom's enterprise.

This book is an especially valuable reference for one who wishes to trace the history of the FBI and its performance and record in the highly sensitive area relating to civil liberties. To those who are concerned about this aspect of the Bureau's operation, it should be reassuring.

To the serious reader, or student, who wants to learn more of the operation of this highly effective and valuable American agency, the book is a valuable source.

THE "POWERLESS" ICC

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ROBISON. Mr. Speaker, as one who has been deeply disturbed at the steady erosion of railway passenger service in this Nation—over which process the seemingly hapless and hopeless Interstate Commerce Commission has presided like a county coroner—I was disappointed by the ICC's recent disavowal of jurisdictional authority to require railroad management to maintain adequate passenger service so long as they are to be burdened at all therewith.

If the ICC does not, indeed, have such power, then Congress ought perforce act to fill that void at once. I hope we shall, and have cosponsored legislation to accomplish that purpose, on which early action is needed if there is to be any railway passenger service worthy of the name left to be saved.

Meantime—as we may have been reading in our newspapers—the good old ICC has been having troubles of another sort. At first, those troubles seemed somewhat serious, but now they have been put in proper perspective by both the ICC and—with tongue-in-cheek—by columnist David Braaten of the Evening Star, whose comments, as taken from last night's edition, were as follows:

"POWERLESS" AGENCY FREE OF TAIN

It is open season on the regulatory agencies these days, and just about all of them have been catching it from one side or the other. Only the Interstate Commerce Commission, however, has shown the kind of imaginative defense the taxpayers have a right to expect from high-paid public servants.

The commission, you may recall, was being criticized for the habit some of its officials seemed to have fallen into of accepting free rides and/or luxurious extra attentions from the railroads they were assumed to be regulating.

The traditional retort to such criticism is for the accused public servant to draw himself up as majestically as possible, curl his

lip and say, "Do you really think I can be bought with a free trip to Frisco?"

There are two weaknesses to this gambit, of course. First, there is always someone who will say, "Yes, I really think so," and where can you go from there?

But the more subtle drawback to the top-lofty sneer is that the injured official is implying that, while a free train ride and a tour of the fleshpots could not sway him, something more glittering might just do the trick. It's like the old story of the elegant lady who admitted she would barter her virtue for a million dollars, but was aghast when the same suggestion was put in a two-dollar context.

"What do you think I am?" she huffed, and the obvious answer was: "We've already established what you are; all that remains is to set the price."

At any rate, such potentially demeaning defenses of official virtue can now be a thing of the past, thanks to the brilliant riposte dreamed up by the ICC.

All the commissioners did was rule that they do not have the authority to regulate the cleanliness, punctuality and creature comforts which are occasionally provided by the nation's railroads. From this it follows, with utter logic, that no amount of dining, dining and coddling of ICC officials by railroads with ulterior motives can possibly influence the agency's deliberations on those sticky passenger elimination requests the roads keep bringing to the ICC. Ipso, as they say, facto.

The commission's ruling may not have been intended as an invitation to the railroads to lavish freebies on the ICC people, but it will do till a broader hint comes along.

Tearful as any crocodile, the ICC deeply regretted its inability to cope with the passenger-service situation, and it pleaded with Congress to pass a law giving it the power it needs. Whether there will be any railroad passengers left to protect by the time legislation is enacted remains to be seen.

Meanwhile, it is a safe bet that other regulatory agencies will be quick to seize on the ICC technique to grab their fair share of the loot. Bureaucrats are an imitative bunch, and now that the general guidelines have been laid down, the move toward regulatory disestablishment should spread rapidly.

The Civil Aeronautics Board, for example, can be expected to announce any day now, with appropriate expressions of heartbreak, that it has absolutely no authority to regulate inaugural flights to Las Vegas, champagne flights to anywhere and three-week package tours of Europe. On the other hand, a careful study of the rulebook will reveal that the board has unquestioned authority over the New York shuttle and flights to Norfolk, Gary and Fresno. Influence attempts in these areas would be highly improper, thank you.

The Maritime Administration will check its regulations, wring its hands and confess that Caribbean luxury cruises are outside its jurisdiction, but it really plans to crack down on the Great Lakes ore-barge traffic.

The State Department will remind travel agents, hopefully, that it has no power whatever to refuse passports to travelers bound for Western Europe, Tahiti or Rio-by-the-sea-o, and that documents are not even required for visits to Montreal or Bermuda.

Not every agency will be able to belly up to the free lunch counter, of course. Who can imagine the FBI, for example, admitting that anything in the world is outside its authority?

But if enough bureaucrats start dismantling their empires by abdication, and enough officials spend enough time junketing around on non-influence excursions—who knows? Maybe the streamlined government remaining will be able to get a little work done around here.

GENOCIDE IN PRACTICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. RARICK. Mr. Speaker, the American people are reading or hearing daily about racial fights and school rows in ever-increasing frequency. They do not understand what is taking place, and it is not being explained to them. Rather, the reasoning is being evaded.

It is odd indeed that with all of our advanced understanding of social and behavioral sciences, responsible leaders in our country today have completely failed to grasp the truth—that the racial disturbances in our schools are but a spontaneous reaction to genocidal tactics being applied by our Government—a practice so abhorred by the world community that it has been made an international crime in 67 nations of the world.

Individuals, left to their own devices, do not deliberately insinuate themselves into unpleasant circumstances. It is only when groups are forced into a relationship which is abnormal and not of their own preference that group conflict and physical and mental harm to the individual results. It is for this reason that the forcible transfer of the children of one racial or ethnic group into another is outlawed as a form of group murder—genocide.

In the forced and artificial integration of schoolchildren it is a matter of little importance as to which group is intended to be destroyed. The purpose and result is to destroy both groups and create in their stead an artificial group—the lowest common denominator of both—which necessarily destroys the original groups.

The violent resistance of these children to the loss of their racial identity should surprise no one. Self-preservation is instinctive through nature and applies to groups as well as individuals.

What is gratifying is that some children are so trustful of their parents and of those in authority that they have not thus far felt the threat to their group survival and reacted accordingly. These secure children could no more imagine their government attempting a deliberate policy of genocide against their group than they could imagine people in authority deliberately committing homicide against them individually.

We must not betray the trust of our children by failing to face reality.

Mr. Speaker, I include several news articles which follow:

[From the Washington Post, Sept. 19, 1969]

RACIAL FIGHTS RENEWED AT BLADENSBURG

Sporadic fighting between Negro and white students yesterday marked the second consecutive day of unrest at Bladensburg High School.

Four Negroes were arrested—three from the same family—and 12 students, some of them white, were suspended for roaming the halls of the Washington area's largest high school after they had been ordered to their classrooms.

School officials said that four students

were treated at the school infirmary for injuries.

Prince Georges County School Supt. William S. Schmidt, reached by telephone at Ocean City where he was attending a convention, noted that this week's incidents and similar ones at the school last year occurred during the first month of classes.

He said that many of the black students last year and this year were attending a desegregated school for the first time, and noted that Bladensburg was calm later in the school year.

MANY NEWCOMERS

Officials estimate that between 300 and 500 of the school's 2,400 students are black, with many of them newcomers who attended Washington schools last year.

Last year Bladensburg had 250 Negro students, the year before 150.

Bladensburg is one of several secondary schools in the area where there have been student protests and altercations this September.

Repeated warnings have been given, the most recent from U.S. Commissioner of Education James E. Allen Jr. two weeks ago, that there might be a significant increase in high school unrest this school year.

Allen's warning came in an appeal to the nation's school officials to deal, not just with the symptoms, but with "the underlying causes of student unrest."

Yesterday's problems began as school opened. About 250 white students conducted a sit-in in one of the cafeterias, demanding to know the results of a hastily-called meeting between school officials and Negro student leaders the day before.

Responding in kind to a sit-in by 200 Negroes on Wednesday, some of the white students said they were trying to show the school administration that white students could "get away" with the same things that blacks could.

Meanwhile, about 200 black students gathered in the school's other cafeteria to get their own report on the meeting.

The blacks in the downstairs cafeteria heard a student leader say that demands for a black studies course and other requests had been almost completely met. Meanwhile, the white students upstairs were requested by Principal David L. Dean to go to class. Only some did.

About 9:15 a.m., the black group sent emissaries to the white group to explain what was going on, as several police watched. The Negro students were hooted down as they entered the room, and returned downstairs.

At that time, the white students were told that some blacks had hit a white on a stairwell. A number of blacks began coming upstairs. Police kept the groups separated.

Meanwhile, with absentees numbering only 50 more than usual, most students were attending classes. As a bell signaled the shift from classroom to classroom, police and Negro leaders urged the black students to go back downstairs.

MORE POLICE CALLED

More police were called to the scene, some carrying clubs. In all, 60 officers were present, including county, Bladensburg and park police.

It took 20 minutes to persuade the blacks to go downstairs, and it was during this time that most of the fighting erupted.

Calm was restored by about 10 a.m., and the school principal and several parents addressed the black students. Vice Principal William Blount, a Negro appointed to that post this year, told the youngsters:

"I tell you, you can really blow it all unless you go back to class."

The Negroes, their number down to 100, paid Blount no heed.

The number of white protesters, almost all of them boys, had also dwindled to about 100. Those left were still confined to the upstairs cafeteria by the police, under the orders of the principal.

About 11 a.m. three black and three white student leaders met in the principal's office. The three whites then spoke to the Negro group downstairs, and the three Negroes addressed the white students.

Michelle Wilson, a black student leader—who transferred this year to Bladensburg from the District of Columbia's Western High School, said:

"The problem is the Prince Georges County cops want to bust some good black heads."

"Wait a minute," one white student shouted. "They've busted plenty of white heads, too!"

About noon, closely supervised by police, students who had been attending classes filled both cafeterias. With much of the tension relieved, lunch was served. The incident was over.

Dean announced over the school loudspeaker that all students who were roaming around the halls would be suspended, and that any unauthorized outsiders would be arrested.

FAMILY INVOLVED

Arrests were made about 2 p.m. One Negro woman, Cora Green, was escorting her two children away from the school when Dean told her either to take the children home or get them to class, police said.

Later the Greens were standing on a corner near the school and were asked by Bladensburg police to move. Mrs. Green, of 1921 Bellehaven Dr., Landover, and her son, Kenneth, 18, did, police said.

But police said her daughter, 15, began to run and was grabbed by a policeman. Police said Kenneth then jumped on the policeman's back and as a second officer moved to help him Mrs. Green interfered.

Mrs. Green was charged with interfering with police; the daughter with disorderly conduct and the son with disorderly conduct and assault on an officer. The mother and daughter were put under \$100 bond each, the son under a \$400 bond.

The other arrest, according to Dean, came after he suspended 12 students for roaming the halls. One, a Negro, refused to leave the school and was arrested for trespassing.

Dean said that a teachers' meeting was held after school to plan generally what the faculty response should be in the event of future disturbances and what can be done to alleviate unrest.

He said that today, "We are going to expect all students to be in their classrooms and follow their normal schedules."

Any meetings, Dean said, will have to be formally scheduled, and he added that none are planned so far as he knows.

"We're to the point of feeling that we're going to have to get back to the main purpose for which the school is there," he said.

School officials at nearby Parkdale Senior High reported that 50 black students boycotted classes yesterday after they were allegedly threatened by white classmates. About 75 white students also walked out of classes, officials said, claiming that they didn't have to attend school if the black students were leaving. Later, parents were called to the school and met with the black students.

[From the Washington Daily News, Sept. 19, 1969]

FOUR ARRESTED IN BLADENSBURG SCHOOL ROW

Twelve students were expelled and four persons arrested after sporadic racial fighting at Bladensburg High School yesterday.

A series of fist fights between white and black students in the school's halls caused minor injuries to at least four students. About 60 Prince Georges and Bladensburg policemen quickly restored order.

School officials refused to identify the expelled students or discuss what they had done. They were reported to include both whites and blacks who refused orders to leave the halls and return to class.

One of those suspended, a Negro, refused to leave school and was charged with trespassing.

Bladensburg police also arrested Mrs. Cora Green, 37, of Landover, on charges of interfering with an officer; her son Kenneth, 18, charged with disorderly conduct and assault; her 15-year-old daughter, charged with disorderly conduct, after an incident outside the school; and Kenneth Darly, 18, also of Landover, on disorderly conduct and assault charges, in connection with an incident in the school parking lot. They also arrested a juvenile at the same time.

The second consecutive day of trouble at the school began about 10 a.m. following two hours of meetings involving separate white and black dissident groups.

The black students, meeting in a first floor cafeteria, were discussing the outcome of talks Wednesday between 10 black student representatives and school board officials. Those talks, which followed the sit-in by black students Wednesday, ended amicably, according to school officials. Black students had demanded a black studies program and were told by school officials that such a course may be instituted in February.

At the same time as the black students were meeting, about 250 white students sat in in the school's other cafeteria directly above the room where black students were meeting. That sit-in, according to white students involved, was held as a counter-demonstration to Wednesday's Negro protest.

Principal David L. Dean spoke to the student body over the school public address system at about 8:30 a.m. urging students to "go on about your business as usual." In the second floor cafeteria, this message was met with boos.

Three Negro students were cheered when they left the cafeteria during Mr. Dean's announcement. Several times during the morning blacks tried to enter the white-held cafeteria but were met with chants of "get out" and racial epithets.

The same sort of situation was forming downstairs at the black meeting.

The only effort to quiet students was made by a teacher who approached a boy standing on a table. "Get off that table and sit down," he said. The youth complied.

About 20 minutes later, Mr. Dean, using a bullhorn, spoke for nearly half an hour to the white students but was unable to either quiet them or convince them to return to class.

Several times a number of black students tried to enter the room. Each time they were greeted with jeers. Mr. Dean was told by an aide the black students wanted to speak to the whites to air differences. The principal asked the white group if it would listen. Somebody said, "We don't want them in here."

After Mr. Dean left the white group, students began banging on tables. The blacks in the cafeteria below heard the noise and charged upstairs. Fistfights broke out. Police officers held doors to cafeteria as Negroes tried to enter, while at the same time white youngsters tried to get out.

[From the Washington Post, Sept. 19, 1969]

"COLOR-BLIND" PRINCIPAL FACES RACE PROBLEM

(By Anne Hebard)

"I am absolutely color blind," said the principal of Arlington's Washington-Lee High School yesterday. Many black students there say that's what led to Wednesday's walkout of 16 black students that threatens to involve all the county's desegregated schools.

The 450 black high school students in the

county, like the white pupils who comprise 92 per cent of the high school population, have their classes scheduled for them by the electronic impulses of a computer.

To the black students at Washington-Lee, where there now are 80 blacks and 1,820 whites, the school system is just about as understanding of their human needs as is the computer.

A sit-in of 35 students the first week there was meant to inform O. U. Johansen, the principal, that "it just feels eerie to be the only black in a classroom of whites," as one student put it yesterday. They wanted assignments reshuffled so every black student would have at least one "brother" or "sister" in each class.

"We decided not to meet that request," said Johansen yesterday.

"Our schedules are done by a computer and the computer is color-blind. I do not want to get into scheduling on the basis of color or simple congeniality . . . it would just get to be a full-time job."

Wednesday's walkout was intended by the black students to again communicate their feeling of isolation from the white mainstream of high school activities, from cheer-leading to extra-curricular clubs.

The result was that for "disrupting" an assembly, 14 students were suspended and two more were asked to leave the school permanently.

"I wish they'd tell me what is the matter before they strike like that," Johansen said.

When asked if he had met with the black students once this school year, he said he had not.

At Yorktown High, where 50 black students go to school with 1,770 whites, Principal W. Ralph Kier said yesterday:

"The first week of school, 21 of our black students came in to talk to me because they told me they felt a little uncomfortable when, in class after class, they were the sole black in the room.

"We looked at their schedules and we offered them changes.

"We made these changes not on the basis that they were black but simply because we felt that if the educational climate was not comfortable for them, we would only be making learning less possible rather than more so. And a school does exist to foster learning."

Kier said that by the time he and his staff had examined the computer's schedules and re-worked them, that only three or four of the students actually changed their original programs.

"It took us about week to undo the computer. But by then, the students who felt uncomfortable at first had gotten used to their classmates, and just decided to stay.

"But I think they were glad we did try and listen to them that first uncomfortable week," Kier said yesterday.

The black students at South Arlington's Wakefield High are in a different situation than those in North Arlington's two high schools. At Wakefield, they comprise approximately 15 per cent of the 2,160 students, and do not find themselves in computerized solitude.

"Here at Wakefield, the black students seem less prey to the 'I'm the only black in the classroom' feeling than to a generalized sense of exclusion said Principal Thomas J. Cabelus Jr., yesterday.

"But whether you're black or white, high school is a time when your emotions are close to the surface and often somewhat confused.

"For some of the black students, Cabelus continued, not only 'the high school years,' but these years in particular impose on them greater pressures than are imposed on white students.

"Black groups outside the school—from

SNCC to the Arlington Black United Front—if they appeal to the emotions, are just naturally going to affect black students, even those who choose to steer clear of demonstrations. No black student now can go to school without feeling these pressures.

"And the demonstrations that occur are signals to us—and we should listen—that such pressures are bearing down on them."

Cabelus' approach to the generalized disaffection among the Green Valley black students at Wakefield has been and continues to be strong school contacts with the Green Valley community.

All 10 of the school's guidance counselors, three of whom are black, pay afterschool visits to Green Valley parents who are unable to get to the school either because they have no transportation there or because they work during school hours.

"We give football game passes to the Arlington Community Action Program administrators, having teachers and athletic coaches go to their meetings every week for the purpose of being as available as we can to the black community in South Arlington," Cabelus said.

"You know," he said, "to summarily condemn the students who sit in and walk out is a mistake."

[From the New Iberia-Jeanerette (La.),
Aug. 27, 1969]

CLASHES BETWEEN WHITES AND NEGROES DISRUPT NISHS—BLACK STUDENTS ARE ARRESTED DURING MARCH DOWN ADMIRAL DOYLE DRIVE

(By Paul F. Matthews)

A major disturbance between Negro and white students early this morning completely disrupted activities at the New Iberia Senior High School.

The trouble resulted in the arrest of some of the Negro students following a march down Admiral Doyle Drive. Some 200 to 300 students had a confrontation with law enforcement officials during the march at the intersection of Hopkins and Admiral Doyle Drive where tear gas was used to disperse the crowd.

From there most of the Negro students went to the West End park for another rally allowing only black people to attend.

The trouble reportedly began when some white students were disembarking from buses and were attacked by groups of Negro students. A number of white students were beaten by the Negro youths but it was reported none were seriously injured.

However, it was understood a couple of the white students were taken to a local hospital for treatment.

It was not clear what sparked the incident, but one school official remarked, "it was open season on white students". He said the Negro groups consisting of 10 or 15 each, would jump a white student by himself. There were several such incidents.

Late this morning, Superintendent of Schools Claude O. Duhon reported that classes at the New Iberia Senior High School and the New Iberia Junior High School have been suspended for the day.

Law enforcement officials and school personnel managed to break up the fights and restore a certain amount of order but for a while most students were milling around in the hallways or outside on the campus grounds.

After the disturbances were quelled, some 300 Negro students congregated in the school auditorium for a rally to voice certain grievances with high school officials. The rally which lasted about one hour appeared to have not accomplished much.

Meeting with the Negro students were principal George Crowson, assistant principal J. B. Henderson and Acey Freeman, a Negro

teacher. Newsmen were barred from the meeting by superintendent of schools Claude Duhon and were only told that the students' main gripe was they wanted to go back to the former Jonas Henderson High School.

A grievance committee of Negro students was reportedly formed to meet with school officials to let their demands be known and to attempt to work out the solutions.

Details as to what took place and what was said during the meeting in the auditorium were sketchy but the faculty members apparently attempted to calm the students, to no avail.

After about an hour, the majority of the Negro students marched out of the auditorium chanting and headed down Admiral Doyle Drive, reportedly for the former Jonas Henderson High School.

It was during this march law enforcement officials broke up the group at the intersection of Hopkins and Admiral Doyle. A few of the Negroes were taken into custody.

The scene at the high school this morning was mostly confusion for a while following the trouble. It was pointed out by some of the school officials that not all the Negro students at the school were involved. There were a number of them that went on to their classes during the time the meeting was being held in the auditorium.

One Negro faculty member said he did not know exactly what started the trouble this morning but it apparently stemmed from a meeting of Negro youths in the West End park last night.

There was a report of a minor altercation Tuesday afternoon at the school.

It was also pointed out by school officials that the unruliness at the high school this morning was being led by about 20 trouble-makers.

Many parents who got word about the disturbance went to the school and took their children home. Principal Crowson announced that any of the students who wanted to go home for the day could do so if their parents came to the school.

State, parish and city law enforcement personnel were coordinated to restore law and order.

ICC CONSIDERATION OF BLACK OPERATED CARRIER APPLICATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. CLAY. Mr. Speaker, I insert the following for the attention of my colleagues who share my concern for black-owned and operated businesses as an important step to equal economic opportunity in this Nation:

Subject: Allstates-American Van Lines, Inc.'s application pending before ICC.

Date: September 15, 1969.

Allstates-American Van Lines, Inc., has submitted its petition, in the form of a report, to the Interstate Commerce Commission, to consider seriously its application to become the first black common carrier to operate in all 50 states. The ICC is expected to render its decision on Monday, Sept. 22, 1969.

Originally, Allstates-American applied for 50-state authority last May and the ICC rejected its application on the grounds that there was no need for the firm's services. Timothy Person, president of the trucking firm, has filed for reconsideration and is backing his second petition with a report on "The Role of the Transportation Industry

in the Black Community." The report was prepared by a St. Louis public relations firm, C. E. Martin & Associates.

The report states that its purpose is twofold: to show the need for transportation services in the black community and the "unjust discrimination" against black shippers by white common carriers and to point out the racial discrimination exercised by the transportation industry against the hiring of blacks.

The following are excerpts from the report. On March 2, 1966, President Lyndon B. Johnson sent a message on transportation to Congress and these are his memorable words:

"Modern transportation can be the rapid conduit of economic growth—or a bottleneck. It can bring jobs and loved ones and recreation closer to every family—or it can bring instead sudden and purposeless death.

"It can improve every man's standard of living or multiply the cost of all he buys.

It can be a convenience, a pleasure, the passport to new horizons of the mind and spirit—or it can frustrate and impede and delay.

The choice is ours to make.

Today there are more than 18,000 transportation companies in the United States, but not one of them is a black-owned common carrier with full interstate authority to operate in all 50 states.

The lack of indigenous black transport facilities, especially on a national scale, has hampered seriously the economic growth and transport mobility of the black community. It has brought about the serious decline and decay of our cities, where transportation has become a bottleneck. It has raised the cost of living for the average black inner-city resident, whose income is much lower than his white counterpart who pays less for the same consumer goods and services. It has frustrated, impeded and delayed the social progress of a people, more than half of whom are enslaved still in the shackles of a slavery based on economic insufficiency and welfare dependency, both of which are the long-standing results of racial discrimination.

Allstates American urges and challenges the Interstate Commerce Commission to make the right choice by opening up to black people another route toward equality in American democracy.

Since the Interstate Commerce Commission bears the primary responsibility for the enforcement of federal regulations relating to the dynamic industry of transportation, its ultimate decision will not only make history but will also affect the socio-economic development of the black community by either retarding or aiding its progress against racial discrimination in the transportation industry.

ICC's acceptance of Allstates America Van Lines, Inc., as a full member of the transportation industry will mean another step for the black community to obtain its equal right of the freedom of movement, a necessary prerequisite for socio-economic mobility in American society.

It will also add credence to President Richard M. Nixon's call for the development and implementation of "Black Capitalism" as a means of upgrading the economic status of the black community and nurturing black entrepreneurial leadership and talent.

According to Small Business Administration, about one percent of three million businesses in the U.S. are black-owned. The majority of these black businesses are "Mom and Pop" corner grocery stores, restaurants, beauty and barber shops and funeral parlors. If there are only 30,000 black businesses in the U.S., it will be a long time before the black community can develop national businesses, with the long-range possibility of hiring thousands of black workers.

With full interstate authority to operate

in 50 states, Allstates American Van Lines, Inc., can and will develop into a national company which will not only serve the black community but also benefit it by providing job training and opportunities to the unemployed.

Allstates American has made its choice, based on irrevocable conclusions from facts and figures which are presented further in this report. Now, the rest is up to the Interstate Commerce Commission to draw its conclusions and to act upon them in the best interest of expressing constitutional principles.

Transportation is a way of life. It moves society either towards progress or retrogress. It is the carrier of people and goods all over the world. It is a political and social unifier, annihilating distances between people and places, barriers of languages, customs and beliefs. It has carried man everywhere, even to the moon, and soon, perhaps in the very near future, man will be moving into the lunar atmosphere to live . . .

The transportation industry is not only important in the services it renders to the nation, but even more importantly, it has emerged as a major employer. In 1964 there were 737,000 railroad employees, 270,000 local and interurban workers, 230,000 air transport workers and 920,000 motor and storage transport workers. . . .

Without transportation, communities must be truly self-sufficient. There is hardly any area of human endeavor in American society that is not affected by this astoundingly successful phenomenon which has united 13 colonies and expanded their territorial dominion to 50 states, created and developed new industries, linked new cities, increased wealth, raised the standard of living, promoted culture—and, above all, unified a pluralistic society into a unique American democracy.

Yet, in spite of all these gains in the transportation industry, making America the world's most highly mobile nation, there are still among us—millions of men, women and children, mostly black, who are still immobilized in America . . .

Private industry's laissez-faire policy on black employment, in the long run, is costly to the nation's taxpayers and simply a waste of available manpower and human resources and talent, which the nation, as a whole, cannot afford.

TRANSPORTATION INDUSTRY'S ROLE IN BLACK IMMOBILITY

The transportation industry, on the whole, has shown "unjust discrimination" not only against the employment of black people but also against accepting business from potential black shippers in the inner cities. It has given "undue preference" to white persons, places, companies, etc., in suburban and ex-urban areas.

Its role in black employment is shameful and statistics attest its discrimination. In 1960 total employment in the transportation industry was 2,408,822, of which nine percent was black, the majority of whom were concentrated in heavy-duty and low-paying jobs. The average white worker earned \$5,153, as compared to \$3,531 for the average black worker. While nearly 70 percent of white workers worked full time, only 57 percent of blacks worked full time.

With a closer look at the motor freight and storage industry with 886,000 employees in 1960, there were only 7.8 percent of these jobs available to blacks. There were roughly 54,155 black employees in the trucking industry alone, but only 53.7 percent worked full time. In warehousing storage there were only 15,419 black employees, of which 54.3 percent worked full time. In comparison to these figures, there were 732,014 white workers in the trucking industry with 65.5 percent working full time. In warehousing stor-

age there was a total of 84,451 white employees of whom 68.5 worked full time.

The pay rate between black and white workers also showed variation. The median wage for the average white worker in the trucking industry was \$5,232 as compared to \$2,906 for the black worker and in warehousing.

In educational schooling, there is very little difference between the races in the transportation industry with 10.9 median school years for whites and 9.2 for blacks. More specifically, in the trucking and warehousing storage group, the median is 9.0 for blacks and 9.3 for whites.

Yet, even in cases where blacks had better educational training than whites, the black college graduate earned considerably less than white workers with less education and had little opportunity for advancement in the trucking and warehousing storage industry. Only seven percent of black workers made more than \$6,000 per year as compared to 35 percent of white workers. In the \$3-6,000 bracket, blacks compared favorably with whites. About 40 percent of the blacks earned \$3-6,000 while 45 percent of whites earned same. However, more than 50 percent of the black workers still earned less than \$3,000, which is the poverty guideline set by the Office of Economic Opportunity, as compared to only 20 percent of whites earning same.

The discrimination in job employment for black people in the transportation industry is obviously in conflict with the Fair Employment Practices Act of 1948, which is still in effect, and the Equal Employment Opportunity Act of 1964.

The Interstate Commerce Commission, with jurisdiction over the transportation industry, must take on the responsibility of enforcing the FEPC and EEOC laws to insure that every black worker in the motor transportation and storage industry gets fair and impartial treatment from their employers. It should also investigate employment methods used by the employers periodically to check and make sure that the procedures are regular and in order. Moreover, it should be unceasingly aware that one of the most common subterfuges used by companies approached by black applicants for jobs is the old excuse: "No job openings available."

The Bureau of Labor Statistics published its projection of manpower requirements for the motor freight transportation and storage industry, which is as follows:

"Employment in the motor freight transportation and storage major industry is expected to increase rapidly between 1964 and 1975, but slower than during the post-World War II period. Future employment growth is predicated on a steadily rising demand for motor freight services.

Technological change is expected to be a significant factor limiting employment expansion in these industries . . .

Employment rose steadily from 551,000 workers in 1947 to nearly 920,000 in 1964, a two-thirds increase . . .

Employment requirements in the motor freight transportation and storage industry group are expected to increase from about 920,000 in 1964 to approximately 1.2 million in 1975, an increase of about 30 percent."

More than 250,000 jobs will be available in the trucking and storage industry alone by 1975. Undoubtedly, because of the continual technological changes taking place within the industry, many companies must keep pace by training and re-training their employees.

It is Allstates American's contention that at least half of those projected jobs should be filled with black applicants and that the companies should take on the responsibility of training them, just as they have been training their white employees, many of whom were untrained and had to be given on-the-job training.

"Unjust discrimination" in the motor transportation and storage industry against the employment of blacks must be abated and rectified. The industry must accept its responsibility as an "equal opportunity" employer and begin hiring and training black unemployed, who are a burden on our national economy.

The black unemployed can find a lasting and profitable vocation in the motor transportation and storage industry if the industry makes available adequate training facilities. The industry embraces a wide variety of jobs with skills ranging from routine clerical to top-level managerial, which are administrative in nature and, with proper training, can be filled by black people. Second, in some localities, some of these jobs are reported to be in the "hard to fill" category. Hence, there should be some indication that placement of trained black people should not be difficult.

The growth of the trucking industry has resulted from the white exodus and industry relocation to the suburbs, according to the Bureau of Labor Statistics' report.

Transportation, the prime mover of industries, has great influence upon real estate values and rents. In transportation economics, rent depends greatly upon location with respect to market, being higher for adjacent land than for distant land. Since distance is primarily a matter of the cost and time of movement rather than of miles, lower transportation rates bring outlying land closer to the market by enabling the product of that land to move a given distance at less expense. Consequently, industries have found it feasible to locate away from the market in order to make more profits.

When the major industries moved to the suburban and exurban areas, their former downtown locations and the surrounding residential areas declined in land value. In contrast, suburban land values were enhanced by their movement.

A great many problems of the urban areas result from the lack of transportation services. With the relocation of industries, land values and rents declined in the downtown areas. As a result, the inner cities have deteriorated, in some instances, into ghost neighborhoods where former business establishments closed down and boarded up because of unavailability of trucking services. With the exodus of businesses went jobs, leaving men and women unemployed. Moreover, the cost of living in these areas, abandoned by these businesses, is higher for the average inner city resident than the suburban resident. For instance, in 1966 city residents had to spend \$2,286 for housing while suburban residents only spent \$1,894. Food cost the city residents \$2,173 while it only cost \$2,005 for suburban residents.

Ironically, although it is a basic tenet that the more the rent the higher the value of the land, however, land values are low and rents are high in the black neighborhoods.

It is not unusual for black tenants to pay exorbitant rents for substandard housing, which is not properly maintained by absentee landlords. In many cases, many of these people are unemployed or underemployed and are unable to move to better housing because of lack of money. Yet, if these tenants were to seek better housing and wish to hire a moving company, they are frustrated, however, by the refusal of certain moving companies to answer their calls.

Among those most often victimized by predominantly white companies, who give "undue preference" to suburban areas, are public housing tenants. There are more than 637,000 public housing units occupied by low-income tenants, of whom almost 50 percent are black. Most of these people are unable to move

away from public housing, which, according to the Department of Housing and Urban Development, should be a temporary refuge for the economically immobile until they can move out. The irony is that when they become economically mobile, they are unable to move from public housing because of the refusal of certain transportation companies to answer their calls.

It is obvious that the "personal discrimination" clause of the Interstate Commerce Act is being violated indiscriminately by the predominantly white common carriers. Speaking of common carriers, the Act states:

"The very term 'common carrier' implies equality; it signifies common to all; the servant of the public. The adoption of the vocation carries with it the assurance imposed by one of the elementary principles of the common law, that every customer be served alike."

Moreover, many white common carriers have violated the "undue preference" clause which states:

"It shall be unlawful for any common carrier subject to the provisions of this part to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district . . . or to subject any particular person, company, firm, corporation, locality, port, port district . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Further, by ignoring the needs of black inner-city residents, the motor transportation and storage industry is partly responsible for the urban crisis that exists in our cities. Instead of providing the black community a "rapid conduit of economic growth," it has choked off its transport mobility to the extent that the ghetto becomes more isolated and, perhaps, like a city in a siege. By abandoning the city, it has raised the cost of everything the black man buys. It has frustrated, impeded and delayed the efforts of those desirous of finding better jobs, housing and other opportunities.

In the interest of furthering American democracy, the Interstate Commerce Commission—and the transportation industry—should be concerned about meeting the transportation needs of the black community which has been immobile for too long because of racial discrimination.

The freedom of mobility is an inherent right in American democracy. America can little afford to waste its available human resources, which must be fully mobilized to forge a better society for all concerned.

Respectfully Submitted,

TIMOTHY DAVID PERSON.

ST. LOUIS, MO.,
ALLSTATES AMERICAN VAN LINES.
Dated: August 7, 1969.

DEMAGOGS IN THE URBAN JUNGLE—II

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. RARICK. Mr. Speaker, the accomplishments of the distinguished Member of the other body in flooring an assailant who sought to rob him in the elevator of his apartment building within sight of the Nation's Capitol makes it again appropriate to call the attention of our colleagues to our direct responsibility for the conditions which exist in Washington.

The framers of the Constitution were aware of the threat to republican government which existed in Philadelphia when the Continental Congress was surrounded and imperiled by a mob from which it was powerless to protect itself. The Constitution, therefore, provided for the creation of a Federal district, the District of Columbia, over which the Congress should have plenary and exclusive legislative power. This requirement was simply to make us masters in our own house.

Such shibboleths as "home rule," "democracy," and "government by the people" have caused us to forget this lesson and to relinquish step by step our responsibility and authority over the Nation's Capital to residents whose inability to operate a city of this size and complexity has made Washington an international laughing stock.

We would not be surprised to find that the capitals of certain undeveloped or emerging nations were regarded as hazardous posts by civilized foreign service people. It is a little disturbing to find that our own Capital—the seat of government of the foremost nation in the world—is regarded as a hazardous duty station by the personnel of many of the foreign embassies resident here. In the first 6 months of this year, 261 crimes against foreign embassy staff members or their property have been tallied here according to our State Department.

It is pointless to recite again the weekly report of armed robberies, assault, and other crimes of violence which have occurred within the city.

It is important for us to take note of the fact that the so-called government of the District of Columbia is obviously unable to do anything to reduce this shameful toll.

Two current newspaper clippings indict the failure of the local authority to even understand, much less deal with the problem of violence. When the City Council meets in a chamber protected by 71 armed police officers and considers the meeting a success because it was not disrupted by rioters it plainly has no conception of its own function and responsibility.

Such a disgraceful situation represents a monumental failure and not a successful demonstration of government by the people.

Part of the reason for this failure is well demonstrated by the decision of the local police department, presumably to relieve the situations thought to cause crime, to refrain from including racial identification in its forms, reports, and records.

Mr. Speaker, several news clippings follow:

[From the Washington Post, Sept. 19, 1969]
THE CITY COUNCIL'S NEWFOUND SELF-RESPECT

The City Council has finally decided to display a little more self-respect by way of engendering more respect by others for the sanctity of its proceedings. At future meetings, the council "is going to hear everybody's opinion," but in an orderly atmosphere, Chairman Hahn assures. And Councilman Yeldell adds that order will be maintained "even if it means we have to have wall-to-wall police to do it."

To mark the decision, a force of 71 policemen was assembled and a notice was posted making clear that any disorderly person would be subject to arrest. It is beside the point that a rumored effort to disrupt the proceedings did not come off and that there were more police than spectators in the chamber. Council sessions have been interrupted on previous occasions and its sessions were considered "fair game" by professional causers. It is important that the council has moved forcefully to protect the integrity of its proceedings, to insure that all witnesses will have an opportunity to be heard and to enable the general public to hear its deliberations.

Chairman Hahn has commented that the council decided that "the time had come to maintain order." This was a reference to the previous reluctance of many of his fellow councilmen to impose any restraints on council sessions. To them, it was important that the freest possible discussion be encouraged. Only those persons who set out deliberately to create disorder should feel intimidated by the council's newfound self-respect.

[From the Washington Daily News,
Sept. 19, 1969]

**SIX-MONTH TALLY WORRIES NIXON: 261
CRIMES ON EMBASSY ROW**
(By Wauhullau La Hay)

Embassy row is worried. There were 261 crimes against foreign embassy staff members or their property in the first six months of 1969, according to State Department figures.

The incidents ranged from muggings to bombings, from burglaries to assaults, causing the U.S. concern and embarrassment—and money. For example, the Soviet Embassy was given \$12,105 for repairs after a bombing last February.

Most of the embassies and chanceries are located on Massachusetts-av. Others are on 16th street, nw, which runs north from Lafayette Park opposite the White House.

The embassies of Bulgaria, Ghana, Liberia, Dahomey, Honduras, Lithuania, Poland, Upper Volta, Nigeria and Peru are on 16th street as is that of the Soviet Union. Within one block of 16th street are three other embassies—those of Italy, Spain and Mexico. All are beautiful buildings and centers of business and social activities. But:

Italian ambassador Egidio Ortona was accosted last April by two men at four in the afternoon. Mr. Ortona, a husky, strong man, frightened the would-be muggers into flight.

ROBBED IN DAYLIGHT

Last Tuesday was Mexican Independence Day and the embassy invited Mexican-Americans to a party. Two were robbed of wallets and watches in front of the embassy in daylight.

There have been many unreported incidents around the three embassies, but it isn't likely they will be relocated. The ambassadors wouldn't mind moving, but know it would be highly impractical.

"Frankly, we would like to get out of the neighborhood," Ambassador Ortona said this week.

"It is really very bad," agreed Mexican Ambassador Hugo B. Margain.

The Marquesa de Merry del Val, wife of the Spanish Ambassador, admitted that her staff of servants is worried about working in the neighborhood.

"I told them, 'The Italian staff does not worry. The Mexican staff does not worry. Who are you—a Spaniard—being worried?'" said the Marquesa. "That bucked them up a little, I think!"

NIXON WORRIED

The Nixon Administration is worried about the problem. John B. Layton, who resigned

as chief of the Metropolitan Police last July to become a special assistant to protocol chief Emil (Bus) Mosbacher, Jr., has been assigned to recommend new ways to protect the homes and officers of foreign missions.

Unfortunately, Mr. Layton has been ill and has not been able to take over his new chores. First on his agenda when he reaches his desk will be to "undertake an interdepartmental review on the protection of foreign diplomatic establishments" and to develop new plans to provide this protection.

[From the Washington Evening Star
Sept. 11, 1969]

POLICE LIMIT RACIAL DATA ON REPORTS

The Metropolitan Police Department is discontinuing racial identifications on a great number of its reports and forms.

In a memorandum, Chief Jerry V. Wilson said that "the inclusion of race identification on certain department forms and statements serves no useful purpose . . . Conversely, it shall be the policy . . . to continue recording such data only when necessary and pertinent to law enforcement needs."

It was indicated this meant racial identifications would be used only when needed for purposes of identification.

Among forms on which the racial designation has been dropped are those for traffic accidents and violations, transcripts of records for bondsmen, bicycle check cards, prosecution reports, stolen vehicle reports, notices of arrests of government employees and reports of crimes against property.

Racial identifications are to be continued on reports of crimes against persons.

LIFE AND DEATH OF AN ESTUARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a frightening article from the magazine, Sports Afield, chronicling the effect of pollution and man's other activities on Barnegat Bay.

This ugly set of circumstances is being and will be repeated around the Nation in hundreds of areas unless rigorous corrective measures are taken at an early time.

Perhaps a society seeking clean water, pure air, open spaces, and a decent environment in which to restore spirits damaged by modern urban society will begin to express the kind of concern it takes to preserve precious national treasures such as Barnegat Bay. Unless this is done, the future is bleak for us and bleaker for our descendants.

LIFE AND DEATH OF AN ESTUARY

(By Zack Taylor)

This was my bay—Barnegat. It nurtured me. Its fish and game were my delight. Its ocean beaches and tide-swept reaches gave me my earliest memories. It was my bay. It gave me everything and in return I paid it back with ruin. I turned Barnegat from a lovely land of unbelievable plenty into a wretched killer.

I was but another animal drawn to the edge of the sea. But *Homo sapiens*, the "thinking man," is unique. He fouls his own nest. So I fouled Barnegat. And others like me have ravaged similar areas. San Francisco Bay receives the discharges of more than 80 sewer outfalls. Its fishing fleet sails no more.

The once beautiful Buffalo Bayou near Houston can no longer support marine life. Parts of the Ohio River have zero oxygen.

The story of New Jersey's Barnegat Bay is sickening. But it is by no means unique. Its story is the same as any other estuary in the country. The difference is only in degree. To know how an estuary dies, first you must know how it lived. Here is the way it was with Barnegat.

Few places at first appear less inviting than her grassy flats and miles of mosquito-ridden marshes, yet they explode with microscopic life. An average acre of wheat will produce about 1½ tons of organic matter a year, the most cultivated acre of corn, seven tons. Dr. Eugene Odum, a Georgia ecologist, found by the same standard a single marsh acre produces ten tons. These sun-drenched acres are what he terms a nutrient trap. Food is not swept away but mixed by the tide. Dr. Odum placed bell jars over seemingly lifeless muddy banks and found them quickly filled with life-giving oxygen. "Even the mud algae proved to be a beautifully adapted community which functions at about the same rate all year."

These nutrients are the start of a miraculous life chain. The rooted aquatics—grasses, mangroves, rock moss, depending on whether the estuary is north or south—break away and are quickly reduced to natural fertilizers.

These support unicellular plants called phytoplankton (phyto, meaning plant). Plankton is the Greek word for wander or drift and that's what they do. They are too small to be seen under ordinary microscopes but greatly enlarged pictures show many thousands of different kinds. Some are rounded with ugly spikes. Some resemble jellyfish. Others look like flying discs or bizarre-shaped stars. Many have limited mobility, most just drift, but they all have two things in common. They are present in staggering numbers (a single drop of marsh water may hold tens of thousands) and they charge and recharge the warm waters with oxygen.

They are also the sole source of food for zooplankton (zoo, of course, denoting animals). Scientist call these slightly larger creatures first-order consumers. Like the phytoplankton there are thousands of species in as many weird shapes. Some have eyes. Others feel their way with sensitive antennae. Some feed by filtering. Others stun their prey in the manner of jellyfish.

The drama begins in the spring with a miraculously timed phenomenon. All winter, while most marine life sleeps or has migrated away, storms have been tearing at the vegetation. By April the waters are supercharged with nutrients. When the sun first warms the bay water, phytoplankton respond by reproducing in uncountable billions. So glutted become the still marsh pools that sometimes you can see oxygen bubbling from them. Surrounded by a surfeit of food, zooplankton numbers soar. These sequential population explosions called blooms are propelled by tides and currents to flood the bay and coastal plain with teeming abundance. Responding to nature's rhythm right at this time, 70 percent of the ocean's fishes utilize the estuary to spawn. Dozens of species—the silvery sea trouts, the drums, croakers, flounders, striped bass—put every portion of the bay to use.

Some, like the sea-roving bluefish and menhaden, merely pause in their wanderings to spew their eggs into the sea as many as 40 miles from shore. At the urge of instinct, their inch-long fingerlings seek out the inlets and enter the estuary. Millions of baby fish are carried through the first helpless weeks of life by the glut of food. Usually nature's haphazard timing acts as its own control. But if conditions mesh perfectly, entire fish populations can explode, replenishing the sea.

All summer long the baby fish grow at an

incredible rate. Bluefish, for example soar from ½ ounce to a pound in two months. By the time the fry reach respectable bite size for adult fish or birds, the protective aspects of the estuary become even more important than its productivity. Grasses provide shelter, ditches and shallows allow schools of fingerlings to frolic unmolested. Even the coastal plain functions importantly as a sanctuary for summer sees the migrations of ocean-roving species such as tuna, bonitos, mackerel and albacore in sufficient hordes to decimate overnight the entire estuary. But the deep-loving predators are wary of the beach, and the first several miles from shore are relatively safe for the rapidly maturing youngsters.

Other forms of wildlife are drawn to the estuary's bounty. Waterfowl depend on the marshes and bays and without them would die. Shore birds, gulls and the fish-eating eagles and ospreys are inflexibly bound to the bay. Many species of land-based birds find sanctuary on the marshes during migration. The manager of the Brigantine Refuge a few miles south of Barnegat has counted 250 different kinds of birds among his regular visitors. Foxes, mink, raccoon and skunks are fond of the marsh; muskrat and beavers depend upon it. The wetlands teem with insect life. Mosquitoes sometimes rise in thick clouds even though entomologists estimate only one in 1000 ever passes the larvae stage—fish, principally the killifish, get the rest. Black and greenhead flies breed in storm-gathered grasses along the shore and dozens of other insect species are dependent upon estuaries in one way or another.

Civilization came to Barnegat slowly. At first there were fishing villages and these attracted summer visitors. Then came efforts to control the scourge of the shore—those hordes of blackflies and mosquitoes rise in clouds to torment residents. It was thought that if watery avenues could be opened to the marsh breeding pools the prolific killifish would swarm in and attack the mosquito larvae when they wriggle helpless at the surface. It worked. Men eventually crisscrossed the marshes of New Jersey's Ocean County with 1500 miles of ditches.

The bay had been unbelievably productive. Historical catch statistics for the state of New Jersey show in 1901, 6 million pounds of bluefish, 12 million pounds of weakfish, 14 million pounds of shad and almost 19 million pounds of oysters were landed.

The years prior to the turn of the century saw a giant step forward in convenience. Until then, man's elimination needs had been served by backhouses. Then the growth of municipal water supplies coupled with flush toilets made indoor bathrooms possible. The resulting sewage was disposed of in two ways. In some communities underground sewer pipes carried the flow to treating plants which removed solid matter and discharged the rest into the nearest stream.

Many bay homes, tucked away in pine groves or behind sand dunes, employed septic tanks with drain fields to carry the fluids away. Although the flow through percolation routes in the sandy soil is largely unmeasurable, it is certain that sewage in ever-increasing amounts is poured into the bay.

The chemical process of breaking down the bits and pieces of rooted aquatics and human waste is the same. An oxidation process not unlike the burning of wood or digestion of food is involved. In all cases various base materials combine with oxygen. While the amount of oxygen in the air would appear limitless, the dissolved oxygen content (DOC) of a body of water is strictly determined by how much its submerged aquatic plants can produce, plus a smaller supply that enters through surface action. A fact we must note, since it will loom large in importance later,

is that cold water can hold more oxygen than hot. Thus winter in the estuary sees storm-tossed plants quickly reduced to chemical fertilizers by a high DOC. These send new plants spurting when spring's first warming trend takes effect. By summer, when warm bay waters can hold less oxygen, the planktonic blooms are creating more than enough to sustain the explosion of animal life. By fall much animal life either leaves the estuary or becomes dormant and the cycle starts anew.

After 1945 there began a multipronged assault on the bay's ability to produce life. It is impossible to determine the contribution of each factor but figures suggest that pollution by sewage was first. People poured into the area in ever increasing numbers. Census figures show how the population explosion affected Ocean County:

1900	-----	19,747
1910	-----	21,318
1920	-----	22,155
1930	-----	33,069
1940	-----	37,706
1950	-----	56,622
1960	-----	108,241
1967	-----	175,725
1975 (est.)	-----	258,469

Municipal sewer systems were already feeling the effects of increased water use. Showers and dish and clothes washers became commonplace. When the population rose, sewage plants could barely maintain primary treatment. When rains flooded into the system or summer visitors swelled the population by 10 or 15 times, managers diverted the flow into the bay.

Land for new houses was created by dredging bay bottom and covering low-lying marshes with the fill. Waste water from these new homes often found its way into the dredged lagoons and canals. Worse, the house developments took out of production precious marsh acres that could create the oxygen that could turn the sewage into harmless chemicals. A branch of the Fish and Wildlife Service is following this aspect of estuarine destruction. They record this loss for Barnegat: At 1300 acres in the 40s, 4300 in the 50s and 3000 in the first six years of this decade.

By 1966, 8600 or 15.2 percent of Barnegat's 56,600 acres would never again send forth their profusion of life.

The flow of sewage into the estuary cut off the oxygen supply of its wild creatures as surely as turning off the aerator in your goldfish bowl. Once plentiful fish were completely wiped out. Poundage figures for Ocean County from the Bureau of Commercial Fisheries document the annihilation.

Species:	1938	1967
Croaker	1,668,100	none
Sea herring	508,300	none
Menhaden	364,800	none
Hard crabs	105,300	16,200
Shrimp	84,900	none
Weakfish	2,244,300	10,100
Oysters (bushels)	2,700	none
Shad	312,300	9,200
Kingfish	33,800	900
Spot	59,900	none

It will likely be through sewage pollution that Barnegat reaches out to claim its first human victims. But 1945 saw the introduction of a new weapon with implications so horrendous that at least one scientist feels it threatens the very source of human life.

DDT had been discovered to be the greatest mosquito killer yet devised. During World War II it gained control of typhus and malaria. When it became available for civilian use, it was quickly adopted by the Ocean County Mosquito Control Commission. Starting in 1945 airplanes released a fog of No. 2

fuel and 5 percent DDT over Barnegat marshes. Municipalities added fogging programs of their own and while the number is not exactly known, executives of the Mosquito Control Commission estimate that over 40,000 gallons of 5 percent DDT have been released in the county every summer since then.

Scientists began suspecting alarming aspects of DDT as early as 1950 but it remained for Rachel Carson's *Silent Spring* in 1962 to draw public attention to its far reaching efforts. Unlike most chemicals DDT does not quickly reduce to its components after application but instead accumulates. Scientists from New York State University found residues in a Long Island marsh sprayed over a 20-year period had reached an incredible 32 pounds per acre. Stored in animal tissue, DDT is passed from one species to the next until it can attain lethal proportions. Fish and insect-eating birds are particularly susceptible. The effects of DDT are another story but let us return to what is (or is not) discernible about those effects on Barnegat mosquitoes. No longer merely an annoyance, mosquitoes are the carriers of encephalitis epidemics that periodically sweep the bay area, kill and cripple its residents and drive them from its shore.

In 1933 five mosquito traps were established to provide a guide to populations which fluctuate widely between periods of drought and dampness. The traps stand today in the same places and the count is made in the same way.

In cycles of three to six years, the count has fluctuated between lows of 15 to 45 and highs of 160 to 230. When DDT was first introduced in 1945, the count was 40. Far from being wiped out, the mosquito cycles continued with a high of 180 in 1948. In the next 12 years the count fluctuated below 80. But in 1960 it soared to 215, then dipped to 15 in 1962 and since that time has oddly remained at a constant 100.

For an explanation, I went to Dr. Bailey Pepper, chairman of the Entomology Department of the Rutgers College of Agriculture and principal advisor to the New Jersey Mosquito Control Commission. He said the counts were only a guide and that no conclusions could be drawn from them. I then asked him why, in the face of so much outcay and evidence, the commission continued to use DDT. "What evidence?" was his response. Tests in his labs he said showed no ill effects and since DDT is some 20 percent cheaper than Malathion, a nonpersistent and effective pesticide, the matter (in his view, which is shared by many others) is one of simple economics.

No studies have ever been made on killifish populations, an astounding fact considering their admitted importance to mosquito control. It is reasonable to assume their numbers declined along with other fish life. But the often twice-daily DDT bombing in the ditches where they were supposed to do their work would appear to have aided their decline. In 1963, tests conducted at Rutgers showed DDT decimated zoo-plankton, the killifish's year-round principal food. After spraying, it took 19 days for one marsh's zooplankton population to return to normal. DDT residues from the tests ran down the ditches and while horrified wildlife technicians looked on, hardy adult killifish turned belly up and died.

Tests made last March by Dr. Charles Wurster of New York University showed that tiny amounts of DDT absorbed by phytoplankton can cut by 90 percent their ability to generate oxygen. In his view DDT attacking the sea's vast planktonic fields may affect the earth's main oxygen source. The damage of the twice-daily DDT shower at the height of the marshes' bloom of life is obvious. Are the remaining killifish kept out of the

ditches by a lack of oxygen? Your guess is as good as anybody's.

Whatever the causes, viral encephalitis, carried from animals to man by mosquitoes, swept the shores of Barnegat Bay for the first time in 1959. When the epidemic ended, 18 humans lay dead and three times that number were left with brain damage. It was only the beginning with more death and disease to come and ample proof of what must be the conservation theme for the 1970s—create and maintain conditions that are beneficial for fish and wildlife, and man will thrive. Create an environment which destroys fish and wildlife, and humans in quantity will also perish.

The intestines of both humans and animals hold a wide variety of deadly diseases. Typhoid fever, cholera and diphtheria are now virtually eliminated. However, a number of diseases caused by viruses, many too small to be detected, also appear in fecal matter. Among these are infectious hepatitis, virus meningitis, poliomyelitis and various viral gastroenteritises.

Clams are among the few wild creatures to thrive on fecal pollution. They apparently can extract the good and discharge the bad, remaining themselves unaffected by whatever deadly diseases they harbor. While some 20 percent of the state's waters are closed to clamming, (17.3 percent of Barnegat's) yet the incidence of hepatitis, proven to have been caused by eating contaminated shellfish, rose from 143 incidents in 1964 to 201 last year. Fatality is about one percent. A high official in the New Jersey State Department of Health, who asked not to be identified, told me he thought eating uncooked seafood of any kind from any waters of the state posed a deadly threat.

How could it have happened? How could these bountiful waters be turned hostile to human life? Perhaps the following will offer a clue.

In 1960 the Toms River Chemical Company was attracted to Toms River's freshwater supply in inexpensive pine land. Then in 1964 something happened to the Toms River. It turned black. Children swimming in it developed sores on their bodies. A citizens' group, The Anti-Waterways Pollution League, was formed and a barrage of letters was sent to state officials from the governor on down. I have copies of these letters and they are a pathetic chronicle of delay, evasion and ignorance on the part of authorities who seem totally oblivious to all needs other than attracting industry.

The Toms River Chemical Company to this day denies categorically it ever polluted the Toms. After several years of arrogant denial, during which the river smelled of chlorine and massive fish kills lined the beaches on several occasions, the company came up with a "solution". The solution was not to render inert the by-product of their plant. Instead, with the wholehearted approval of the governor and his commissioners of health and conservation the company laid a pipeline 13 miles across Barnegat Bay and now discharges as much as 15 million gallons of untreated effluent daily into the ocean plain a half mile offshore. The stained waters of the ocean can often be seen from shore. So far the bathing beaches seem unaffected. Is the cleanliness of the coastal plain harmed? Of course, but to what extent nobody knows. No studies have been authorized.

New threats to the estuarine environment lie ahead. In 1970 the state's pride, a 600,000 kilowatt nuclear electric-generating station, is scheduled to start operation on Forked River. Its location was chosen to utilize the waters of the lower Barnegat Bay to cool its atomic furnace. One of the several engineering studies on alternate ways to cool the atomic plant included a tower which would use bay water and return it without changing

its temperature. It was rejected on economic grounds. Instead two artificial rivers were dredged, each larger by one fourth than any other in the state. These will draw off bay water, heat it to 95 degrees and discharge it into the center of the lower bay. What will be the effect of this giant pool of deoxygenated water on the bay's ecology? No one can say for sure but marine biologists view it as one more destructive force. I asked George Ritter, a vice president of the utility company, what the additional cost of the cooling tower would have been. It worked out to an annual increase in rate of about \$1 per customer.

Alas, more thermal pollution lies ahead. When the present plant is finished, workmen will start a 900,000 kilowatt addition. The cooling demands of this giant go beyond even the bay's ability to cool. Instead, a pipeline 13 feet in diameter will discharge every day, a billion gallons of 100-degree water in the ocean plain only a half mile from shore. Will it affect migratory fish routes eons old? "It already has," thinks Dr. Lionel Walford, one of the nation's foremost marine ecologists. "Effluent outfalls the length of the Atlantic coast—of which this is just one more—are actually polluting the most fertile area of the sea. Precisely where, how much and which species are threatened are questions of immense importance we are attempting to answer with pitifully small sums."

It is alarmingly apparent that further obstruction lies ahead for Barnegat's struggle to cleanse itself. Public-health officials have only recently made the uneasy discovery that not even primary sewer treatment kills water-borne viruses and that they seem to live longer in polluted waters. The well-known deadly viruses are relatively rare. The more common viruses attack man's gastrointestinal tract. The enteroviruses are almost impossible to detect," says Dr. Martin Goldfield, director of New Jersey's health labs. "Patients appear with sniffles, chills, fever, vomiting, headache. Maybe just some of the symptoms, maybe all of them, and maybe the reactor: is just one of non-descript malaise.

"We are deeply concerned. It's impossible to predict the consequences of the continued pollution of the Barnegat estuary, for example. Top public-health people say there is obviously a limit to the amount of pollution we can tolerate. Where it is nobody knows. But we can expect more hepatitis, more encephalitis."*

One who sees hope in the face of the gravest dangers is John Clark, acting director of one of the U.S. Fish and Wildlife's major marine research centers at Sandy Hook. "Most people are complacent about the loss of our wild resources. When their own security is threatened they tend to do something about it. The most encouraging note is that there is no lack of technology to solve our problems. Industrial and human effluent can readily be neutralized by effective and relatively inexpensive methods. A regional sewer for the Barnegat area has been proposed. The cost is about as much as 40 miles of new highways and is paid for the same way—by bond issues and user fees. The grave threats posed by DDT need not concern us any longer. Modern, safe insecticides are plentiful. While we cannot restore marshes sacrificed for development we have learned how to channel and dredge to create new life-giving acres.

"The plight of the estuaries is world-wide. Sweden has just appointed a pollution czar and is moving quickly to restore its air and water. The resolve in this country is all that is needed. I am confident we will someday decide to make our estuaries safe and beautiful."

Battered, defiled and dangerous, but per-

haps not beyond the point of no return, a typical estuary awaits its fate.

* (NOTE.—Since that statement was made a new epidemic of viral encephalitis has killed 80 horses and 9 humans in the Barnegat area.)

TIME FOR A COUP IN SAIGON

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ROSENTHAL. Mr. Speaker, the mood in the country on the Vietnam war is changing. For the past 10 months there has been an understandable tendency toward restraint while a new President sought new approaches.

Today, pessimism and anger are rising up, gradually displacing that hesitation and hope. Serious doubts have arisen that the new administration really has a plan to end the war.

The withdrawals of American troops, even those projected through December, are nominal. By the end of this year, or nearly 14 months after Richard Nixon was elected President, we will have reduced our Vietnam troop strength by about 10 percent. This slight reduction does not match the expectations of last November which are now fading rapidly. Unless we find a new approach, we may face in 1970 a renewed peace campaign with drastic social and political consequences.

The major obstacle is a political impasse on Vietnam which exists both in Washington and in Saigon. Our Government seems unable to understand that Hanoi will not yield, will not compromise, and will not make it easy for us to depart. Yet we must depart, and the President and his party are eminently aware of that need.

In Saigon, we continue to prop an unrepresentative government which should not be asked, and cannot be expected, to participate in its own downfall. Yet the Thieu-Ky government must be replaced if the political climate in Vietnam is to develop sufficiently for representative government there to stop the fighting.

Richard Hudson, editor of the War/Peace Report, analyzes this impasse in his article, "Time for a Coup in Saigon," which follows:

TIME FOR A COUP IN SAIGON

(By Richard Hudson)

The North Vietnamese insisted that they would not negotiate with the Americans until the bombing of their country stopped, and for all practical purposes they won their point. (After the partial halt in bombing they came to the conference table—but only to discuss the full halt.) Then the Democratic Republic of Vietnam (D.R.V.) and the National Liberation Front of South Vietnam (N.L.F.) demanded that the N.L.F. be accorded equal status at the conference table, and for all practical purposes they won that point. Now the N.L.F. and the D.R.V. are saying that the next step toward peace must be the overthrow of the Thieu-Ky regime and its replacement by a "peace cabinet." Will they likewise win this point? And should they?

My visit to Paris, during which I talked with spokesmen of the U.S., the Saigon administration, the D.R.V. and the N.L.F., as well as a variety of Vietnamese exiles, reinforced my conviction that this demand must be met, as the others were, for peace talks to progress. Therefore, the sooner there is a coup d'etat in Saigon, the better.

Of course, the coup in itself would not solve any problems if the Thieu-Ky regime were simply replaced by another of similar political tendencies. The overturn of the Saigon government would be meaningless unless it resulted from a basic change in Washington's policy. The real issue in the war—from 1954 until the present—has been this: Who is to rule in Saigon? Is it to be an anti-communist, pro-U.S. regime bolstered by American force or a government established by the Vietnamese alone (which might or might not become communist-dominated)?

So far, Washington has clung to the first alternative as its objective, although statements by officials of the Johnson administration and now its successor have sometimes tended to cloud the issue. In his May 14 television address, for instance, President Nixon declared: "We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves." But Nixon did not make clear how South Vietnam is to choose its government, either before elections or in the election itself. In Paris, however, it is evident that the U.S. is still sticking with the notion that the Saigon administration can remain in power and carry out some kind of elections in which it will retain that power.

To lay out the reasoning behind the conclusion that a basic change in Washington's peace terms leading to a coup d'etat in Saigon is the crucial next step toward a peaceful settlement, let us first look at the positions of the four parties to the negotiations, as well as the unrepresented fifth position of the "middle" South Vietnamese, as I perceived them in Paris.

The Republic of Vietnam: President Thieu, who not long ago said he would never talk with the N.L.F., now says he wants to do precisely this, on an unconditional basis. What he evidently would offer the N.L.F., provided it would lay down its arms, would be the right for the N.L.F. to run in elections under the present constitution (although communists could not run), plus the chance for the N.L.F. to take part in some sort of election commission, in a minority status. When confronted with an assertion that the N.L.F. would never accept this—that, in fact, peace will never be possible until Saigon agrees to elections for a whole new government—a South Vietnamese government spokesman replied: "In that case, the war will continue."

The United States: American negotiators in Paris believe there is "give" in the positions of both Saigon and the N.L.F. that will in time lead to a peaceful settlement. The U.S. stand is superficially quite logical: There are two adversaries, so they should sit down together and bargain for a settlement. This process has already begun, since both of them are at least sitting at the same conference table. The N.L.F., in calling for the overthrow of the Saigon government, is playing a game in which, if its tactic worked, it would win everything. But Washington will continue to back the Thieu-Ky government and sooner or later the N.L.F. will come around to direct talks with Saigon. A coup, it is held, would disastrously weaken the Saigon government at this point in the talks. As for the rigidity on the Saigon side, the U.S. feels that once the N.L.F.-Saigon talks start the Thieu-Ky government will move further toward giving the N.L.F. a voice in both the pre-electoral period and in the election itself.

The National Liberation Front: Spokesmen of the N.L.F. are adamant that the Front will not deal with the Thieu-Ky government, which it considers the agent of a foreign power. However, the N.L.F. would be willing to talk directly with the U.S. Discussions between the U.S. and the N.L.F. might well be useful, but, once again, the obligation Washington feels to the Thieu-Ky regime seems to rule that out so long as present American policy continues. (In fact, one well-informed source in Paris said that last October Washington made a secret agreement with Saigon never to have private talks with the N.L.F.) In view of their doggedness in the past in insisting that their demands be met, both the N.L.F. and the D.R.V. should have a high credibility that they now mean what they say. Thus, it seems likely that the American government is wrong (again) in assuming that the N.L.F. will at some point sit down for bilateral talks with the Thieu-Ky government.

The Democratic Republic of Vietnam: The position of the D.R.V. is essentially an echo of that of the Front. As Washington sees it, the situation is supposed to be the other way around, with the D.R.V. pulling the strings that move the N.L.F. The situation is perhaps reminiscent of the American view of the Moscow-Peking relationship in the late '50s and early '60s. Those in the U.S. who asserted that Peking's foreign policy was not altogether made in Moscow were considered dupes who did not truly understand the international communist conspiracy. Likewise, those who now say the N.L.F. has a considerable degree of political autonomy are now looked on as naive by Washington bureaucrats, but it is my view that Foggy Bottom will be proved wrong again. Certainly I saw no evidence either in terms of policy or in small points of behavior that led me to believe that the D.R.V. is dictating N.L.F. policy. On the contrary, the N.L.F. people seemed fully confident and independent, although obviously very close to the D.R.V. Some of the main points of the N.L.F. position, such as that South Vietnam must remain an independent sovereignty for an indefinite time after the settlement, would hardly seem appealing to the D.R.V. Even in style, I must say, the two delegations seemed different. Mme. Nguyen Thi Binh, who was deputy chief of the N.L.F. delegation when I saw her and who was named foreign minister of the newly-formed Provisional Revolutionary Government a few days later, was more easy-going and less guarded than her North Vietnamese counterpart, Col. Ha Van Lau, who was intense and unopen to argument. And there were other subtle indications of separateness, such as that one delegation would not make the slightest representation to the other on my behalf; I always had to deal directly with each one. So, in sum, I conclude that the primary party to be involved in the political settlement on "the other side" is the N.L.F., not the D.R.V. as Washington and Saigon so steadfastly assert. (This conclusion does not downplay the importance of the indispensable military help the D.R.V. gives the N.L.F. nor does it mean the D.R.V. would not have a strong political interest in the shape of a settlement.)

The Third Force: There are a number of South Vietnamese—probably a big majority—who would favor neither a communist government nor rule by a right wing oligarchy such as that of Thieu and Ky. Most of these people are keeping quiet in South Vietnam; a few are speaking out; many have been jailed there because they did speak out, and some have gone into exile to pursue the objectives of a "middle way" for their country. Many of the latter live in France, and I spoke to a variety of them, including people who were apolitical,

those who were quite political and obviously ambitious, and the Buddhists, who seek to apply their pacifist religion to the secular affairs of their country. These "middle" people—as I concluded in Paris (and as many news reports from Saigon also indicate)—are not well organized but they have much in common. They can hardly take up arms for the "middle" cause, and fight both the Saigon government and the Viet Cong. They are left out of the Paris deliberations. They see virtually no chance that the Thieu-Ky government can make peace and they hope for a coup that will lead to freedom for them to participate in the political life of their country. They feel that the U.S. has made disastrous mistakes in Vietnam—and they feel that only the U.S. can rescue the situation by encouraging development of a new government in Saigon that will permit political freedom. Many of them have resisted overtures of one kind or another from the N.L.F. to involve themselves on its side. They declined because, much as they respect the N.L.F. struggle for independence, they feel the N.L.F. is too closely identified with communism, which they reject.

Given this situation, one must ask: On what basis can, and should, the war be ended?

Let us begin with the U.S.-Saigon position and consider it in terms of both morality and practicality. The essence of this position is that the Thieu-Ky government was duly established by free elections in 1967 and is now engaged in the generous and unprecedented action of inviting a group trying to overthrow it by violence to sit down to work out a reasonable settlement. But is this the reality?

It would hardly seem so by any objective criteria that could be devised to measure the moral acceptability of an election. One must ask when an "election" becomes an unelection. It is true, as both the American and Saigon spokesmen in Paris pointed out, that no election of any size is perfect. It is also true, again as they pointed out, that hundreds of foreign newsmen observed the elections and reported that the voting was not blatantly fraudulent. In fact, the South Vietnamese spokesman demanded, how could the election have been dishonest when Thieu and Ky received only a minority of the vote?

A harder look at the elections, however, breaks down these arguments and makes clear that it was rigged in advance even if it was not altogether ruled out of bounds by fraud on voting day (although there is evidence that some fraud was required—particularly by soldiers who voted both at their homes and at their bases—for Thieu and Ky to win even their 35 per cent plurality). Perhaps the rigging might be made clearer to Americans by translating the 1967 election process in South Vietnam into U.S. terms.

First, Thieu and Ky barred Gen. Duong Van "Big" Minh from returning from his post in Thailand to run for the presidency. Minh, who was a leading architect of the coup that brought down the Ngo Dinh Diem dictatorship in 1963, is by all accounts the most popular South Vietnamese leader. In American terms, this might be comparable to having had the Democratic administration prevent General Eisenhower's return from Europe in 1952 to run for president on the Republican ticket. Thieu and Ky also prohibited the candidacy of Au Truong Thanh, an eminent economist and former cabinet member, who sought to run as a peace candidate.

Second, the N.L.F., which was after all the principal organized opposition, was prohibited from fielding candidates. This would

be comparable in the U.S. to a Republican administration running an election in which Democrats were prevented from putting up candidates.

Third, the one peace candidate who did manage to enter the lists formally, Truong Dinh Dzu (and who made it only because he and his views were little known), was sentenced to five years at hard labor for his political views after he was the surprise runner-up to the Thieu-Ky ticket. This, to continue the U.S. analogy, would be like President Nixon, as a result of last year's election, sending Hubert Humphrey up for a good stretch in jail.

OTHER VIOLATIONS

There were other gross violations of the democratic process in the 1967 election. According to the election law, Thieu and Ky were supposed to resign their government positions so as not to be able to exploit them for campaign purposes. They did precisely the opposite, using their official positions and perquisites to the utmost. Although censorship of the press was relaxed slightly during the campaign, there was no tolerance on the basic issue facing the country, namely, whether to seek to make peace with the N.L.F. Most important, the election law was written under pressure of the governing junta to provide that any plurality—not a majority—was needed to win. Thus, with the prospect of one military ticket and several civilian candidates (there were finally 10 civilians in the race), the incumbent military regime could scarcely lose. Since 65 per cent of the voters cast ballots against Thieu and Ky (and 75 per cent went against them in Saigon, where fraud was more difficult and voters were better informed), it seems probable that if the election law had provided for a run-off if no one got a majority, a civilian would have won over military candidates Thieu and Ky.

It is worth reviewing the 1967 elections at this length to demonstrate that the U.S. should not be committed to the Thieu-Ky regime on the basis that it came into being through any sort of genuine democratic process. On the contrary, the election was a shameful perversion of democracy, and the result has been to bestow a false mantle of legitimacy on a corrupt, unpopular dictatorship.

A counter-argument made to this thesis by the U.S. delegation in Paris was this: "Who elected the National Liberation Front? Whatever the inadequacies of the elections certainly the Saigon government has a greater claim to legitimacy than the Front, which got its power only through force. Again, the reasoning is superficially logical, but it misses the main point: The Saigon administration came into being as the result of American interference in South Vietnam and it could not continue to exist without U.S. forces as a prop, while the N.L.F. at least represents Vietnamese nationalism, however imperfectly. In the Vietnamese equation, the capture of the nationalistic spirit can bestow far more legitimacy on an organization than can the winning of a phony election.

If I am correct that the N.L.F. and the D.R.V. intend to stand fast in their demand that the Thieu-Ky regime be replaced before they will deal with a Saigon government, then the Nixon administration faces a simple choice: either it can continue to support Thieu and Ky, thus prolonging the war indefinitely, or it can allow a coup to occur, bringing a more peace-minded group to power. In the hope that there might be a middle way, I explored the possibility of what I call a "semi-coup" with both Ambassador Ha Van Lau, deputy chief of the D.R.V. delegation, and the N.L.F.'s Mme Binh. In a semi-coup, Thieu and Ky would be "kicked upstairs," retaining their titles, but effective

power would be transferred to a new premier and cabinet who would undertake negotiations with the N.L.F. The semi-coup, by seeming to rock the boat less than a full coup, would probably be more appealing to Washington politicians contemplating the problems of explaining the new development to the American public. On the other hand, the semi-coup idea was rejected by both Ambassador Lau and Mme. Binh, and even if it were eventually accepted it would in the meanwhile cause more lost time before substantive talks on the political future of South Vietnam could get under way. On balance, the full coup—the ouster of Thieu and Ky—would seem preferable. Negotiations would surely move faster, and they would end up in about the same place anyway—with a provisional government that would carry out general elections to create a new government.

A STRONGER MIDDLE

There is still another reason for the U.S. to encourage a change in the Saigon government, even if there were a chance that the N.L.F. would eventually deal with the Thieu-Ky regime. This is that the middle elements mentioned earlier might then be able to take part from the beginning in the inevitable political struggle that would commence when hostilities end. Only if these middle political forces can be strengthened will it be possible for South Vietnam to keep from falling into the hands of extremists of either the right or left. So far, under successive administrations, Washington has considered the only counterbalancing force to the N.L.F. to be the Saigon military. But Washington has been wrong all along in considering the essence of the war to be military when it was in fact political, and that is just as true now as it ever was.

If and when a more peace-minded government comes to power in Saigon, the way should be open for movement toward an end to the war, although serious problems will remain. In proclaiming the establishment of the Provisional Revolutionary Government (P.R.G.) in June, the N.L.F. made clear that a task of the P.R.G. is "to enter into consultations with the political forces representing the various social strata and political tendencies in South Vietnam that stand for peace, independence and neutrality, including those persons who, for political reasons, have to live abroad, with a view of setting up a provisional coalition government on the principle of equality, democracy and mutual respect." It is this provisional coalition government that does not yet exist, according to the action program of the P.R.G., that will carry out the elections to establish a new government. It appears that the P.R.G. feels that the provisional coalition government could be established either through negotiations with a "peace cabinet" in Saigon, or through some other process that would bypass the Saigon government and bring it down. It would seem to be in the interests of the U.S. and the "middle" South Vietnamese to operate on the basis of the first approach, as it would increase the leverage of the non-communists in dealing with the P.R.G. The charge has been made that to proceed in this way would be "imposing" a government on South Vietnam. In practice, however, the procedure is probably as democratic as can be devised. What is being suggested is that, in an area engaged in civil war, a temporary government be set up by the various factions of the society, and that this interim body carry out elections to establish a permanent system of government.

Two other major problems might be dealt with either in the negotiations between a new Saigon administration and the P.R.G. or by the provisional coalition government that resulted from these negotiations. One

problem concerns the arrangements for elections; the other, the withdrawal of the forces of the U.S. and its allies, and of the North Vietnamese. These are complicated questions but it seems that progress toward agreements on them must first await the creation of an interlocutor other than the Thieu-Ky regime to face the N.L.F. and the P.R.G.

On the military side, however, even without formal agreements, there could probably be an early reduction in the level of hostilities. A ceasefire seems impossible so long as the basic political problems remain unresolved, but the fighting might lessen considerably if the U.S. would cut back on its offensive operations. Fast, large-scale withdrawals—of the kind now advocated by former Secretary of Defense Clark Clifford—are something else again. That is one way for the U.S. to get out of Vietnam and it would certainly be better than staying in. President Nixon has expressed hope that he can beat Clifford's timetable of withdrawing all U.S. ground combat forces by the end of 1970—but he qualified this by saying that whether or not this would be possible would depend on how quickly the South Vietnamese forces improve in their fighting ability. Since there is no convincing reason to believe that the Saigon government forces will suddenly improve, Nixon will face the alternatives either of leaving American forces in South Vietnam or of withdrawing them and almost surely at some point along the line causing the downfall of the Thieu-Ky government. Would it not be wiser for the U.S. to encourage a coup d'etat now, while it still has some influence, so that a broader-based government might bargain with the P.R.G.? Would not this be better not only for the South Vietnamese but even for the selfish purposes of the Nixon administration, which needs to present an acceptable basis for disengagement to the American people?

FOUR MORE YEARS?

Unfortunately, there is no indication that the Nixon administration sees the problem in these terms. Shortly before I left Paris, I told a high official of the North Vietnamese delegation that my own attempt at crystal ball gazing on Vietnam came out like this: The D.R.V. and the N.L.F. will continue to refuse to deal with the Thieu-Ky regime and the Nixon administration, despite its desire to withdraw American troops, will keep enough U.S. forces in South Vietnam to prevent the fall of Thieu and Ky. Therefore, an end to the war probably cannot be foreseen before a Democratic administration, conceivably headed by Ted Kennedy, comes into office in 1973. He said he hoped I was wrong, but added: "If that is the way it is to be, we will continue the struggle four more years—or three or four times four more years." He then asked me what I thought would be the effect of four more years of fighting in Vietnam on America. I replied that I suspected it would be a very serious trial for our country.

WHO ARE THE VIETNAMESE PARTIES?

One of the mysteries of the North Vietnamese approach to the negotiations is why they continue to deny that they are participating actively in the fighting in the South. I had the following exchange with several North Vietnamese, including a high-ranking official, in their headquarters outside Paris, as I probed their written answers to my written questions. Part of one question included this quotation from the May 8 program of the South Vietnam National Liberation Front: "The question of the Vietnamese armed forces in South Vietnam shall be resolved by the Vietnamese parties themselves." The exchange:

"Who are the 'Vietnamese parties' who will resolve this question?"

"Those parties which are concerned."

"Do these parties include the Democratic Republic of Vietnam?"

After a long pause, came this answer: "Since this is a question for the South Vietnam National Front for Liberation, I suggest you refer it to the Front for details."

"Then is the Democratic Republic of Vietnam not concerned with this question?"

An animated conversation among themselves in Vietnamese followed, and then came this answer: "All those questions involving the Democratic Republic of Vietnam must have the consent of the Democratic Republic of Vietnam."

"But does this question involve the Democratic Republic of Vietnam?"

"Please understand that Vietnamese parties means Vietnamese parties!"

The firmness and obvious impatience with which this last answer was delivered left me with the clear feeling that I had best change the subject if I wanted the interview to continue.—R.H.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DULSKI. Mr. Speaker, there is a clamor for legal action against the distributors of smut. The need is without question.

The problem is and has been to come up with laws that have teeth which can be enforced. We are tussling with this situation right now in our Committee on Post Office and Civil Service where we are trying to control the flow of smut through the mails.

If the sender uses first class mail, he has the privilege of privacy which our citizens cherish. So we have to find ways to protect this right and still deal with the problem of pornography.

The Buffalo Evening News in my home city of Buffalo, N.Y., is running an excellent series on this subject of pornography and I already have submitted the first three articles for publication in the RECORD.

Following is the text of the fourth article, which appeared on September 17:

SMUT IN BUFFALO—IV: PORNOGRAPHY FIGHT STALLS IN COURT

(By Elliot Shapiro)

"There ought to be a law," is the reaction of most persons to the question of what is to be done about smut and the creatures who peddle it.

New York does have laws on obscenity. It's a crime to promote obscene material or to present an obscene performance. It's a more serious crime to sell or provide obscene materials to persons under 17.

But laws can only be enforced in the courts and that is where the fight against pornography has apparently bogged down.

Police and prosecutors throughout the country have been making seizures and arrests. Juries have exercised their common sense and returned findings of obscenity.

But appellate courts have made it extremely difficult to secure convictions that will "stick."

COURTS FACE PROBLEM

The courts face the problem of upholding constitutional rights—in the case of pornography, the First Amendment right of free speech.

The courts have not gone quite as far as Justices Hugo Black and William Douglas of the U.S. Supreme Court, who have written that in their opinion the government has no power to restrict any expression of ideas at all.

The majority of jurists have held that obscenity has never had the protection of the First Amendment.

The State Court of Appeals has said that "while freedom of speech and press is one of our most cherished constitutional guarantees, which must be vigilantly protected, obscenity is not within the area of constitutionally protected speech."

NOT FARFETCHED

The purveyors of pornography have regularly screamed "censorship" when communities attempt to clamp a lid on what appeared obscene.

Supreme Court justices don't think it far-fetched that an agency that can suppress a publication expressing unpopular ideas about sex might also suppress one expounding unpopular ideas in the economic area.

Justice Potter Stewart in a dissent on the conviction of Ralph Ginzburg, a New York publisher, for mailing erotic material, wrote:

"Censorship reflects society's lack of confidence in itself. Long ago those who wrote our First Amendment charted a different course. They believed a society can be truly strong only when it is truly free.

"FAITH IN THE PEOPLE

"In the realm of expression, they put their faith, for better or for worse in the enlightened choice of the people, free from the interference of a policeman's intrusive thumb or a judge's heavy hand.

"So it is that the Constitution protects coarse expression as well as refined, vulgarity no less than elegance.

"A book worthless to me may convey something of value to my neighbor. In the free society to which our Constitution has committed us, it is for each to choose for himself."

But what is "obscene?"

New York's penal law defines it in a three-pronged way—based specifically on U.S. Supreme Court decisions.

THREE FACTORS

Any material or performance is obscene the law says, if:

1—Considered as a whole, its predominant appeal is to prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism, and

2—It goes substantially beyond customary limits of candor in describing or representing such matters, and

3—It is utterly without redeeming social value.

All three elements must be present.

The Swedish film, "I Am Curious, Yellow," was found by a New York City federal jury to appeal to interest in sex and to be beyond even today's film limits. But the U.S. Circuit Court of Appeals for this district has ruled that it did have some social value and therefore was not obscene.

LAW NOT SETTLED

It doesn't matter that a Buffalo or Erie County jury might also find the film's depiction of sexual relations to be obscene by this community's standards.

The courts have ruled that the exhibitor's right of free expression permits him to show it.

New York law is not settled on whether the question of obscenity is a matter of fact.

to be decided by a jury, or a matter of law, to be decided by a judge alone, according to Buffalo City Court Judge Theodore Kasler.

Obscene material is in a class by itself, the judge noted.

If there is a narcotics arrest, for instance with a proper warrant, police may seize whatever suspicious powders or pills they find. The defense attorneys may then attempt to have this evidence suppressed and a hearing will be held before trial.

PRIOR HEARING

However, if the arrest is for alleged obscenity, the courts have ruled that there has to be a prior hearing on whether a warrant can be issued for the alleged obscene material to be seized as evidence.

While this is an extra step in the legal process, it can work in the case of books, magazines and pictures, Judge Kasler said.

However, his experience has been that it doesn't work for movies.

In a recent case, after viewing "Rio Nudo," an allegedly obscene film, the judge issued a warrant and police picked up cans of movie film. But when it came time to view the evidence, the film was not "Rio Nudo" but cartoons.

Another aspect that sets obscenity apart from other crimes is that there is very ready access to the Federal Courts in obscenity matters—because of the constitutional importance of free speech.

COURT MUST DECIDE

Thus, soon after Niagara Falls police seized a quantity of magazines from a bookstore, the owner was before Judge John T. Curtin in Federal Court, alleging that one of his constitutional rights had been violated by police "acting under cover" of state law.

Judge Curtin ordered the magazines returned, pending a determination in state courts whether they were obscene.

In his decision, the judge restated the general rule that has covered pornography seizures.

"A general search warrant leaves to the judgment of the officers on the scene what is obscene under law and what is not. The question of obscenity must be decided by a court and not by an individual officer," he wrote.

LEGALLY POSSIBLE

"From a practical viewpoint, the facts of this case highlight one of the reasons. The officer seized a number of titles which the courts have found not to be obscene," he added.

Best known of these was "Fanny Hill," which the Supreme Court ruled in 1966 is not obscene.

For all the difficulties in the process, officials believe it is legally possible to have material declared obscene and seized.

In the case of films, one avenue appears to be use of licensing power.

Although theater owners are challenging this power, claiming it violates the rule against precensorship established by the Supreme Court, Buffalo Corporation Counsel Anthony Manguso has advised the mayor that theater owners are subject to city ordinances which prohibit "obscene exhibitions."

NO LONGER FORBIDDEN

Denmark, which is reported to have had an even greater prevalence of pornography than this country, appears to have attempted to deal with the situation in a completely opposite fashion—no laws at all.

That country dropped all censorship of written material. According to a publisher, "there really is a poor market in Denmark for erotic literature, now that it is no longer forbidden fruit."

A Legislature which has just increased the penalties for pornography is not likely to follow that road.

A more likely change in the law is expected by jurists from the U.S. Supreme Court.

Two new appointees appear to represent more strait-laced backgrounds and as new pornography cases reach them, the narrow decisions by which some other court decisions became the law of the land may go the other way.

Until then, police are attempting to operate within the present intricacies of procedures designed to protect constitutional rights.

VERY SPECIFIC

For the private citizen—in many cases—the observation of Justice Douglas may be the best advice:

"People are left to pick and choose. There is no compulsion to take and read what is repulsive."

That should be appropriate for adults.

For children, New York State's law against selling minors indecent material has been held constitutional. It is very specific—even

specifying the amount of female anatomy that must be bared to constitute nudity.

And yet, according to Judge Kasler, there has been a report from one of the state's Appellate Divisions of a case in which a young boy was shown a filthy movie by a store owner.

Since the owner didn't charge—he was doing it, police said, because he was a sexual deviate—he couldn't be charged with disseminating indecent material to a minor.

SENATE—Monday, September 22, 1969

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, make Thy ways known to us that the divine intention may be fulfilled in all men. Give Thy higher wisdom to the President, and to all who in Thy name serve in the executive, legislative, judicial, and military branches of this Government.

O Lord, look upon our divided and discordant world and make us instruments of Thy peace.

Where there is hatred, let us sow love;
Where there is injury, pardon;
Where there is discord, union;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
Where there is sadness, joy;
For Thy mercy and for Thy truth's sake.

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 19, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore.

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations; and

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive office of the President, and cer-

tain independent agencies for the fiscal year ending June 30, 1970, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

TYPICAL SAIGON CORRUPTION

Mr. YOUNG of Ohio. Mr. President, American taxpayers seem to be on the

losing end constantly when it comes to our involvement in an ugly civil war in South Vietnam. Recently, the Defense Minister of the Saigon militarist regime, which is in power due solely to the bravery of more than 500,000 Americans fighting in Vietnam against the forces of the National Liberation Front and those Vietcong who have infiltrated from North Vietnam, offered for sale to the highest bidder, 202,887 rifles, machine-guns, and small arms given in recent years to the Saigon regime. These weapons, furnished by the United States from 1963 to 1966, presumably to be used to fight the Vietcong, are now being sold for a sum which may amount to several million dollars. This entire amount will go personally to corrupt leaders of the Saigon regime President Johnson and President Nixon have maintained in power. How can our leaders justify giving these people arms to sell in the open international market? Then Ky and other officials fatten their unlisted bank accounts in Hong Kong and Switzerland with more millions.

HOW ABOUT PUTTING A MAN FROM A SLUM INTO A HOME INSTEAD OF A MAN ON MARS?

Mr. YOUNG of Ohio. Mr. President, the Vietnam war is the longest and most unpopular war in U.S. history. More than \$115 billion has been wasted; more than 50,000 Americans killed; and more than 250,000 wounded. While peace negotiations drag on, more than 600,000 Americans remain in Southeast Asia. Meanwhile our domestic problems multiply. Hunger, poverty, and disease continue to afflict millions of Americans. As our gross national product approaches \$1 trillion a year, 8,400,000 Americans remain on welfare. While we land a man on the moon, 16 percent of our young men have been found unfit for military service because of educational deficiencies. Today, 28 percent of our youngsters are high school dropouts. The number has increased to 700,000 a year—seven major cities have dropout rates in excess of 30 percent. Dirty air costs the economy more than \$11 billion a year, but the Federal Government spends only \$78 million a year on air pollution abatement. Crime costs between \$20 and \$50 billion each year, but we invest less than \$5 billion a year for crime prevention and law enforcement—about the same amount Americans spend on toiletries. Twelve times as much is spent for alcoholic beverages and tobacco than is