

H.R. 5148. A bill for the relief of Stefania Chaber; to the Committee on the Judiciary.

H.R. 5149. A bill for the relief of Italia Fonzone; to the Committee on the Judiciary.

H.R. 5150. A bill for the relief of Ilona Galambos; to the Committee on the Judiciary.

H.R. 5151. A bill for the relief of Christine (Krystyna) Gorayska; to the Committee on the Judiciary.

H.R. 5152. A bill for the relief of James Vincent, Eugenia, Serafina, Rocco Fernando, and Nicola Mella; to the Committee on the Judiciary.

H.R. 5153. A bill for the relief of Gloria Molina Tan; to the Committee on the Judiciary.

H.R. 5154. A bill for the relief of Veto, Giovanna, and Maria Tarantino; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 5155. A bill for the relief of Rudolph Wolfgang Scheurgen; to the Committee on the Judiciary.

H.R. 5156. A bill for the relief of Werner Max Wehnmann; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 5157. A bill for the relief of Sister Elisa (Antonietta Frongia) and Sister Maria Claudina (Luciana Cancedda); to the Committee on the Judiciary.

H.R. 5158. A bill for the relief of Irini Chalmoukis; to the Committee on the Judiciary.

H.R. 5159. A bill for the relief of Precioso Abayan Gabrillo, Jr., and his wife, Erlinda Ignacio Gabrillo; to the Committee on the Judiciary.

H.R. 5160. A bill for the relief of Epa A. Onate; to the Committee on the Judiciary.

H.R. 5161. A bill for the relief of Bernward Karl Paulke and Winfried Paulke; to the Committee on the Judiciary.

H.R. 5162. A bill for the relief of Kamisetty Ramamohan Rao, his wife, K. Karuma Rao, and their children, K. Ramesh Rao and K. Sasirekha Rao; to the Committee on the Judiciary.

H.R. 5163. A bill for the relief of Morad Rashid; to the Committee on the Judiciary.

H.R. 5164. A bill for the relief of Samir Tarsha; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 5165. A bill for the relief of Jakob Karl Blumer and his wife, Brigitte Blumer; to the Committee on the Judiciary.

H.R. 5166. A bill for the relief of Amnon Feldman; to the Committee on the Judiciary.

H.R. 5167. A bill for the relief of Vito Portuesi and his sister, Maria Miceli and her husband, Giacomo Miceli; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

40. By the SPEAKER: Petition of Edmund A. Langr, Laurel, Md., et al., relative to taxation of citizens for public education; to the Committee on Education and Labor.

41. Also, petition of Louis Kushner, Monticello, N.Y., relative to election to the President of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BAIL REFORM NEEDED

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CARTER. Mr. Speaker, a recent article by Thomas W. Lippman of the Washington Post shows a classic example of the need to tighten the Bail Reform Act. The man accused of rape was sentenced to a prison term of 10 to 30 years. Prior to his conviction for rape, he had been arrested for various other crimes, including auto theft, housebreaking, carnal knowledge, housebreaking a second time, and petty larceny—and he was released on these several charges on his personal bond. Finally, he committed such a revolting crime that he was at last sentenced to prison for a term of 10 to 30 years.

The folly of releasing a habitual criminal on his own bond or on probation is exemplified in the article which I include at this point in the RECORD:

JUDGE GIVES RAPIST 10-30 YEARS

(By Thomas W. Lippman)

In a case he called a "classic example" of the need to tighten the Bail Reform Act, a judge yesterday sentenced a convicted rapist to a prison term of 10 to 30 years.

Judge John J. Strica of U.S. District Court said the crime committed by Philip E. Duckett, 23, was "particularly vicious." But he reserved his strongest words for the legal system that allowed Duckett to be free to commit the crime in the first place.

His remarks, which he prepared in advance, were made part of the record in Duckett's case.

On May 27, 1966, Judge Strica said, "this defendant was placed on probation" after pleading guilty to a charge of auto theft, a felony.

While he was still on probation, he was arrested on Aug. 24, 1966, on two other felony charges—housebreaking and carnal knowledge. He was released on personal bond to await his trial. His probation was not revoked.

The following April, still on probation and still awaiting trial on the later charges, he was picked up again, this time for housebreaking and petty larceny.

Since his record of appearing in court when required was good, he was again released pending trial.

Less than two weeks after that, he was charged with the rape for which he was sentenced yesterday, an attack on a teen-age mother whom he dragged into the incinerator room of her apartment house as she was preparing to leave for night school.

Duckett's story, Judge Strica said, "is a classic example of ineffective legislation." He said it "illustrates the pressing need for reform and revision" of the Bail Reform Act to permit judges to take into consideration danger to the community when setting conditions for pretrial release of suspects.

Under existing law, judges are required to grant a suspect's release unless they strongly believe that he will not appear in court when required. Revisions of the act to permit "preventive detention" are under consideration in Congress.

Supporters of the Bail Reform Act say that the real solution is not preventive detention, which they consider unconstitutional, but speedier trials. They would point to the long period that Duckett was free on personal bond while awaiting trial as an inducement to additional acts of violence.

The unrealistic manner in which an armed robber was released on probation is shown in a second article from the Washington Post by Alfred E. Lewis, also a Post staff writer.

Armed robbery in many States is a capital offense and carries with it a penalty of life in the penitentiary, or death. In this particular case, a 17-year-old high school senior who confessed robbery of a bank has been set free on probation.

YOUTH GETS PROBATION IN HOLDUP

(By Alfred E. Lewis)

A 17-year-old high school senior who confessed to the armed robbery of a bank here two weeks ago has been set free on probation by the Juvenile Court.

The Eastern High School student, who has no previous police record, was arrested Jan. 7 following a high-speed chase away from the \$2438 holdup of Public National Bank, 7838 Eastern ave.

Ten days later, the youth admitted taking part in the robbery at a hearing before Juvenile Court Judge John Fauntleroy. Fauntleroy suspended an indefinite commitment to Welfare Department custody and put the youth on probation, with an order to

return to court in 90 days for a review of his conduct.

The 17-year-old was driving the car the police chased from the bank. A 16-year-old companion was found in the trunk. He has not yet appeared in Juvenile Court.

Police said they also found three loaded guns and \$818 in cash in the car. Det. Sgt. Harry Noone of the Robbery Squad said he believes that three youths were involved. He said the officers chasing the car saw it stop once and let out a teen-ager who got into another car and drove off in a different direction.

The disposition of the 17-year-old's case was not known until yesterday. Judge Fauntleroy could not be reached for comment.

It seems to me that an attempt should be made to rehabilitate this young man.

ANTI-SEMITISM IN POLAND

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, January 28, 1969

Mr. JAVITS. Mr. President, the winds of dissent coursing through Communist Eastern Europe, where the youth are raising questions about justice and individual freedom, have brought a chill counterblast of anti-Semitism in Poland. This reaction to popular demands for freedom is sadly reminiscent of the tactics of czarist times when the Imperial Russian Government blamed the Jews for its woes. Fortunately, to its great credit the Catholic Church, which still has considerable influence with many Poles, has opposed this campaign.

Of the once thriving Jewish community of 3.5 million who lived in Poland before World War II, only a pitiful remnant of between 20,000 and 25,000 souls—less than 1 percent of Poland's population—remain to be buffeted by this government-encouraged anti-Semitism.

The New York Times of December 30, 1968, contained an excellent analysis of the status of Poland's Jewish population. I ask unanimous consent that it be

printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent to have printed in the RECORD the petition presented to the U.N. Human Rights Commission, adopted at the Chanuka Lights of Freedom Rally sponsored by the Student Struggle for Soviet Jewry on December 22, 1968, at which I had the honor to speak. This petition sets forth in explicit terms a request for justice for Poland's Jews and merits sympathetic consideration by the United Nations.

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

LEAVING OR STAYING, THE JEWS OF POLAND
FIND THE ROAD HARD
(By Jonathan Randal)

WARSAW.—"If I leave I'm a traitor," a Polish Jew said recently, "and if I stay I'm a Zionist."

The remark epitomizes the dilemma of Jews who have remained in Poland in this year of burgeoning anti-Semitism. They have been subjected to economic hardship, suspicion and harassment. Large numbers have chosen, with official encouragement, to leave.

The exodus itself is an officially unchronicled event, in contrast with the outspoken propaganda of the regime's "anti-Zionist" campaign, as the current anti-Semitism is euphemistically called here.

CITIZENSHIP IS RENOUNCED

The departing Jews become unpersons, obliged to renounce Polish citizenship and the country they considered home.

Only the Polish Ministry of Interior and Jewish welfare agencies in Vienna know exactly how many Jews left Poland this year. Neither has any desire to divulge the statistics.

The regime apparently fears further adverse publicity abroad. The welfare agencies believe any publicity at all may bring pressures to bear on the Polish Government to end the emigration. Such has been the case in the past in other Soviet Bloc countries.

Nonetheless, on the basis of extensive interviews in Poland and Western Europe it appears almost certain that more than 3,500 of Poland's 25,000 Jews have left this year. Some estimates suggest that up to 7,000 have emigrated.

Jews now number less than a tenth of 1 per cent of Poland's population. By the end of 1969 fewer than 10,000 are expected to remain as a fading reminder of the community that before the Nazi holocaust numbered 3.5 million.

The majority of those remaining probably will be the sick and aged, waiting to die. But some Jews will stay because they have not been discriminated against personally or because they are afraid to start their lives again in a foreign land.

"There's an old joke," a Polish emigre recalled recently, "that if everyone were allowed to leave Poland only a few thousand undecided Jews would remain."

GOMULKA PROVIDED EXCUSE

Rarely in its long history in Eastern Europe has indigenous anti-Semitism been so blatantly well-organized as in Poland this year. Somewhat ironically, the excuse for the latest wave was provided last year by Wladyslaw Gomulka, the Polish Communist leader.

Mr. Gomulka, whose wife is Jewish, denounced anti-Semitism soon after gaining power in 1956. But in a speech shortly after the Arab-Israeli war in June, 1967, he condemned pro-Israeli "fifth columnists" in Poland and said Zionists were free to leave for Israel.

His ire apparently stemmed from the ill-concealed delight of many Poles that "our"

Jews had beaten "their" Arabs. There was a widespread feeling of a vicarious Polish victory because many Israelis were of Polish stock, over the Soviet Union, which armed the Arabs.

Perhaps unwittingly, Mr. Gomulka's speech set in motion events that boomeranged less than a year later when his rivals almost toppled him from power. Nationwide student unrest over diminishing cultural and democratic freedoms served as a pretext for unleashing a carefully prepared "anti-Zionist" campaign in March.

WEAPON IN POWER STRUGGLE

In turn, that campaign became a major weapon in an anti-Gomulka power struggle launched by Maj. Gen. Mieczyslaw Moczar, then Interior Minister and his nationalist followers.

Within 48 hours of the first disturbance at Warsaw University, which many Poles are convinced was a provocation organized by General Moczar, mainly Jewish students and professors were pinpointed as the ringleaders by newspapers favoring the minister's line. Much of the "evidence," it is said, was carefully prepared by the so-called Jewish Section of the Interior Ministry.

In subsequent days and weeks, "Zionists," "revisionists" and discredited Stalinists—most of whom turned out to be Jews—were held responsible for the student disorders and purged from the party and their jobs.

Among the hundreds of officially announced Jewish victims were more than a dozen Jews of deputy ministerial rank, Central Committee members, prominent officials purged because of their grown children's alleged misbehavior and wives and husbands purged because of their spouses' purported misconduct.

THOUSANDS BELIEVED OUSTED

No meaningful statistics have yet been published, but it is generally believed that thousands of top and middle-level Jews, party members and non-Communists, were among those dismissed.

Jews had long held influence in the party disproportionate to their numbers in the population. Many joined the party in reaction against the nationalistic, and often anti-Semitic, Polish Governments of the period between the two World Wars.

The party in that period took its direction from Moscow, and it was to the Soviet Union that many Jewish Communists fled to avoid extermination at the hands of the Nazis. They returned to their homeland—a dominant force among the Polish Communists who survived the war—with the liberating Soviet Army.

"Stalin used the Jews because he had no other choice—there were practically no other trained Communists in Poland in 1944," a Jewish emigre has remarked. In the eyes of Polish nationalists these Jewish Communists were as suspect of undue subservience to Moscow in 1968 as they had been in 1938.

This spring, anti-Semitism became clever politics, especially for General Moczar's nationalists determined to use the weapon to eliminate the entrenched pro-Gomulka bureaucracy.

At times, the officially maintained distinction between disapproved anti-Semitism and approved "anti-Zionism" became blurred. Television news programs, for example, showed placards at a factory meeting denouncing "Zionists" and "mosiek," an abusive word equivalent to "kike."

His authority challenged under the cloak of anti-Zionism, Mr. Gomulka fought back. In a speech 10 days after the student disorders began he said: "It would be a misunderstanding if we saw in Zionism a danger for socialism in Poland, for the country's social-political system."

But his plea for moderation was ignored. Party cells in various ministries and state enterprises outdid each other in calling for the

ousting of all "Zionists" from all important posts.

In late June, the first campaign subsided publicly, apparently because of foreign reaction that included Sweden's cancellation of Premier Josef Cyrankiewicz's scheduled official visit.

In July Zenon Kliszko, Mr. Gomulka's associate, came close to an official admission that the campaign had turned into an anti-Semitic witch hunt.

He complained to the Communist party's Central Committee that "the Jew and the Zionist are being made identical."

At the committee meeting, Stefan Zolkiewski, a professor dismissed from his Academy of Sciences post, warned that the purges had "thrown back Polish science and arts by 20 years."

Wilhelm Billig, a Jew and an alternate member of the Central Committee who had been ousted as director of the atomic energy program, said the purge victims, "wrongly deprived of their posts," would be hard to replace.

The July meeting of the Central Committee was the first and last occasion given to purge victims to express their dissent in public. The party had already written of the Jews inside and outside its ranks. The purges continued without publicity for a time.

INVASION REVIVED CAMPAIGN

Then, with the invasion of Czechoslovakia in August, the public anti-Zionist campaign in Poland was revived and even the optimists began applying for emigration papers.

The awakening was particularly unpleasant for those Jews who had spent their adult lives in "the movement," as they refer to the Communist party.

"Twenty years wasted," lamented one purged official who berated himself for not having left in two previous waves of emigration—immediately after the war and following the liberal upheaval in 1956.

The 1968 emigrants range from unskilled workers, tailors and electricians to university professors, scientists, party bureaucrats and, inevitably, members of the secret police.

"When others were being persecuted in Poland important Jewish party members kept quiet," an emigré remarked, "and now thousands of Jews are paying the bill for a few rotten individuals."

So far-reaching have been the purges that for the first time since the communists took power a generation ago no Jew is a member of the ruling Politburo. "Politically, the most important Jews are two men in the Central Committee and Gomulka's wife," an emigré commented.

Dismissal from any job in a Communist Society, where the state is the only significant employer, has made it difficult for purged Jews to find suitable new jobs.

Typical of those who initially did not want to emigrate was a manager of an import-export organization who, after his ouster, refused a job as a streetcar conductor. "Besides," he said, "I'm too fat."

Unwilling or unable to stem the "anti-Zionist" campaign, the regime has fallen back on a hallowed pre-World War II tradition—emigration.

"There's an old saying," a Jew recalled, "which maintains that cutting off the head is the best way to stop a headache."

Among the emigrants are Ida Kaminska, director of the Jewish Theater, who now is in the United States and dozens of intellectual and cultural figures once the pride of the regime.

But as a disappointed emigré put it: "The big loss for Poland will not be the big names, but the unknown technocrats and research people who were working quietly on worthwhile projects."

A young teacher emigrated after she had been dismissed for allegedly teaching her students Hebrew lullabies. "It's ridiculous,"

she said. "I don't know 10 words in Yiddish, much less any Hebrew."

SWASTIKAS ON DOORS

Some emigrants were harassed into leaving by swastikas painted on their doors or insulting anonymous telephone calls. Some Jewish students emigrated after their scholarships were canceled last fall.

Emigrating young university graduates must reimburse the state for the cost of their higher education which often is more than a year's average salary.

Once the decision to emigrate has been made, the formalities are relatively simple, although many deporting Jews find them humiliating.

All departing Jews apply to the Dutch Embassy, which has handled Israeli interests since Polish-Israeli diplomatic relations were broken in June, 1967.

Whether or not the prospective emigrants are headed for Israel, the Dutch issue a document guaranteeing the bearer entry to Israel and travel costs as far as Vienna.

The document is then filed with the Interior Ministry. After the applicant has formally renounced Polish citizenship a special travel document is issued, usually within a month. Emigrants are then given a month to wind up their affairs and put their apartments in perfect order before returning them to the state. What galls many departing Jews is that by being forced to abandon their Polish citizenship, they can never return to Poland, the procedure, they feel, helps support the party's charges that their emigration to Israel proves that they had been unloyal "Zionists" all along.

VALUABLES HEAVILY TAXED

Customs regulations allow the emigrants to take small amounts of most household items with them, including three carpets for each family and automobiles if they are at least a year old. Jewelry, silverware, precious stones and stamp collections are heavily taxed above the small duty-free allowance.

Moreover, Jewish émigrés complain that bountiful bribes were necessary to have customs agents inspect their unaccompanied luggage. "We had to leave before the 21st when the travel document expired," recalled one man, "and until we came across with money we were told it would be impossible to pass through customs until the 27th."

Customs inspection tends to be rigid. A well-known Jewish professor had the bindings and sides of his books slashed open by customs officials searching for hidden dollars. Another émigré recalled, "the customs people put every plate up to the light to make sure they didn't have hollow compartments."

MARRIAGES ARE AFFECTED

The anti-Zionist campaign has been especially difficult for mixed marriages between Jews and Roman Catholics. A Polish doctor came home one evening, according to reliable sources, and ordered his Jewish wife to emigrate with the children, complaining that he had been threatened with loss of his job because of her.

In a different vein, émigrés report that in recent months Polish officials have not allowed the non-Jewish spouse of mixed marriages to leave unless the marriage is at least one year old.

Many emigrants with no special skills or relatives in the United States or other countries end up by going to Israel where all Jews are welcome.

Emigrés seeking entry to the United States and other non-European countries are sent to Rome to avoid embarrassing the neutrality and hospitality of the Austrian Government. There, two or more months may elapse before their documents are processed, even more if an applicant for the United States has been an active Communist party member.

JUST WAITING FOR A WHILE

Theoretically barred from immigrating to the United States, these party members, however, are reported to be benefiting from a tolerant interpretation of the immigration laws making an exception for victims of political persecution.

Many Jewish émigrés prefer to believe, as one young man put it, that "we are not gone for good but are just waiting outside for a while."

In the meantime, the emigrants are heading in roughly equal numbers to Israel and Western countries as geographically dispersed as Sweden, Australia, the United States and Venezuela.

The exodus has given rise to sentiments in Poland ranging from indifference and shame to a boast by a provincial party secretary that "if there were no Jews, I would invent them."

"Don't worry," a bitter young Jewish woman said, "when we are all gone they will start blaming Poland's problems on the bald."

And so, every day before the Chopin Express leaves Warsaw at 7:10 P.M., small groups of Polish friends escort departing Jews to the uncovered tracks of the Gdansk Station.

A LINE FROM SANTAYANA

Watching the scene recently, a Pole quoted a line from George Santayana—"Those who fall to understand the lesson of history are condemned to repeat its errors"—and added: "Strange to recall that line, but I suppose it was ago."

He was alluding to the short walk separating the station from the site of the former Warsaw Ghetto, razed by the Germans a quarter of a century old.

No one suggests a parallel in enormity between the current outflow of Jews to other countries and the forced departures that occurred during the Nazi occupation in World War II, when death camps were the final destination. The parallel exists only in the reason—anti-Semitism—that the Jews are leaving.

A diplomat who recently saw a colleague off at the station recounted overhearing a conversation between a couple whose young daughter stood a short distance away. "Tell her after a month," the man said before kissing his wife and boarding the train.

TEXT OF PETITION PRESENTED TO U.N. HUMAN RIGHTS COMMISSION; CHANUKAH "LIGHTS OF FREEDOM" RALLY; DECEMBER 22, 1968; SPONSORED BY THE STUDENT STRUGGLE FOR SOVIET JEWRY

U THANT,
United Nations, N.Y.

DEAR MR. THANT: On this Sunday, December 22nd, which is both the climax of Human Rights Year and the Jewish festival of Chanukah, the Feast of Lights, this protest rally held at the United Nations, in the presence of distinguished legislators, Senators Jacob K. Javits and Charles E. Goodell and others, DEMANDS:

1.—Immediate cessation of the current trials of Polish students—mostly Jewish—arrested and held since March 1968, and their immediate release from imprisonment.

2.—Reinstatement and compensation for those large numbers of Polish Jews dismissed from their jobs, evicted from their apartments, and subjected to systematic social harassment.

3.—Cessation of the absurd accusation against Polish Jews' involvement in a "Zionist conspiracy" to subvert Poland.

4.—Dissolution of the so-called "Jewish desk" in the Ministry of Interior, whose function it is to produce anti-Jewish propaganda and to seek out Jewish ancestry of high government officials.

5.—Emigration of those Jews who seek to leave, without harassment of person or property.

We protest most strongly against this political exploitation of anti-semitism by the Polish authorities.

RABBI STEVEN RISKIN,
Lincoln Square Synagogue, Chairman,
"Lights of Freedom" Rally.
JACOB BERENBAUM,
National Coordinator.
GLENN RICHTER,
New York Coordinator.

DAIRY IMPORT ACT OF 1969

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ZWACH. Mr. Speaker, I have periodically commented on the sad plight of American farmers over the past several years. I have indicated the economic crisis in which most farmers find themselves by inserting in the CONGRESSIONAL RECORD the present parity indices of several agricultural commodities. In all cases, these levels are far below the goals which Congress has sought to achieve through much of the agricultural legislation which has been enacted over the past 40 years.

In the case of milk and dairy products, one of the prime factors responsible for the failure of farm prices to reach full parity, is the overwhelming quantities of imports of dairy products which continues to flood our shores. Largely, these imports represent evasions of existing quotas established under section 22 of the Agricultural Adjustment Act. In an attempt to provide some relief to American dairy farmers, action is taken under section 22 to place limits on specific products. Unfortunately, importers have traditionally found loopholes in the limits that have been set. Furthermore, a substantial portion of the imports that are brought into the United States are heavily subsidized by the exporting country. Such tactics have resulted in record imports of dairy products since 1965.

In 1965, for example, 0.9 billion pounds of milk equivalent was imported. This compares with 2.7 billion pounds in 1966; 2.9 billion pounds in 1967; and 1.9 billion pounds in 1968. It is estimated that the new quotas will permit imports in the amount of 1.4 billion pounds of milk equivalent in 1969. It is obvious that more effective controls of dairy imports are indispensable to the welfare of American dairy farmers and to the general public. More effective import controls are necessary so that dairy farmers will have an opportunity to achieve parity prices. More effective import controls are also necessary to assure the general public an adequate supply of milk and dairy products. Such a supply is necessary to meet the growing needs of our growing population and our Federal programs, both domestic and foreign. Because the procedure under section 22 of the Agricultural Adjustment Act is so slow and cumbersome, evasion of these section 22 quotas has actually been rewarded by our Government. Products which have evaded existing quotas have been allowed to establish an import history and, when they are

finally brought under control, such products that have been given quotas thereby adding to the overall import explosion.

What is needed, therefore, is permanent legislation which will stop the evasion of section 22 quotas once and for all. To this end, I am today introducing the Dairy Import Act. The Dairy Import Act is a fair and realistic proposal which will serve to set an overall limit on the amounts of butterfat, nonfat milk solids, casein or caseinates, in any form, which may be admitted for consumption to the average level which was imported in the 5 calendar years, 1961 to 1965.

Mr. Speaker, I am hopeful that the Dairy Import Act will receive favorable consideration this year. The Johnson-Freeman administration opposed this legislation with the result that millions of dollars of unnecessary costs were added to the dairy price support program, hundreds of dairy farmers were driven out of business, and prices to dairy farmers were not permitted to approach parity levels. I am hopeful that the new administration will recognize the urgent need for this legislation and lend this support.

AIR TRAVEL IN THE UNITED STATES

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 28, 1969

Mr. PEARSON. Mr. President, the January 4, 1969, issue of the Saturday Review concentrates its efforts on outlining travel, its problems and promises in the United States. One article which interested me most was by Evert Clark and was entitled "Stack-ups, Breakdowns, Hang-ups, and Hope." The article describes the conditions which exist in our present national airport/airway system and focuses attention upon the conflicts which present major obstacles to solving these air transportation problems. Mr. Clark provides insight into these obstacles through his discussion of the roles which officials in industry and government must play to meet the needs of a modern air transportation system.

I feel, also, that the article presents a persuasive argument for the necessity of better aviation planning and more inputs into the decision processes in aviation policymaking. These arguments would, I think, lend support to a bill I introduced last Friday, a bill that would create a National Aviation Planning Commission. With public attention drawn to the failings of current air transportation planning at the Federal level, a greater understanding of the problem can be achieved, and the need for positive action will be recognized.

I ask unanimous consent that the article be printed in the Record.

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

STACK-UPS, BREAKDOWNS, HANG-UPS, AND HOPE

(By Evert Clark)

Can the aviation world, waking up ten years late, avoid stumbling over itself in the rush to correct a worsening situation?

A new definition of the air traveler has emerged from the congestion and chaos of 1968: He is a man who spends 60 per cent of his time in traffic jams on the ground and 40 per cent in traffic jams in the air (and sometimes goes to Havana). If that seems an exaggeration now, it may not be by the end of 1969.

For a time last year it appeared that help—in the form of federal airport and airways legislation—was on the way. But help got lost (in traffic, naturally). Contentions among the various segments of aviation and between the Congress and the Executive branch stalled the proposed laws, and they expired in the manner of a gas-starved automobile on a freeway. It is the same all over.

"The problem of sufficient airport access capacity is plaguing every major airport in the world," Alan S. Boyd told a Cleveland audience in mid-November. Mr. Boyd has just become a somewhat relieved lame-duck Secretary of Transportation. He was there to praise the city's "wisdom and foresight" in opening a rapid transit rail line to its airport. And he was unable to hide his incredulity that Cleveland, in the snarled and tangled latter Sixties, was "the first—and to date the only—city to provide a direct rapid transit line for its airport travelers."

The Department of Transportation provided two-thirds of the \$18.6-million cost of the Cleveland project. Twenty stainless steel "Airporter" cars make the eleven-mile run from downtown Union Terminal to the Cleveland-Hopkins Airport in a scheduled twenty minutes, though it sometimes takes thirty. Pairs of the electrically driven, red and silver cars carry eighty passengers at 35 cents a seat. Through the first month the project appeared successful, despite some imperfections. Now New York and Boston are planning similar systems.

The line of cars waiting to get to Chicago's O'Hare Airport stretched five miles in last year's pre-Thanksgiving rush. Mr. Boyd told the Cleveland city fathers, "Los Angeles International Airport had to go on the air every hour prior to last Christmas to warn of the parking space shortage. Air traffic controllers, trying to get to work at Miami International, were stalled in line for two and a half hours—trying to get from the entrance of the airport to the terminal."

The uncharitable view would be that the controllers deserved it. As the traffic cops of the air, they constantly delay people aloft and on the airport taxiways. By now, everyone knows the controller. He is the beleaguered civil servant whose job it is to keep 'em flying—or keep 'em grounded until there is room to fly 'em safely. It was through the plight of the overworked controller that the growing congestion crisis was first dramatized to the public in the spring of 1967. Since then, his life has been eased a bit by better pay and overtime and the hiring of many new hands. But he has also been told to expect the six-day week for perhaps another two years, until the new controllers are fully trained.

To land a job, the air controller must pass rigorous physical and psychological examinations. But what happens to him after a few years at the radar scope and the earphones? James Hill, counsel of the Air Traffic Control Association (one of the three groups vying for controllers' dues and loyalties), told the Republican Platform Committee last summer that medical research shows that "controllers as a result of undue pressure and tensions, suffer irritability, inability to sleep, nervousness, tremors, cramps, headaches, and nausea, and that with time, as with any tension or pressure when it is not relieved, it degenerates into the three usual products of unrelieved pressure and tension—heart attacks, ulcers and mental illnesses."

The passenger, pampered in the air but bewildered at the baggage counter, in the ticket

line, and on the freeways, may soon yield the same diagnosis. Mr. Boyd read his Cleveland audience a passenger's letter to the editor of *The New York Times* that reveals some early symptoms:

"Upon my last arrival at Kennedy International Airport, I could not even get a cab. The terminal was chaos and pandemonium. Pushing, shoving and yelling. Cabs and private cars were intermingled, weaving in and out in complete confusion. People were grabbing door handles trying to get a cab . . . cursing at the same time. . . ."

Any Fun City visitor knows that New York's Kennedy is the extreme example. It is the bottleneck extraordinaire in the national and international air network. But as Mr. Boyd's examples of Chicago, Los Angeles, and Miami demonstrate, New York is not alone. Traffic is worst at the twenty-two major "hub" airports. But that is like saying automobile traffic jams are only at the intersections.

For ten full years the New York area has been warned that it must build a fourth jetport or face air traffic strangulation. Experts pick sites and the residents reject them; or local boosters propose sites and the experts reject them. It takes seven to ten years to get an airport built after everyone agrees on where it will go. Yet a Port of New York Authority official says the New York situation "is still nowhere." And Dr. Richard R. Shaw, assistant technical director of the International Air Transport Association, says, "unless something else is done, airlines will leave New York, the world's biggest airport headache, and go to Boston, Washington, Baltimore, or anywhere else."

Dallas and Fort Worth had their troubles too, but finally buried the hatchet in mid-December and broke ground for the world's largest airport, an 18,000-acre layout with a six-lane highway cutting the center. The \$500-million airport is to be three times the size of Kennedy. Said Boyd, of the highway plan: "Such an idea would—only a few years ago—have qualified a man for residence in an asylum. Yet most major airports today would be tremendously improved by such service roads."

Chicago is planning a third major airport, in Lake Michigan. Los Angeles, in better shape than most, nevertheless plans another superfield. And Miami has driven the alligators, wild turkeys, and deer from a 38-square-mile tract 40 miles west of town to build an airline training base that may become a commercial field twice the size of Kennedy International. Now, Miami is worrying about rapid transit through the intervening Everglades. Other cities—Houston, Kansas City, etc.—are copying. But they will be lucky if the traffic does not grow faster than the grass between the runways.

Until the mid-1960's, the airways-airport system was, like a newly recruited controller, an unusually healthy specimen. Alarm over mid-air collisions in the late 1950's had brought some airways modernization. The jets, introduced in 1958, had not yet produced the expected traffic boom. Most airports had room for the planes, room for the automobiles, room for the people.

"As a result," David D. Thomas, acting federal aviation administrator, recalled, "there was a period of general procrastination within the total aviation world in developing and initiating the airports, navigation aids, air traffic facilities, and communications required by a jet market. People were simply too busy with today to prepare for tomorrow."

The aviation world is no longer in a dallying mood. It is frantic. But it is also as fractious as ever—especially when it is asked to spend some money. In the legislative battles of 1968, the airlines and airport operators generally, but reluctantly, accepted the Administration's proposals for higher charges to finance airways and airport improvement.

Airlines would have charged passengers 8 percent per ticket instead of 5 percent. Airports, outside the federal structure, would have increased landing fees, rental on ticket counter space, etc. These powerful aviation interests demanded something in return—including an aviation trust fund, which the Administration did not want. Business and private fliers, seeing higher gas taxes, less subsidization, and an ascendancy of the airlines, balked at most of the federal ideas. Congress, seeing no aviation consensus even in crisis, resisted action.

It is evident that sooner or later someone must pay, or the taxiways and runways will look as jammed as an airport access road. Airlines receive more than one new jet a day. General aviation adds eighty-five new planes a week to the airways. Thus an estimated doubling of landings and takeoffs at FAA-controlled airports in five years and a quadrupling by 1980 can be expected. It is no wonder that Administrator Thomas repeatedly says: "The future has been arriving faster than anyone expected. In terms of the predictions of the early 1960s, 1975 is already here."

The airways system of towers and landing and navigation aids was built in the span of more than twenty-five years at a cost of \$2 billion. It now needs an infusion of \$2 billion more in the next five. Although the federal government has put a bit more than \$1 billion into state and local airports (about 30 per cent of their total cost) in twenty years, 900 new airports are needed and 2,000 more need improving. The cost, by FAA estimate, \$4 billion to \$5 billion in the next six years.

What are a new President and a new Secretary of Transportation to make of all this? First, they will inherit a final Johnson transportation budget that is somewhat austere. But Mr. Johnson will hint that almost any financing scheme—user charges and even a trust fund, perhaps—would be an acceptable way to get the air lines modernized quickly. Next, the Administration will leave office saying it is not convinced that massive federal outlays are necessary to help build the non-federal airports. It will endorse federal leadership (and some funding) of airport planning—but not money to provide the concrete of runways and the brick and glass of terminal buildings.

If these sound like Republican principles—pay as you go and keep the decision-making at the local level—Mr. Boyd and his crew have already heard that charge from other Democrats. Whether Mr. Nixon will accept Mr. Boyd's hand-me-downs remains to be seen.

Without being too specific, Mr. Nixon pledged during the campaign to attack "a crisis in air transportation which requires new and imaginative solutions." He said he would consider removing the 40,000-man Federal Aviation Administration, which operates the airways, from the Transportation Department, but most observers doubt that he would gut a two-year-old executive department by taking away its most important component.

With urbanologist Daniel Patrick Moynihan in the White House at Nixon's side, former Massachusetts Governor John Volpe (familiar with the traffic-stuffed Northeast Corridor) as the new Transportation Secretary, and former Michigan Governor George Romney (who helped give the city the automobile) at the Department of Housing and Urban Development, Mr. Nixon has at least surrounded himself with men who are acutely aware of transportation's darker problems.

The departing Administration leaves behind one powerful weapon with which to wing, if not shoot down, the air congestion crisis. This is a FAA rule, issued last fall and effective in April, limiting landings and takeoffs in bad weather at five "high-density" airports—JFK, LaGuardia, Newark, Washing-

ton National, and Chicago O'Hare. The rule not only requires the airlines and other users to allocate the flights among themselves (or have the Government do it), but bans private planes from JFK at certain rush hours.

This ban is a revolutionary change of policy. In effect it declares that airline travel is now mass public transportation, which will be given priority treatment in accord with its newly recognized status. The change ends the sacred first-come, first-served philosophy under which the lone eagle in the Cessna had the same right to the sky as the commercial jet. It may be challenged in court and surely will be damned in hangar bull sessions till eternity. Even the airlines—the apparent victors—deplored it as only a stopgap measure.

But M. Cecil Mackey, assistant secretary of transportation for policy management, said the high-density rule is the shadow of things to come. The new rule is not oriented to types of aircraft or operators of aircraft, he said, but to the total number of people served.

"Taxis have free parking in front of hotels, where private cars can't stop. Buses can pull right up to Shea Stadium. We have exclusive bus lanes on some highways. The railroads have long had condemnation privileges. This concept of 'the most people served' has been very slow in coming to aviation." In ten years or less, Mr. Mackey believes, major airports will serve only airliners and all other aircraft will fly to smaller specialized fields.

The same principle may eventually drive private autos from the city streets in favor of mass transit. Until then, the hopeful airline passenger may be helped temporarily by the high-density rule—assuming he can get to the airport. But in the long run? In 1968, United States airlines carried more than 150 million passengers. They claimed to be adding new passengers at the rate of 40,000 a day. If the forecasts hold up, on any given day in 1980 more than one and a half million passengers will clamber aboard airliners somewhere in the United States.

There are, of course, no forecasts on the number of air traffic controllers who will get hung up in highway jams on the way to the tower, or how many taxicab handles will be grabbed at Kennedy Airport, or the length of time Secretary Volpe's plane will spend in airline stackups this year. This is not to mock the grave problems confronting our airport systems, but if the new Administration and millions of passengers are to avoid insomnia, nervousness, tremors, cramps, headaches, and all the other maladies that afflict traffic controllers, a sense of humor might help.

LT. COL. GUS GRISSOM, LT. COL. ED WHITE, AND LT. COMDR. ROGER CHAFFEE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, today, when we are still congratulating ourselves on the incredible triumph of our space program, achieved last month—it is necessary for us to pause for a moment to commemorate the second anniversary of our first, and only, space tragedy.

I refer, of course, to the disaster which so suddenly struck, on January 27, 1967, those three unique and wonderful American explorers, Gus Grissom, Ed White, and Roger Chaffee.

When that sudden flash obliterated these three great individuals, the United States of America lost three heroes; and those of us who have worked so closely with the space program lost three warm and irreplaceable friends.

There were those of faint heart who said, at the time of the tragedy, that these three men had lost their lives in vain, and even urged that our enormous program for the exploration of the unknown be minimized, or abandoned.

Mr. Speaker, the death of Gus Grissom, Ed White, and Roger Chaffee was infinitely regrettable. No nation could fail to be diminished by the loss of three men such as these. But, let there be no doubt whatsoever about this great truth: These men did not die in vain.

In the 2 years between that triple tragedy on the launch pad, and the enormous triumph of Apollo 8 last month, more than 5,000 changes were made in the spacecraft to render it safer, and to make the recurrence of any similar catastrophe all but impossible.

I sincerely believe, Mr. Speaker, that the triumph of Apollo 8 in December of 1968 would not have been possible if it had not been for the disaster of January 1967. The most brilliant scientific minds in the world—the minds of those who make our space program possible—were instantly bereft of any complacency they might have had, and were inspired to feats of unparalleled brilliance in insuring the safety of those who would follow in the footsteps of the three astronaut martyrs.

Most of us, Mr. Speaker, have not been so foolish as to ignore and minimize the perils of space exploration. Our astronauts live with the possibility of disaster every day of their lives, and so does everyone else involved in the program. The moon, and those attainable elements of the universe that lie beyond the moon, can never be conquered without hazard. It is a credit to the scientific advancement of the Nation that our honor roll of space martyrs contains only these three names. It is also cause for fervent thanksgiving to God Almighty that our losses have not been more numerous.

This is not said in any way to make the horror of January 27, 1967, seem less appalling than it was. It is said, rather, to give that tragedy a greater meaning, a deeper significance.

As we mourn anew the loss of these three magnificent young Americans 2 years ago, we can also take heart from the fact that the United States of America has once again shown the vitality and the courage to build a triumph from the ashes of disaster.

This was the particular endowment of our Founding Fathers; the particular endowment of our western pioneers. It has always been the special endowment that has made, and kept, our country great; the talent for learning the lessons of catastrophe and building upon that knowledge the foundations of ultimate triumph.

The lesson to be learned on this second anniversary of the death of Gus Grissom, Ed White, and Roger Chaffee is that we still possess this magnificent heritage. May the Nation never lose it.

For once we do, we shall deserve to lose the position of leadership and precedence we now enjoy. It is the faculty that distinguishes a first-class nation from those nations of lesser merit.

Had we not suffered the tragedy of 1967 we might not have achieved the victory of 1968.

**ONE HUNDRED MAJOR BILLS
SIGNED INTO LAW BY PRESIDENT
LYNDON B. JOHNSON**

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PERKINS. Mr. Speaker, during his last week in office, President Lyndon B. Johnson went to the AFL-CIO's national headquarters here in Washington to personally thank the trade union movement for the support and cooperation it gave in such great measure during the last 5 years. It was a simple ceremony—unannounced and largely unheralded. But in at least two respects, it was unique. As far as I can determine, a President of the United States has never before gone in person to a private organization to recognize its contributions to the Nation. And, no organization deserves such recognition more richly than the AFL-CIO. Its entire history is unswerving determination to shape a better life in a better world—a life with the fullest possible measure of social and economic justice—for every human being, regardless of race, color, creed, or station in life. So that all of our colleagues and Americans everywhere can know what the President said for himself and for the Nation, I include, under unanimous consent, his remarks and AFL-CIO President George Meany's response in the CONGRESSIONAL RECORD, as follows:

[From the AFL-CIO News]

TRANSCRIPT OF REMARKS AT CEREMONY IN AFL-CIO LOBBY, JANUARY 13, 1969, AT WHICH PRESIDENT LYNDON B. JOHNSON MADE A PRESENTATION TO GEORGE MEANY, PRESIDENT, AFL-CIO

MEANY: Ladies and gentlemen, the President of the United States.

The PRESIDENT: Mr. Meany, Secretary Wirtz, my dear friends.

Woodrow Wilson said labor is not a commodity, it is a form of cooperation. And before I leave this town, I asked for the privilege to come here and to talk briefly with you when I wasn't asking for anything of you, not even cooperation.

I wanted to tell you, on behalf of myself, my family and the American people how much I think we all owe you for the leadership that I have seen you exert during my five years in the presidency.

I looked over my diary last night and I have met with Mr. Meany and his assistants many times, but with Mr. Meany himself, 49 times, in personal meetings either in my office, the oval room or in the mansion.

In addition to that, he has called me, or I have called him, 82 additional times. We have had some rather extended conversations in those telephone calls.

Now, during this period of five years, our general goal has been the greatest good for the greatest number. We have tried to improve working conditions; we have tried to

improve wages, we have tried to see that profits were reasonable.

We passed minimum wage bills and things of that nature that directly applied to labor. But the thing that we have borne down on is the education of our young, medical assistance for our old, conservation of our resources—human and natural.

I know of no living single group that I think has been more responsible for the advances that have been made in this field in the last five years than the AFL-CIO, headed by George Meany, and supported by millions of men and women throughout this country.

The President of the United States and the President of the AFL-CIO have not always agreed on procedure or on method. I think we have always agreed on purpose and objective.

When Mr. Meany hasn't agreed, he said so in a friendly and firm manner. And I have tried to do that also.

I remember how disappointed I was when he came to the Cabinet room and told me that he regretted it about as much as anything he had done that year but he couldn't go along with my suggestions to merge the Commerce Department and the Labor Department. That disappointed me.

But I was really disillusioned when he brought about half a dozen other fellows like Joe Beirne with him to pound the table and just say, "Thou shalt not pass."

But if that was a disappointing morning, there were many, many other happy events.

And I am sure that my grandchildren and your grandchildren are going to live in a more peaceful, more prosperous and better world because of the leadership you people have given the American people.

So I said to Mr. Meany, in one of our little social chats not long ago: "I am going to invite myself to come over to your office. I don't think that will break tradition or precedence because I would remind you that you have invited yourself to come to my office many times."

I made a little investment and I want to bring you, from the hundreds of measures that we have passed, the 100-landmark measures that the Cabinet presented me with a little plaque and pen set on before I left.

I would like to present to the working people of this country and to their gallant, able and trusted leaders, a symbol of what the last five years has been all about.

Thank you, very much.

MEANY: Mr. President, on behalf of the AFL-CIO, its leadership, its millions of members, and on behalf of the many, many millions more who will be beneficiaries of the legislation which you signed into law and which is represented by the pens and titles of the various bills enacted over the last five years, I want to thank you.

Now, I am not going to take a long time—I could take quite a bit of time discussing the war on poverty, civil rights, hospital and medical facilities, conservation, Social Security, Medicare, urban housing, redevelopment, minimum wages and manpower training and many, many other things.

But I would like to concentrate just on one phase of the Lyndon Johnson record for the past five years because I feel that in the years to come, our grandchildren and their children will be beneficiaries of the education legislation passed in the last five years. Long after we are gone, future generations will benefit from this type of legislation.

If nothing else had happened in these five years except the education program, this Administration would have gone down in history as one of the greatest since the establishment of the Republic.

I am not going to read the list, it is too long. But I would like to perhaps summarize it by saying in fiscal 1960—just eight years ago—there were \$600 million authorized in funds for federal aid to education. In fiscal 1969, for federal aid to education, education

authorities authorized add up to \$6 billion. In other words, instead of \$600 million, we have \$6 billion for education in fiscal 1969.

During the darkest days of the Civil War, President Lincoln signed a Land Grant College Act to provide federal land for construction of state colleges. This gave education a tremendous boost. And students today are beneficiaries of what President Lincoln did 106 years ago during the dark days of the Civil War.

It is my opinion that our children, the children of all Americans—not just the children of trade unionists but the children of all Americans and their grandchildren, will be beneficiaries of the last five years of the administration of Lyndon Johnson in the White House.

They will be beneficiaries through greater educational opportunities, greater leadership because leadership and learning complement one another and in today's world, a uneducated citizenry would mean truly a backward nation.

In this field alone, in addition to all of the other things that happened and in which we are interested in the last five years, I think that Lyndon Johnson will go down in history as one of our greatest Chief Executives.

Thank you, very much.

**ONE HUNDRED MAJOR BILLS SIGNED INTO LAW
BY PRESIDENT LYNDON B. JOHNSON**

Higher Education Facilities of 1963, December 16, 1963.

Vocational Education Act of 1963, December 18, 1963.

Revenue Act of 1964, February 26, 1964.

Civil Rights Act of 1964, July 2, 1964.

Davis-Bacon Act Amendments of 1964, July 2, 1964.

National Commission on Food Marketing, July 3, 1964.

Urban Mass Transportation Act of 1964, July 9, 1964.

Government Employees Salary Reform Act of 1964, August 14, 1964.

Hospital and Medical Facilities Amendments of 1964, August 18, 1964.

National Commission on Technology, Automation & Economic Progress, August 19, 1964.

Economic Opportunity Act of 1964, August 20, 1964.

Graduate Public Health Training Amendments of 1964, August 27, 1964.

Food Stamp Act of 1964, August 31, 1964.

Land and Water Conservation Fund Act of 1965, September 3, 1964.

National Arts and Cultural Development Act of 1964, September 3, 1964.

Wilderness Act of 1964, September 3, 1964.

Farm Labor Contractor Registration Act of 1963, September 7, 1964.

National Defense Education Act Amendments of 1964, October 16, 1964.

Appalachian Regional Development Act of 1965, March 9, 1965.

Elementary and Secondary Education Act of 1965, April 11, 1965.

Manpower Act of 1965, April 26, 1965.

Social Security Amendments of 1965 (Medicare), July 30, 1965.

Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965, August 4, 1965.

Community Health Services Extension Amendments of 1965, August 5, 1965.

Voting Rights Act of 1965, August 6, 1965.

Health Research Facilities Amendments of 1965, August 9, 1965.

Housing and Urban Development Act of 1965, August 10, 1965.

Department of Housing and Urban Development of 1965, September 9, 1965.

Labor Union Officials Bonding Amendments of 1965, September 29, 1965.

National Foundation on the Arts and the Humanities Act of 1965, September 29, 1965.

Railroad Retirement Amendments of 1965, September 29, 1965.

High-Speed Ground Transportation Re-

search and Development Act, September 30, 1965.

Water Quality Act of 1965, October 2, 1965.

Immigration Act Amendments of 1965, October 3, 1965.

Heart Disease, Cancer, and Stroke Amendments of 1965, October 6, 1965.

Economic Opportunity Amendments of 1965, October 9, 1965.

Clean Air Act Amendments of 1965: Motor Vehicle Air Pollution Control Act and Solid Waste Disposal Act, October 20, 1965.

Health Professions Educational Assistance Amendments of 1965, October 22, 1965.

Highway Beautification Act of 1965, October 22, 1965.

National Vocational Student Loan Insurance Act of 1965, October 22, 1965.

Service Contract Act of 1965, October 22, 1965.

Federal Employees Salary Act of 1965, October 29, 1965.

Higher Education Act of 1965, November 8, 1965.

Vocational Rehabilitation Act Amendments of 1965, November 8, 1965.

Veterans Readjustment Benefits of 1966, March 3, 1966.

Railroad Labor Disputes, June 20, 1966.

Federal Employees Compensation Act Amendments of 1966, July 4, 1966.

Federal Salary and Fringe Benefits Act of 1966, July 18, 1966.

Library Services and Construction Act Amendments of 1966, July 19, 1966.

National Traffic and Motor Vehicle Safety Act of 1966, September 9, 1966.

Fair Labor Standards Amendments of 1966, September 23, 1966.

Child Nutrition Act of 1966, October 11, 1966.

Clean Air Act Amendments of 1966, October 15, 1966.

Department of Transportation Act, October 15, 1966.

District of Columbia Minimum Wage Amendments of 1966, October 5, 1966.

Railroad Retirement, October 30, 1966.

Allied Health Professions Personnel Training Act of 1966, November 3, 1966.

Child Protection Act of 1966, November 3, 1966.

Clean Water Restoration Act of 1966, November 3, 1966.

Comprehensive Health Planning and Public Health Services Amendments of 1966 (Partnership for Health), November 3, 1966.

Demonstration Cities and Metropolitan Development Act of 1966, November 3, 1966.

Elementary and Secondary Education Amendments of 1966, November 3, 1966.

Fair Packaging and Labeling Act, November 3, 1966.

Higher Education Amendments of 1966, November 3, 1966.

Indiana Dunes National Lakeshore, November 5, 1966.

Manpower Development & Training Amendments of 1966, November 7, 1966.

Economic Opportunity Amendments of 1966, November 8, 1966.

Mental Health Amendments of 1967, June 24, 1967.

Veterans' Pension & Readjustment Assistance Act of 1967, August 31, 1967.

Food Stamps Act of 1967, September 27, 1967.

Vocational Rehabilitation Amendments of 1967, October 3, 1967.

Public Broadcasting Act of 1967, November 7, 1967.

National Commission of Product Safety, November 20, 1967.

Air Quality Act of 1967, November 21, 1967.

Urban Mass Transportation Act Amendments of 1967, December 1, 1967.

Mental Retardation Amendments of 1967, December 4, 1967.

Partnership for Health of 1967, December 5, 1967.

Civil Rights Commission Extension, December 14, 1967.

Congressional Redistricting, December 14, 1967.

Flammable Fabrics Amendments of 1967, December 14, 1967.

Age Discrimination in Employment Act of 1967, December 15, 1967.

Wholesome Meat Act, December 15, 1967.

Postal Revenue & Federal Salary Act of 1967, December 16, 1967.

Economic Opportunity Amendments of 1967, December 23, 1967.

Elementary & Secondary Education Act of 1967, January 2, 1968.

Social Security Amendments of 1967, January 2, 1968.

Civil Rights Act of 1968, January 11, 1968.

Consumer Credit Protection Act of 1968 (Truth in Lending) May 29, 1968.

Omnibus Crime Control & Safe Streets Act of 1968, June 19, 1968.

Housing & Urban Development Act of 1968, August 1, 1968.

Accessibility of Public Buildings for Physically Handicapped, August 12, 1968.

Natural Gas Pipeline Safety Act of 1968, August 12, 1968.

Wholesale Poultry Products Act, August 18, 1968.

Food Stamp Amendments of 1968, October 8, 1968.

Regional Health Amendments of 1968, October 15, 1968.

Higher Education Amendments of 1968, October 16, 1968.

Vocational Education Amendments of 1968, October 16, 1968.

Radiation Control for Health & Safety Act of 1968, October 18, 1968.

Gun Control Act of 1968, October 22, 1968.

Manpower Development & Training Amendments of 1968, October 24, 1968.

Presented To The American Federation of Labor and Congress of Industrial Organizations on January 13, 1969, in Recognition of Labor's Contribution To Legislation Beneficial To All Americans.

(Signed) LYNDON B. JOHNSON.

SOME REMARKS THAT DESERVE SERIOUS REFLECTION

HON. THOMAS N. DOWNING

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DOWNING. Mr. Speaker, recent remarks by the distinguished senior Senator of my State's delegation, the Honorable HARRY F. BYRD, JR., have drawn notable editorial comment from members of the Nation's press. I am pleased to insert four of these editorials in the CONGRESSIONAL RECORD so that all the Members might have the opportunity to see them:

[From the Somerset (Pa.) American, Aug. 30, 1968]

A STUPID BLUNDER

Senator Harry Byrd, Jr., of Virginia would like to know why the U. S. Department of State has restored Stokely Carmichael's passport. The question is a good one and one which many Americans would like to have answered.

Last December, Stokely's passport was revoked because he had traveled to restricted areas, specifically, Castro's Cuba and to North Vietnam.

Senator Byrd had this to say: "Carmichael obviously gave aid and comfort to North Vietnam, a nation at whose hands the American people have suffered 191,328 casualties,

38 per cent of those casualties having occurred during the past six months.

"Yet, the Department of State has restored this passport, thus making possible other such trips and other such denunciations of the American people, and the American soldiers in Vietnam.

"Is it any wonder that more and more citizens are losing confidence in the government when the government acts in such a foolish and absurd manner as it has in pampering Stokely Carmichael, not only by permitting him to make reasonable statements on foreign soil, but also permitting them to incite rioting in this country without penalty?"

[From the Findlay (Ohio) Courier Republic, September 14, 1968]

SOME REMARKS THAT DESERVE SERIOUS REFLECTION

The United States Senate the other day added the sum of \$215,000,000 to the appropriation for the work of the Office of Economic Opportunity (OEO) for the coming fiscal year. But the action was not taken until after quite a bit of debate on the program. This is the agency that conducts the war on poverty.

There was general agreement that phases of the OEO program are performing constructive service. But there was much expression of views regarding some of the program's shortcomings.

Sen. Harry F. Byrd Jr., of Virginia, made some statements that deserve accent. He was discussing the general subject of helping the poor.

"When Congress appropriates funds to help the poor" said the Virginia Senator, "I want that money used to help those for whom it was intended." He made this statement after calling OEO "a very wasteful agency, poorly administered and with inadequate auditing procedures."

Sen. Byrd said that too often "the word 'poverty' is used not in reference to deprivation but rather to describe a difference in income and standard of living."

"The American system," he went on to say, "is based on economic incentives and these inevitably lead to some economic disparities. If equality of income is the goal of the war on poverty, then we are not talking about the American system but socialism. We are not talking about bringing the minority up but rather talking the majority down."

There are people who deserve to be helped through public and private efforts, but there are too many who just do not want to work, the Senator declared.

The senator read to the Senate a list of instances where, he said, OEO money has been used "to finance extremists and militant elements whose approach is to riot and to demonstrate and to agitate for more and more federal funds."

"The federal government," he said, "should not be in the business of underwriting revolution. We have not created OEO to preside over the dismantling of the American way of life."

"Until such time as this program can be put on a different foundation—one that assures that the taxpayers' money is being used for the purpose of helping the poor of the country—I cannot support additional appropriations for the Office of Economic Opportunity."

"When Congress appropriates tax funds to help the poor I want it used to help those for whom it is intended."

Democrats, in the debate in the Senate, were among the sharpest critics of the OEO. Sen. Byrd is a Democrat as is Sen. John McClellan, of Arkansas, who declared it's time to clean up the OEO and put the money where it will do some good.

As we said at the outset, Sen. Byrd's remarks deserved accent and serious reflection, as do those of Sen. McClellan.

[From the Cheyenne (Wyo.) State Tribune, Sept. 24, 1968]

WHAT IS THE DIFFERENCE?

Sen. Harry F. Byrd Jr., D., Va., recently wrote to Secretary of State Dean Rusk urging that this country withdraw communist Poland from the most favored nation status in trade with the U.S. which is accorded it by the U.S. government.

Senator Byrd cited the present Polish regime's repressive measures against Jews, its support of North Vietnam, and the participation of Polish troops in the Soviet invasion of Czechoslovakia as reasons why this country should no longer grant Poland most favored status.

In his letter, Byrd cited a July 24 demand by Rep. Paul Findley of Illinois along the same lines. Findley received the following reply from Assistant Secretary of State William Macomber which said: "... we do not believe this is the time for so drastic an action as withdrawal of (most favored nation status) from Poland because the evidence is not conclusive that an opposite trend has developed from that which is described in the attached Presidential determination on Poland. . . . The 'presidential determination' referred to said Poland is not 'a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement. . . ."

In view of Czechoslovakia, Senator Byrd asked the State Department if that was still its view with regard to Poland. Macomber, the same who replied to Rep. Findley, wrote Byrd:

"We are unable to judge whether Polish troops were ordered by the Polish government to take part in this action because of the latter's subservience to Soviet policies or whether the Polish government acted willingly because it also deemed the signs of liberty in Czechoslovakia as a threat to its own communist system."

The question is: What difference does it make? The fact it acted at all should be reason for removing it from the most favored nation status.

[From the Bridgeport (Conn.) Telegram, Oct. 22, 1968]

FEDERAL DEBT CLIMBING

Throughout this year, and for a few months before, the Congress debated the surtax on income taxes. It was finally passed only after it was accompanied by a mandatory requirement that government spending be cut by \$6 billion. Yet the total revenue to be raised this year by new tax legislation will amount to \$15.3 billion, almost exactly this year's interest on the national debt.

Citing this coincidence, Senator Harry F. Byrd, Jr., of Virginia called it "a dramatic, if painful lesson, in the cost of deficit spending." He had been holding forth on the size of the growing national debt. During the 90th Congress, the federal debt ceiling was boosted about \$28 billion. It now stands at a record \$357.9 billion.

"We would be well past that ceiling today, were it not for this year's tax legislation—the 10 per cent surtax—and the \$6 billion reduction in expenditures which the Congress demanded in return," Byrd said.

Byrd has inherited his role of watchdog of the treasury from his father, whose seat in the Senate he occupies now. He brought home the problems with this homily: Trying to hold firm on federal debt limitation is like trying to take away your wife's credit cards—the objectives are worthwhile but virtually impossible to accomplish. Regrettably, we must agree.

THE ATOM AS EXCAVATOR

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, in recent days, newspapers around the world have reported on a very exciting project currently under discussion between the U.S. Atomic Energy Commission and the Government of Australia. The Australian proposal is to use underground nuclear explosives to blast a new deepwater harbor at Cape Kerauden in Western Australia.

Worldwide reaction to this proposal has been positive. One reason undoubtedly is the strong friendship between the United States and Australia. Another must be the possibility to do so much good with the peaceful uses of atomic energy.

One of my colleagues on the Joint Committee on Atomic Energy, the Honorable CRAIG HOSMER, of California, has taken the lead in Congress in urging approval and prompt action on this project. His role and the forward-looking position of the Australians were the subject of an editorial in the Washington Sunday Star this week.

The editorial follows:

THE ATOM AS EXCAVATOR

Although its economic and technical feasibility is still subject to study, there is great promise in Australia's proposal to build a big new port with the help of the United States Atomic Energy Commission and its nuclear explosives.

As outlined by David E. Fairbairn, Australian Minister of National Development, the plan calls for blasting out a deep-water harbor on the northwest coast near Cape Kerauden on the Indian Ocean. This is an isolated region, but it contains great deposits of iron ore, and it would quickly become populated and prosperous if it had a port through which the ore could be shipped. The hope is that the AEC will be able to do the job with something like five 200-kiloton charges placed in a row 1,100 feet apart and detonated 800 feet beneath the ocean floor.

The question is whether such a detonation could take place without sending radioactive fallout over other countries. If it did so, it would be in violation of the test ban treaty's shortsighted provision inhibiting the use of peaceful nuclear explosives even though they might release only a harmless degree of radioactivity. But this aspect of the proposed Cape Kerauden project may actually be academic. Over the years, the AEC has developed explosive designs and emplacement techniques—all classified information—that may well be effective enough to keep the fallout within national bounds or reduce it to an amount too negligible to warrant international complaint.

Ironically, while the test ban may inhibit them, the non-proliferation treaty specifically encourages and provides for just such projects as the one Australia proposes. The nuclear powers, that is to say, are obligated to give aid, including explosive materials, to the non-nuclear powers to insure that they will not be left behind, technologically or otherwise, if they become parties to the treaty and thus forswear their sovereign right to make atomic weapons or explosives of their own.

In that respect, if it is adopted, the Australian proposal will be a trail-blazer in the

application of the non-proliferation treaty's provisions for cooperation between the atomic "haves" and "have-nots." And beyond that, of course, if the project is carried forward to success, it will demonstrate that the atom is a revolutionary sort of excavator to be used for the speedy and economic building of harbors and waterways around the world, including a new canal across Central America.

California's Representative Craig Hosmer, one of the most knowledgeable members of the Joint Atomic Committee, is so impressed by the potentials of Australia's plan that he has urged that the AEC be given \$300,000 forthwith to begin working on it. The suggestion is a good one. It should have President Nixon's favorable attention.

I AM A TIRED AMERICAN

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. POLLOCK. Mr. Speaker, it goes without saying that often we as Americans take advantage of what we have, and not fully realize the costs of our freedom.

I have an editorial from the Northwest Flyer which I would like to share with my colleagues. It was sent to me by one of my constituents, Mr. James M. Wright. The title is "I Am a Tired American":

I AM A TIRED AMERICAN

"I am a tired American.
"I'm tired of being called the Ugly American.

"I'm tired of having the world panhandlers use my country as a whipping boy 365 days a year.

"I am a tired American—wary of having American embassies and information centers stoned, burned, and sacked by mobs operating under orders from dictators who preach peace and breed conflict.

"I am a tired American—wary of being lectured by General DeGaulle (who never won a battle) who poses as second Jehovah in righteousness and wisdom.

"I am a tired American—wary of Nasser and all the other blood-sucking leeches who bleed Uncle Sam white and who kick him on the shins and yank his beard if the flow falters.

"I am a tired American—wary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey.

"I am a tired American—wary unto death of having my tax dollars go to dictators who play both sides against the middle with threats of what will happen if we cut off the golden stream of dollars.

"I am a tired American—fed up with the mobs of scabby-faced long-haired youths and short-haired girls who claim they represent the 'new wave' of America, and who sneer at the old-fashioned virtues of honesty, integrity, and morality on which America grew to greatness.

"I am a tired American—who is tired of supporting families who haven't known any other source of income other than government relief checks for three generations.

"I am a tired American—who is getting madder by the minute at the fifth peddlers who have launched Americans in an obnoxious race—who try to foist on us the belief that filth is an integral part of culture—in the arts, the movies, literature, and the stage.

"I am a tired American—wary of the

bearded men who tramp the picket lines and the sit-ins—who prefer Chinese communism to capitalism—who see no evil in Castro, but sneer at President Johnson as a threat to peace.

"I am a tired American—who has lost all patience with that civil rights group which is showing movies on college campuses from coast to coast. Movies denouncing the United States. Movies made in Communist China.

"I am a tired American—who is angered by the self-righteous breast-beater critics of America, at home and abroad, who set impossible yardsticks for the United States but never apply the same standards to the French, the British, the Russians, and the Chinese.

"I am a tired American—sickened by the slack-jawed bigots who wrap themselves in bedsheds in the dead of night and roam the countryside looking for innocent victims.

"I am a tired American—who dislikes clergymen who have made a career out of integration causes, yet send their own children to private schools.

"I am a tired American—who resents those who try to peddle the belief in schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed.

"They say they hate capitalism, but they are always right in the head of the line demanding their share of the American way of life.

"I am a tired American—real tired of those who are trying to sell me the belief that America is not the greatest nation in all the world—a generous hearted nation—a nation dedicated to the policy of trying to help the 'have nots' achieve some good things that our system of free enterprise brought about.

"I am a tired American—who gets a lump in his throat when he hears the 'Star-Spanned Banner' and holds back tears when he hears those chilling high notes of the brass trumpets when Old Glory reaches the top of the flag pole.

"I am a tired American—who thanks a merciful Lord that he was so lucky to be born an American citizen—a nation under God, with truly mercy and justice for all."

THANK YOU, MR. PRESIDENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PICKLE. Mr. Speaker, I am very proud to bring to the attention of the Members of the House of Representatives an editorial that appeared in last week's issue of the Capital Baptist.

In a straightforward, yet eloquent manner, the article cites the appreciation of a nation for the talents and efforts of Lyndon B. Johnson.

There have been countless articles and stories written in the past few weeks expressing the sentiment of our Nation for the outstanding accomplishments of President Lyndon Johnson—but few, perhaps, as concise in feeling and temperament as the Capital Baptist editorial. President Johnson's great grandfather, George W. Baines, was once president of Baylor University and one of our great statesmen and educators of early Texas. Baylor University is perhaps the most outstanding Baptist institution in America.

Without objection, I include the editorial in the RECORD:

THANK YOU, MR. PRESIDENT

Few men, if any, have had a more colorful career in politics than Lyndon Johnson. Born in Texas, but Capitol Hill has been his home most of his life.

Mr. Johnson became President in one of the most tragic moments in American history. He proved his leadership ability and the fact that he had what it takes to be President in but a matter of hours after Mr. Kennedy's death.

It would probably be safe to say that Mr. Johnson received a greater mandate from the people than any other President, and because of the mandate and his political skills, he had more power than any other President with the possible exception of Roosevelt in 1936.

Americans can be grateful that the President used the power to make America more conscious of the plight of many who were in need rather than yielding his leadership role to the self-interest groups.

This has been a difficult time in American history to be President. The strain and tension must be more than the average person could bear. President and Mrs. Johnson deserve a rest and an opportunity to enjoy the fruits of their labors.

Washington will miss them. From what we understand, national politics will not be the same. As you go Mr. President, we would want to thank you for your interest in our city which belongs to everyone, but cared for by a few. We want to thank you for your interest in the welfare of the American people, their education, their health, their housing, their employment. You have done more than any other President for the general welfare of the people.

We want to thank you for your interest in man's freedom, in the individual rights of private citizens.

We want to thank you for your interest in the national resources of our land and for all that you and Mrs. Johnson did to help preserve these resources.

It truly can be said that no person ever tried harder to accomplish more for the good of all.

It is our hope that you both will enjoy good health and much happiness.

IRAQ'S ACT OF BARBARISM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise to express my sense of shock and outrage at the news of the execution by the State of Iraq of 14 persons, nine of them Jews, on charges of spying for Israel. The circumstances surrounding this barbarous episode gives cause for the gravest concern. The trials upon which these men were convicted were held in secret. The executions were carried out before a multitude under circumstances which bespeak more of the Dark Ages than of the 20th century. Mr. Speaker, quite recently the Security Council of the United Nations saw fit to censure the State of Israel for an attack upon a neighboring state. In that censure there was no mention made of the grave provocation which preceded that act. Violence, whoever the perpetrator, is to be condemned and abhorred, particularly in an area of the world in which tensions are so high. Therefore, Mr.

Speaker, it seems to me that this House should express to the world its revulsion at the actions of the Iraqi Government and our highest concern of the effect of its action upon world peace. If the State of Israel is to be condemned by the world community for seeking to safeguard its commerce, it seems to me that the State of Iraq should be condemned for this act of barbarism.

WHEN TOO MUCH KNOWLEDGE BECOMES A DANGEROUS THING

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. WEICKER. Mr. Speaker, I feel that the tragic events in Nigeria-Biafra where an estimated 20,000 persons die of starvation each day require that I speak out for positive action to prevent the extinction of a generation. Following is an address I delivered at the University of Bridgeport, Bridgeport, Conn., on Friday, January 24, 1969:

WHEN TOO MUCH KNOWLEDGE BECOMES A DANGEROUS THING

(A commencement address of the 1969 mid-winter class of the University of Bridgeport; Bridgeport, Conn., by the Honorable LOWELL P. WEICKER, JR., Member of Congress)

On Monday of this week I had the privilege of being a participant in what was to me and I am sure to millions of Americans from Washington, D.C. to the tip of Alaska a thrilling and awe-inspiring event—the inauguration of a President of our United States.

There were two occurrences and one impression that registered rather forcibly on me during that one hour of what is now American history.

The occurrences were in this order:

The singing of the Irving Berlin Song, "Give Me Your Tired," by the Mormon Tabernacle Choir and the spotting of my two sons, aged 8 and 11, in a crowd of over 100,000 people, mostly adult.

The song registered because it had been so long since I had either read or heard those words of a nation in its youth:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,

The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost
to me,

I lift my lamp beside the golden door!"

Secondly, finding my children in that sea of anonymous faces was a moment to remember because when I did spot them they looked unconcerned with the solemnity of the occasion, but rather had on their faces the happiness of young children occasioned by finding their father rather than seeing a President of the United States or a Congressman from Connecticut. And as I saw them and others of their age in that crowd of adults they looked excitedly expectant and mighty small.

The impression that I came away with was that on that day as was the case four years ago and will be the case four years from now, our United States was being born again with the only restriction on what our nation will accomplish being limitations of our own choosing.

I suppose that the words common to my experiences of January 20, and to yours on

this important evening of your lives are hope and heart, and it is those traits and how they relate to knowledge that occasions the subject matter of my talk this evening.

Remember: A verse that expressed a young unsophisticated nation's willingness to take the world's trampled to his heart.

Remember: Children that enjoyed the health to be happy; that loved and were loved.

Remember: A Ceremony that dedicated the awesome strength of this country to a new start.

A small child lying in the dust looks up at the hot African sun. She summons all the strength left in a body made grotesque by starvation for one more cry of help to the unanswering desolation around her before closing her eyes for the last time.

At the same moment much of the diplomatic world after deliberation and thought comes to the scholarly conclusion that the most humane way to end the Nigeria-Biafra War is to participate by inaction in a policy geared to the "Quick Kill" of Biafra as being the humane resolution of an awkward situation.

The United States of America, meanwhile, has during the past year accomplished the following: Sent three men a half million miles around the moon and returned them within 7,000 yards of their landing objective; paid farmers millions of dollars not to grow crops because of an over abundance in our agricultural economy; produced more new drugs and pharmaceutical products for the cure and alleviation of disease and pain than all the rest of the nations of the world put together; built, at Marietta, Georgia, the largest cargo plane in the world.

It is not my purpose tonight to touch upon the governmental rights and wrongs of the Nigerian-Biafra War. What their Governments do while 20,000 children die each day is not worthy of one-minute discussion. What our Government does to assure that ten million live—is.

Let me give you a few facts.

It is estimated that two million people or almost the entire population of Connecticut have died from starvation since the outset of the conflict.

At the present time relief agencies fly in 150 tons of food a day—5,000 tons are needed daily.

Incidentally, do you remember 1948 when America set its heart and mind to the task of feeding Berlin? We flew 9,000 tons of food a day into that isolated city. It's now twenty-one years later and knowledge has created better planes—but is the end product of that knowledge worth the striving if there is no heart to guide its use?

The diplomats and politicians are presenting some very sophisticated arguments as to why nothing should be done. Arguments that are steeped in over one thousand years of diplomatic practice and learning. And I propose to you this evening that it is at this point that too much knowledge has become a dangerous thing.

For, ladies and gentlemen, if we accept as valid and respectable such knowledge as teaches our country to remain silent while 20,000 people die each day then as a nation we repudiate the origins of our own greatness and cast our lot with those countries who long ago found existing preferable to achieving.

And history will show that it was during just such a time of diplomatic maneuvering, with the "raison d'etre" of the European nations being to exist, that the United States grew and became strong as it relied on instincts of the heart and the common sense so abundant in the American mind.

There are those who will say it can't be done.

I'm reminded of the story told by Charles Kettering, one of the early founders of General Motors, "When I was Research Head of

General Motors and wanted a problem solved, I'd place a table outside the meeting room with a sign: 'Leave slide rules here.' If I didn't do that, I'd find some engineer reaching for his slide rule. Then he'd be on his feet saying 'Boss, you can't do it.'"

Is it food we lack?

Is it planes we lack?

Is it placing the food on the mark that we can't do?

Our status in all these areas as described before, resounds "NO" to all these questions. Is it not that we have become so sophisticated in international politics that the paper consequences are freezing our natural reactions of help for the suffering and love for children everywhere?

What happened to that young brawling nation that had strength far beyond the numbers of its population or the taught wisdom of its people because it was engaged in living the highest purposes of God and man?

Certainly, I do not advocate a diminishing of our educational efforts or an acceptance of a high school education as being sufficient.

What I am saying is that the purpose of learning and education is to send one more man and one more woman into a world of desolation to share that knowledge with compassion and flexibility with the thousands, who, in the words of Victor Hugo, "Exist in physical and spiritual night."

I want a world that runs to even one lonely child dying in the dust and takes it to its arms of concern—to its table of food—to its hospitals of care.

It is not on the words of old diplomats but on the happiness of these children yours, mine, the world's that this nation should premise its journey of the next four years.

Cease fires, truces, the reconciliation of regions, summit talks is the business of months.

The task of the minute is to give life where there is repetitive death.

As the snow covers our New England with a mantle of white let the parachutes with their cargo of food cover both Nigeria and Biafra so that the world understands while we gained in knowledge we also gained in love.

MAIL-ORDER SALES OF PORNOGRAPHIC MATERIAL

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SKUBITZ. Mr. Speaker, I am introducing, for full and deliberate consideration, legislation that would regulate mail-order sales of pornographic material.

The need for effective legislation is never more apparent than today. Throughout the United States local and State law officials, educators, and civic organizations are waging a never-ending fight against the sale of smut to school-age children. Parents are advocating, and justly so, vigorous enforcement of existing obscenity laws.

I strongly feel that there are countless numbers of parents in this country who do not want their children's sex education to be influenced by smut merchants. The heavy volume of constituent complaints attest to the fact that something must be done to bring about an end to this problem. The future of our Nation and the world depends on the youth of today.

The current legislation, Public Law 90-

206, provides for the person receiving pornographic material to report it to the local postal authorities. After a considerable amount of time, energy, and money the total result from the complaint is the fact that the smut merchant has lost a name from his mailing list.

In checking with the postal authorities, I find that in 1968 alone over 165,000 formal complaints had been registered. These persons were recipients of unsolicited offensive mail. With the number of complaints rising each week the need for more effective legislation must be dealt with by this Congress.

I, therefore, have introduced legislation that would give the postal authorities strong, effective powers to stop the dealers of pornographic material from pushing their unwanted material on the American people.

The legislation would:

First, prohibit mail-order sales of obscene material to children of school age.

Second, it would provide that a family with children under the age of 16 who receive, or are solicited to receive, hardcore pornographic material would have the right to bring action against an offender in which the crime would be deemed a Federal crime, punishable by a fine and jail sentence.

Mr. Speaker, I urge my colleagues to support this legislation in order for protection to be provided for American families and their school-age children. I respectfully request that committee hearings be scheduled as soon as possible.

WOMEN'S JOB CORPS CAN HELP

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. HANSEN of Washington. Mr. Speaker, one of the truly visionary innovations of recent years is the Job Corps. In years ahead, we will look at its results with the same pride we now place in the GI bill of rights, which was so controversial following World War II. This Nation has learned there is no way to lose when the investment is in people.

Many times I have commented on the value and contribution of Job Corps to the U.S. Forest Service and the Department of the Interior. Those have been cases of young men who are serving as firefighters and conservationists while learning.

Job Corps has been bolstered by a group called Women in Community Service—volunteers who have dedicated themselves to helping those girls who join Job Corps. The teamwork of the Government and these volunteer citizens was dramatically spelled out in a recent article in the Aberdeen, Wash., Daily World. I would like to place this in the RECORD.

WOMEN'S JOB CORPS CAN HELP

(By Lillian Van Syckle)

Good jobs seldom just fall into your lap. They're hard to find. A young woman applying for a job nowadays needs special training in her field, trim clothes, a knowledge of

good grooming and a desire to make a better future for herself.

This might be an overpowering list of qualifications for a girl who left school before she had learned special skills and whose wardrobe and self-confidence were nearly nil—that is, it might be if it weren't for Job Corps.

The desire to make a better future for herself is the only qualification the job applicant needs after she is accepted by Job Corps. The others will have been achieved by the time she is graduated from the corps.

Girls from 16 through 21 years old are eligible for the Job Corps if they are out of school and can't find work.

In the Harbor area, girls may inquire about Women's Job Corps from Mrs. Helge Erickson or Mrs. Aaron Wise, both of Hoquiam, volunteer workers for Women in Community Service.

Working in teams, WICS volunteers seek out girls who might profit from the opportunity to leave home and prepare for a more promising future. They explain the Job Corps residential centers to the girls and their families on home visits.

WICS volunteers interview candidates, engage professional help for health examinations and aptitude tests, then guide and help girls through the various steps on the way to enrollment. The final selection is made by the Job Corps in Washington, D.C.

After a girl is accepted by the Job Corps she is assigned to one of the Job Corps residential centers—the closest one to Grays Harbor is at Tongue Point, near Astoria, Ore. Then she begins her training.

With the conviction that "every girl needs a chance to be somebody," the Women's Job Corps Center is like a new home where new people and attractive surroundings give life a new meaning.

There will be some studying—reading, writing, speaking, math. Recruits will learn how to do a job, in a hospital, an office, in selling or communications, sewing, cooking, institutional household arts. Counselors will help decide which job is best for the girl.

Material will be provided and trainees will be taught, if they wish, to sew new clothes for themselves. Ample time is allowed for recreational activities after study and work periods.

Girls in the centers get spending money while they train, an allowance of \$14.34 every two weeks, and special points can be earned to raise this allowance.

When girls complete their training at the center they receive \$50 for each month they spend in the corps. They may have part of their money sent home to help take care of the family, and the Job Corps will match what they send home. Or the money may be used for living costs while the girls are looking for jobs.

"It's a wonderful program," Mrs. Erickson says with conviction when people ask her about Job Corps. "It gives girls a real chance in life when they are young enough to get years and years of benefit from it."

"The program is a rewarding experience also for the WICS volunteers who recruit, screen and assist the girls in finding work after the training period. We can always use WICS volunteers."

SALUTE TO DR. BEEKEY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. YATRON. Mr. Speaker, so much has been said about disorder on the college campus of today that it is with pride

that I call your attention to a college in my district that is an example of an ideal atmosphere of study and learning. This school is Kutztown State College, whose president, Dr. Cyrus E. Beekey, has announced his retirement for health reasons.

Kutztown State College and the entire surrounding community will sorely miss Dr. Beekey. I too, join in wishing him good health. Many fine tributes will be paid to Dr. Beekey in the coming months but I feel the fine editorial which appeared in the Reading Eagle on Wednesday, January 22, 1969, expresses the feelings of those who know him and are aware of his accomplishments:

SALUTE TO DR. BEEKEY

A short but eventful tenure of achievement as president of Kutztown State College will end Aug. 1, with retirement of Dr. Cyrus E. Beekey, at 62, because of health reasons.

Although he suffered a respiratory attack shortly after being appointed the eighth president of the college—in July 1967 to fill the vacancy created by the death of Dr. Italo L. deFrancisco—Dr. Beekey has carried out his duties in a manner that has impressed his colleagues and students, as well as the community he serves.

Dr. Beekey in his quiet way has pushed the college forward while providing a tranquil atmosphere for teaching and study. A measure of the school's progress under his tenure may be gleaned from the fact that in the first 18 months of his term, enrollment climbed from 3,893 to 4,442, and the faculty increased from 215 to 237.

To keep abreast of enrollment, the campus physical plant added four new buildings—a research and learning center, a library, a student center and the Dietrich dormitory for men. Four more buildings are under way or about to be started.

In short, Dr. Beekey carried on the building and educational program of his predecessor, and has added to them, thus continuing the momentum of Berks County's largest college.

A native of Myerstown, Dr. Beekey had behind him a solid background in teaching and administration when he became president at KSC. Recipient of a bachelor of science degree from Albright College in 1927 he was awarded a master of science degree from Cornell University in 1934. While teaching at Reading High School, he was awarded a Ph.D. degree from Cornell for graduate work in ecology and invertebrate zoology in 1940.

Before joining the KSC teaching staff in 1943 as a teacher of physics in the U.S. Army Air Cadet Corps program on the campus, Dr. Beekey, who began his teaching career in 1927, as a teacher of mathematics at Southern Junior High School, taught in Reading High's biology department from 1931 to 1943.

At KSC, Dr. Beekey moved gradually up the educational ladder—to professor of biology and science department chairman in 1944, and to dean of academic affairs in 1956. In May 1967, during the illness of Dr. deFrancisco, he was named acting president of the college.

Both Dr. Beekey and his wife are familiar figures in educational and civic circles in Kutztown. Highly regarded in scientific circles, Dr. Beekey is a past president of the Mengel Natural History Society and the Pennsylvania Academy of Science. He was named to head the former in 1946 and the latter in 1954.

We wish Dr. Beekey good health in the remaining months at KSC, and a happy retirement next August. We salute him for a job well done.

EDUCATION: THE FULCRUM FOR RESURGENT AMERICAN SEAPOWER

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MAILLIARD. Mr. Speaker, on January 17, Mr. Charles F. Duchein, president of the Navy League of the United States, spoke before the Commonwealth Club of California on the subject, "The Mess in the Merchant Marine." One of the principal underlying themes of Mr. Duchein's address was the current necessity to educate the American people of the crucial national interest involved in rebuilding our maritime posture to a position of world preeminence.

It is of no small significance that only 4 days following Mr. Duchein's address, on January 21, the Chief of Naval Operations, Adm. Thomas H. Moorer, U.S. Navy, appeared before the Special Subcommittee on Seapower of our Committee on Armed Services emphasizing a similar educational need in order to enlist the full support and understanding of Congress and of the American people on the subject of seapower. In his prepared statement presented before the special subcommittee, Admiral Moorer observed:

I hope that your efforts will help to bring greater understanding of the importance of Seapower to more people in the United States. As a maritime nation we cannot afford to overlook what the Soviet Union and others seem to understand so well.

More than 2 years ago when speaking in San Diego, Calif., I, too, decried the then current shocking deemphasis in our national maritime efforts and pointed to the need for a rebirth of national leadership to avoid abdicating our position as a major world seapower. The fulcrum or lever for this resurgence must "start with some grass roots education" as pointed out by Mr. Duchein in his January 17 address.

It is in recognition of the importance of this national issue that I now insert the full text of the address by Mr. Charles F. Duchein, president of the Navy League of the United States, and commend it to the attention of my colleagues:

THE MESS IN THE MERCHANT MARINE

(Address by Charles F. Duchein)

You asked me to talk about the mess in the merchant marine but I think it is high time we stop talking about the mess in the merchant marine and start giving a positive American touch to our crucial situation at sea.

Instead, we are tampering with the long-term prosperity of this Nation through our vacillation and neglect of what can be the chief stimulator of the national economy—the foundation for our future prosperity and this is to rebuild our maritime posture to a position of world preeminence.

Our fast moving 20th century industry depends increasingly on strategic materials carried from overseas in ships. The burgeoning trade along the world sea lanes affords the most inviting possibility for economic growth in our history. But you and I know we now carry only a fraction of even our own trade. The tragedy is we are not capitalizing on the exploding lucrative world

markets—we continue to talk when positive action is called for. While we talk about the mess in the merchant marine, we ignore the decisions our Government must make to get back up on the maritime step.

My message today is not to decry the "mess in the merchant marine" nor to try to fix the blame. Instead, I want to highlight the tremendous oceanic opportunity unfolding. As the first step in the educational process, we need to learn more about the economics of the sea by delving into the complexity of the U.S. waterborne transportation industry. There are high stakes involved in building up oceanic strength and there is urgency for doing so.

I say, let's get on with it, let's start building a merchant fleet that will be the pride of every American—that's my answer to the mess in the merchant marine.

Frankly, based on hard economic facts, as a businessman I see a long term bullish trend in the maritime market. For example, an authoritative Harbridge House study concluded that while carrying a fraction over 7% of our trade, the United States saved a billion dollars yearly in gold flow from the revenue of this trade. It doesn't take a mathematics major to see what this would mean toward gold flow reversal if we carried 50% of our trade.

Economically, this is an index of what carrying trade can mean if we go after the market. This tantalizing fact has not escaped Mr. Nixon. This is precisely why he has made the revitalization of the merchant marine "a highest priority economic task". But while the President elect knows this economic fact of life, few Americans do. And their lack of interest, understanding and concern, to my mind, is the chief reason why we are in such serious trouble.

That is the problem boiled down to basics—it is an educational one. Yes, education—and the aggressive merchandising of American maritime product. We might well take a page out of the bold aerospace industry's promotional book to regain a number one world maritime position.

Speaking of modern methods of merchandising, Jack Gilbride, president of Todd, and a good friend of mine, and I must say one of the most progressive American shipbuilders, is telling the Nation through a fine program of educational communications—"You can't walk on 3/4 of the earth's surface". How strange that the American people and their Government, at this late hour, need such elementary oceanic education; but, unfortunately, they do. No, you can't walk on water. But there is "gold" in the oceans of the world—and strength—and security. Actually, Americans are just beginning to grasp the fact that the modern gold rush of today is toward the challenging last world frontier. Talk to your stock broker if you are not convinced that what I am saying is accurate—your fabulous California gold rush of '49 is now exploding to the entire world of water.

Whether it was slothful thinking, sporadic strikes, the inaction of the decision makers in our government, the failure to comprehend the vital importance of the merchant fleet brought about the present plight. Whatever it was, and it was many things, bold imaginative plans are needed now.

In terms of the American touch, the almost flawless flight to within 60 miles of the moon by Apollo 8 shows there is still plenty of vitality in the American people—when they are pressed. I watched the launch at Cape Kennedy: What a marvelous experience! As I watched the rocket soaring into space, to myself I humbly thanked Stalin, Khrushchev, Brezhnev and Mikoyan. Who launched Apollo 8? I would say, "Unquestionably Sputnik". The Soviets touched a sensitive American nerve—we can't stand a second place position and that is good. The psychological shock of Sputnik's first spin in space awakened this Nation. And Apollo

8, if it did nothing else, showed the tremendous American potential to think, to produce, to create—it showed the strength of our will and our determination and it came at a time when the world was beginning to wonder.

What we need now is the same sort of shock treatment to build our merchant marine to the strong, modern, competitive position world conditions dictate. Though hardly as dramatic as Sputnik, the exploding Soviet maritime strength has far more ominous political, economic and military implications.

Focusing on the red revolution at sea, the central significance of the competitive merchant marine stands out. How do we stack up? Four out of five of our merchant ships are of World War II vintage. But not Soviet ships—four out of five of their ships are less than 10 years old. While the Soviet Union builds better than 1,000,000 tons of merchant ships each year, 448 ships this year, for example, we build 48. In point of relative priorities, in 1965 the Soviet Government spent more than \$600 million on merchant ship construction. We invested a mere \$150 million. As our merchant marine rapidly declines in strength, her vigorous ship construction program is projected to 27 million tons by 1980.

In simple terms, during the period of my presidency of the Navy League, the American merchant marine slipped down the totem pole of our own trade carrying from 7.3% to a mere 5%. As this slippage took place, the American merchant marine declined from 1900 ships in 1950 to 1100 ships by 1968. But the Soviet fleet mushroomed from 1.9 million tons to its present strength of 10.4 million tons and 1400 ships. Having already passed us in ship count, by the end of the year, unless the trend is reversed, the Soviets will knock us out of our fifth place position as a merchant marine power.

As a marine officer thinking in terms of future military readiness, this maritime morbidity report frightens me. You can readily see why.

Over 98% of the beans, bullets and jet fuel for Vietnam is transported in ships. Our merchant marine has done a marvelous job of meeting the 10,000 mile sea-lift requirements for southeast Asia. Both the operators and the men who man these ships deserve great credit. But a new "hot spot" somewhere else would stretch our ship elastic limit beyond the breaking point. For this reason, watching the Middle East tinder box starting to flare up again is nightmare for our strategic planners. This is a sharp warning to remind us again of our global responsibilities and requirements.

The Soviet merchant marine serves as the spearhead of her foreign policy, and even more than her navy, reveals her global ambitions. Her pattern of commerce and trade objectives convey intentions that extend world wide. To protect this trade they are building a global navy—a navy that can project its powers overseas and contests our control of the seas.

To meet the mounting menace, how does our merchant fleet planning shape up? Current thinking on the U.S. merchant marine is pegged almost exclusively to two points. First, the defense needs and second, the U.S. import and export trade. The policy position for the latter is "to support and expand U.S. commerce and carry a fair share of U.S. cargo." That's hardly good enough to meet the challenge and reap the great rewards of the exploding market.

Perhaps instead of thinking of the U.S. merchant marine we should think of the "U.S. maritime transportation industry," the goal should be to compete aggressively for world markets for U.S. built ships and for a proportion of the total world ocean shipping. At a critical moment at the U.S. air lines industry, they did not achieve their present

position nor are they maintaining and advancing it, without government assistance. But the assistance was deliberately aimed at achieving U.S. dominance in air transport world wide. There is quite a difference.

Sound military planning highlights the importance of a major build-up in shipping and when valid defense requirements are met, the merchant marine will begin to move forward to the strong posture dictated by a volatile world. While the Viet Nam experience reinforces the vital justification for ships for logistical war support, Mr. McNamara when Secretary of Defense failed to establish even the rock bottom requirements of merchant ships to support combat operations. Specious money saving tactics accelerated the decline of ocean transport. We've paid the price in Viet Nam. We've seen what it means to be dependent, even to a small degree, upon foreign ships in time of war. The national security interest demands the revitalization of our trade carrying shipping. The requirement must be met by ships built in the United States by United States citizens and ships which bolster the American economy with the revenues reaped from carrying the great volume of American overseas trade.

Congressional leaders, like your Representative Bill Mallard, comprehend the significance of the sea and are alert to the issues. They have already moved into action with specific legislative proposals to put the U.S. maritime transportation industry on a solid footing. Their proposed legislation to establish a separate maritime department as a first step in building an enlightened, vigorous maritime voice in our government highlights their grasp of the situation.

Make no mistake, Soviet ship construction is geared to population growth clearly revealing their goals of carrying a major portion of world trade. Soviet merchant shipping is carrying nearly 95 percent of the war supplies to North Vietnam. Watching their operation gives us an insight into their tactics.

After unloading at Halphong Harbor, these ships slip down to Australia and pick up cargo for their return trip to Europe. By undercutting the freight rates on an order of 15 percent to 25 percent, they reveal their economy package approach to cornering the market for Communist shipping.

Now, the centrally controlled Soviet merchant marine is part and parcel of their government power structure. A single signal from the Kremlin, as we observed in Cuba, turns all of their merchant ships around with impressive discipline.

What does this mean competitively as an instrument of political and economic penetration? Obviously, the individual elements of our merchant marine are competing with the total economic power of the Soviet Union. And their tactics are rough and tough. If our shipowners and shipbuilders do not receive support—competitive incentives—from our government, the odds are that they will be driven off the seas. And this is exactly what is happening. Subsidies in the shipping business have come in for considerable discussion in our press and in the Congress. For the most part, these are open subsidies and are modest compared to the less visible subsidies of other segments of the economy. Deploring the spending of funds for subsidies, we tend to beat labor across the knuckle for forcing this kind of support—though obviously indulging in an oversimplification. Subsidies somehow don't have a good American ring. Semantically, they are poison and therefore we sometimes forget our admirable role as the pace-setters in building up the standards of living for the entire free world.

Americans don't like to put their money on a "sick man" and they constantly hear that our Merchant Marine, rusty and poorly painted, is going down the drain. You don't

buy much stock with that kind of commercial. Not that this is a Madison Avenue problem, but our self-image at sea requires repair. Our plight on the oceans is largely a problem of understanding but Americans, as a rule do not like to look too deeply into complex problems.

Every kid in England and Japan has grown up knowing what the Merchant Marine means to their nation. They see a lot of ships. They learn early in life what these ships mean in money. It's in their blood. This is the reason why I say we have got to start with some grass roots education if this island country is going to capitalize on the economics of the oceans. Americans simply don't understand how much they are affected by world trade and what it means to their individual pocket books in dollars and cents.

The pragmatic economist and most of the scholars and scientists, just as Mr. John Q. Citizen are hand-bound in their thinking and in their interests, too, they must be lured to look inquisitively at the oceans. The oceans must be brought to the American people in a way to highlight the tremendous oceanic opportunities and the absolute requirement now to seize the surrounding waters.

For the past 18 months, I have toured the greater part of this Nation. I have talked largely about Viet Nam, as part of the global strategy as well as local tactics. And I might add that I have been frank and critical of the way we have waged this war. Had our Government functioned under an oceanic doctrine and had the maritime concept been understood and accepted, Haiphong Harbor many months ago would have been blocked to the Communist ships that have carried the arms used to kill our men. As a consequence, the war would have long since been successfully terminated. At least we would have talked on our terms rather than from a pusillanimous position that we have been led into at the peace table confrontation.

What has impressed me most has been not the handling of the war by our political leadership, but the spirit of our American fighting men—the youth of our Nation—in the fox holes of this distant battlefield. Their messages came through loud and clear in the signs they paint showing the marvelous morale, the spunk and spirit of American youth.

DEVELOP SIGNS IN VIETNAM

From the vantage point of the youthful American viewing our fortunes at sea—there is room for much optimism in the prospect for the oceanic future. Unquestionably, this shows our destiny is oceanic.

To you friends of this distinguished group in this delightful world port of San Francisco, I propose for your consideration the following five point program to give our merchant fleet a preeminent world oceanic position.

First, and foremost, is the formulation of national maritime policy providing positive incentive to gain a competitive maritime position on the oceans of the world. The failure of our Government to formulate basic policy is the most critical element in cleaning up "the mess of the past in our merchant marine." This policy undergirded by an oceanic doctrine to guide our Government in the military and merchant marine and oceanic research and education.

Second is strategy. Our Nation must orient its national strategy to the oceans of the world, just as the Kremlin has done in recent years. In so doing, our planners must recognize the valid need, both military and economically, of a modern, competitive merchant marine that confidently sails the seas and carries a preponderant portion of the burgeoning world commerce.

And my third point is, therefore, ship con-

struction. America must go after the merchant marine market by building a minimum of 100 ships a year for at least the next decade.

Fourth is the fostering of oceanic education in our school systems to give our youth as good a subject grounding in the seas as they now receive on the land environment. The sea grant college program must be pursued with the utmost vigor to mobilize the best minds of this Nation; the scientists, the scholars, the student in the pursuit of oceanic solutions to the pressing problems of state. I know I don't have to remind you that in recent history when great powers lost control of the seas, they lost their greatness. Consider the examples of Spain after the defeat of the Armada, France after Trafalgar, Japan after Midway, England after the exhaustion of two world wars.

My final point is the proposal for the creation of a Maritime Manhattan project. With a concept that follows along the lines that produced the atomic bomb. This would stimulate the revolutionary technological advances in seabased systems that this Nation is capable of achieving—in our 20th Century. Obviously, I am thinking in terms of the swiftest, most modern, streamlined merchant and naval ships, the kind that can compete for and maintain a strategic mastery of the environment of the oceans.

A single sentence sums up my proposal, "the security and prosperity of the United States and its allies depends increasingly on the military, economic and political exploitation of the world oceans." If we pursue this program with vigor, vision and determination, I am confident that our flag will fly with pride worldwide in recognition of American supremacy of the seas and our mastery of the world ocean. But above all, America will be made prosperous and secure.

A PROUD CENTENNIAL FOR ELGIN HIGH SCHOOL

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. REID of Illinois. Mr. Speaker, this year one of the oldest public high schools in Illinois, the Elgin High School, celebrates its centennial—100 years of dedicated and successful pursuit of the slogan, "Education for All."

In observance of this proud milestone in the life of the Elgin community, and under leave to extend my remarks in the RECORD, I include the following article from the Elgin High School "Mirror" of September 13, 1968:

THE CENTENNIAL CHALLENGE

Elgin is one of the oldest continuously existing public high schools in the state of Illinois. Our Centennial is worth observing, however, not simply because we have a longer history than most other schools, but also because our past is filled with a proud record of achievement that may inspire present students and teachers to work toward an even better future.

Elgin High's accomplishments have been outstanding in many areas, and our graduates have included men and women of great distinction. Here is a partial list:

Elgin has been continuously accredited by the North Central Association since 1898, and it has had a long record of scholastic excellence. From 1900 through 1922 it was one of the ten largest high schools in the state outside of Chicago, and for more than sixty years it was the largest in Kane County.

Elgin debate teams have captured one na-

tional championship and twice were runners-up. Two girls from this high school earned national championships in extemporate speaking. Elgin won conference titles in debate nine times.

WEPS was the first educational FM radio station to begin broadcasting in Illinois, and was the fourth to be started in the entire country.

The EHS Band once performed under the direction of John Phillip Sousa.

Two Elgin golfers have won state championships.

Maroon baseball teams have had only one losing season in the last twenty-six years of play.

This year's football game with West Aurora will be the 75th contest in a continuous rivalry that dates back to 1894. Elgin has won 33, lost 32, and tied 9.

Maroon basketball teams were the first to win the state title twice in succession. They have won outright or shared conference championships twenty-one times. They have gone "downstate" thirteen times, and have won 25 district and regional championships.

Elgin varsity elevens have won clear or shared ten conference titles. Three times they have had undefeated, untied seasons. The 1900 team, averaging 139 pounds per man, was unscored on its first seven games, and then had the termerity to challenge the big Minneapolis Central High School, whose team averaged 190 pounds. (That ended the undefeated season.)

Maroon light-weight football teams from 1927 through 1933 won 50 games, lost 2, and tied 3, scoring 1,111 points to their opponents' 110. During this period they rolled up 29 consecutive victories. The 1939 light-weights were undefeated, untied, and unscored upon, no foe ever penetrating the Elgin ten-yard line.

Two former Elgin football players had careers in the National Football League. One was an All-American for Army and played in the first East-West shrine game. Another was an All-Western guard for Notre Dame. Three former Elgin basketball players have played professionally, and three former Elgin baseball players made the major leagues.

Our 96 graduating classes have produced more than 18,000 alumni for service in all walks of life. More than twenty holders of EHS diplomas have been listed in Who's Who in America. Elgin graduates include the Chairman of the Board of Directors and chief executive officer of General Motors Corporation (James M. Roche '23); the President of Encyclopedia Britannica, Inc., (Charles E. Swanson '46); a former Vice President of Sears & Roebuck (Max Adler '83); and a Vice President of Republic Steel Corporation (William J. DeLancey '34).

EHS contributions to scientific advancement include a member of the research team that developed nylon (Dr. Paul J. Flory '27); an internationally known bacteriologist and authority on foodborne diseases (Dr. Gail M. Dack '18); and a leading pioneer in the new field of aerospace medicine (Dr. James N. Waggoner '43).

One EHS alumnus, Frederick Upham Adams '76, not only invented the standard electric street lamp post and designed the world's first streamlined train that broke all existing speed records, but found time to be one of the first successful advocates of anti-air pollution measures and to write more than a dozen books on economic and political questions.

Five Elgin graduates became Admirals in the United States Navy, one of whom (Frank O'Beirne '21) was commander of the Atlantic Fleet's air force. At Pearl Harbor, on December 7, 1941, one EHS alumnus was commander of Patrol Squadron 22, another was executive officer of Patrol Squadron 21, and still another was executive officer of the destroyer Dewey.

More significant than these marks of eminence is the fact that Elgin High has steadily pursued the dream of its slogan, Education for All, through a century of change. Our student body has included representatives from families, of varied racial and national origin, religious faith, and socio-economic status. Like America itself, Elgin High has been a symbol of equal opportunity. Former students have grown to maturity in our classrooms and on our playing fields and floor. What are you doing to improve upon the Elgin tradition? A centennial honors the past, but it challenges the present.

**STATE TAXATION OF INTERSTATE
COMMERCE—UNFINISHED
BUSINESS FOR THE 91ST CONGRESS**

HON. PETER W. RODINO, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RODINO. Mr. Speaker, I have introduced the proposed Interstate Taxation Act—a measure which is sorely needed to relieve our Nation's small business communities of crippling and unnecessary tax burdens. H.R. 3835 which I have introduced is identical in all respects, except for technical details, to the bill which was passed by the House of Representatives in the 90th Congress by a vote of 284 to 89.

In broad terms the purpose of this legislation is to preserve, reaffirm, and revitalize one of our oldest and most cherished principles—the principle that the American market is common to all of our States and open to all of our citizens.

The need for this legislation has been conclusively determined by an extensive study conducted by the Special Subcommittee on State Taxation of Interstate Commerce of the House Judiciary Committee. This study was conducted over a 5-year period and was one of the most exhaustive ever carried out by a congressional committee.

The study, as well as lengthy hearings conducted by the special subcommittee, revealed that the free flow of commerce among our States is currently being impeded by a chaotic system of multiple State taxation—a system with which the business community is unable to comply and which the tax administrators themselves are unable to enforce.

In addition to imposing insurmountable compliance burdens on the business community, the present system of State taxation of interstate commerce is also replete with inequities that result in the overtaxation of some taxpayers and the undertaxation of others. In the income tax area, for example, some companies are now taxable on more than 100 percent of their profits while other similarly situated companies are paying a tax on much less than 100 percent. Clearly this is a situation which Congress has responsibility to eliminate.

At the same time the present system also contains a number of inequitable laws that give to locally based companies benefits that are not available to competitors who are based outside of the taxing State. There is no doubt that such laws both run counter to the basic purposes of the commerce clause of the Con-

stitution and violate sound tax principles of evenhandedness.

In addition to representing a serious threat to our Nation's economic life, the present system has created among our taxpayers a highly undesirable attitude. Faced with unfair and unworkable rules, taxpayers generally have developed a widespread resistance to the assumption of State tax liabilities. Rather than file tax returns under circumstances in which the tax itself is often exceeded by the cost of preparing the return, taxpayers in many cases have understandably disregarded the State and local laws. If this situation is to be remedied—and State and local tax laws complied with—Congress simply must provide a system of uniform rules which are both workable and equitable.

The bill which I have introduced is clearly responsive to the national need and will be of enormous benefit to the countless number of small businesses which are so desperately in need of relief. At the same time it is a bill which will benefit all of the States of the Union by providing a system for the taxation of interstate commerce which can be economically and effectively administered. As the new chairman of the subcommittee which wrestled with the complex problems of State taxation of interstate commerce for many years, I am personally convinced that the bill strikes a fair and proper balance so that no State will be able to reach too far beyond its own borders and no businessman will be called upon to pay a tax to a jurisdiction in which he has neither property nor an employee. As I pointed out last year on the floor of the House of Representatives when the bill was passed by us, this measure represents a compromise between the legitimate needs of the States for revenues on the one hand, and the need on the other hand for interstate commerce to be free of crippling burdens.

In reintroducing the bill, I would like to remind all of my colleagues that during the course of the Judiciary Committee's consideration of these problems this spirit of compromise was ever present. The present bill embodies a number of features and amendments which were suggested by the tax administrators themselves. As a result the balance has become so refined that no State stands to gain or lose more than two-tenths of 1 percent of its revenues. At the same time the business community is protected from chaotic and unworkable tax requirements.

I strongly supported this measure in the 90th Congress and intend to give it my full support during the present session because I believe it embodies an equitable and realistic solution to a problem that, left unresolved, threatens to seriously harm the Nation's business and industry.

FASTER MAIL SERVICE

HON. MARTIN B. McKNEALLY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. McKNEALLY. Mr. Speaker, I am pleased to include the following editorial

from the Stamford Mirror-Recorder of January 22, 1969, with reference to the great need for improvement in our mail service.

FASTER MAIL SERVICE

There's no doubt, some people get fed up with mail service. We realize the postal department will be busy tearing down LBJ pictures in its some 40,000 offices and hanging new frames of Richard M. Nixon.

Locally, however, mail service coming into the Stamford office is anything but satisfactory. Mail from Hobart or South Kortright to Stamford is routed to Binghamton then to Albany and out to the local office. South Kortright news for the M-R was mailed Monday morning and received in our office Wednesday morning of last week—a distance of about eight miles.

There is a mail truck from Oneonta to the Harpersfield postoffice which runs twice a day. This truck carries mail from the west out of the Binghamton postoffice including Hobart, South Kortright, Bloomville, etc. Since this truck comes as near as four miles of Stamford, it would only seem feasible, Stamford could receive mail from it, being a first class postoffice.

A letter from Hobart to Stamford travels approximately 305 miles to reach a destination four miles away. Using the Oneonta mail truck, it would only travel about 180 miles. Local mail service would improve if the postal department revamped its schedule to include this route.

**PRESIDENT NIXON ASSUMES
HEAVY LOAD**

HON. CHARLES E. CHAMBERLAIN
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the inauguration of a new President often constitutes a dramatic turning point in the history of our country. January 20, 1969, I am satisfied, will be so remembered. As a part of the permanent record of that day and as food for thought for the coming months ahead I wish to bring to the attention of my colleagues the editorial comments of the Jackson, Mich., Citizen Patriot on Inauguration Day, which is entitled "President Nixon Assumes Heavy Load" and concludes:

President Nixon faces a monumental challenge and is inheriting a set of problems so serious as to make a strong man shudder. At the very least, he deserves a chance to see what he can do and the reasonable support of the people and their Congress. A prayer for his strength, courage and wisdom. also is in order.

It is my hope that the Congress will pay heed to the sentiments so well expressed in this editorial:

PRESIDENT NIXON ASSUMES HEAVY LOAD

The consensus among politicians and observers of the political scene—including the man who dropped the reins of government at noon today—is that President Richard M. Nixon will need all kinds of luck in the coming four years.

It is possible that the "be-kind-to-Nixon" atmosphere which has prevailed since the election is due, in part, to a realization that he is assuming more burdens than any mortal man can be expected to bear.

The critics who have delighted in cutting Mr. Nixon to ribbons all these years have kept their knives sheathed. While a certain air of good will toward an incoming Presi-

dent is in the American tradition, Mr. Nixon seems to have enjoyed an especially good climate.

Retiring President Johnson may have had much to do with the kindnesses being shown his successor, Mr. Johnson has gone to great lengths to assist President Nixon and make the transition of government orderly and smooth.

This might come naturally to a man who long has worked in the centers of power and realizes that the national interest should be held high above partisanship. In this regard, Mr. Johnson's conduct and attitude have been admirable.

It also is possible that the man who stepped down today is concerned deeply about the problems he is passing on to his successor.

Many inaugurations of new presidents have taken place in times of great stress, and even danger. They have happened when war threatened, when economic chaos appeared inevitable.

In many points in history, the changing of the guard has been welcomed by the people. A new face in the White House has carried with it the promise of better days. The psychological effect of change often has importance.

That is true, to a certain degree today. Lyndon B. Johnson, in his parting statements, has pointed with pride to what he sees as the accomplishments of his administration. Yet he well understands that he is leaving President Nixon a legacy of unresolved social and economic problems, a seemingly endless war, a tense international situation, and a host of other riddles.

If the politics of the transition period have not been usual it is because this is no time for politics as usual.

To put it another way, President Nixon will have a hard row to hoe.

Americans will err if they expect miracles simply because Lyndon Johnson, the Democrat, has gone back to Texas and Richard Nixon, the Republican, has stepped to the pinnacle of power.

President Nixon unquestionably is a man of considerable ability and dedication and with broad experience in politics and government. He is far better equipped from the viewpoint of knowledge of national and world affairs and the techniques of using power than most men who have served the nation as president through the years.

This, however, does not mean that he will succeed. Yet to be seen is whether he can apply his knowledge and use his power in an effective way.

The odds may favor him. He has put together a team of advisers and assistants which has to be called outstanding. Ability rather than the paying of political debts seemed to be the determining factor in the making of the new administration.

At the very least, President Nixon and his aides will bring to the executive branch of government fresh points of view, and new solutions to old problems.

A party long in power suffers from an inevitable type of tunnel vision. It tends to pay too much homage to its past heroes and doctrines. Lyndon Johnson, for example, was a protégé and a great admirer of Franklin D. Roosevelt. Much of his thinking on social and economic problems was rooted in the New Deal which long since has grown old.

President Nixon enjoys a certain freedom from the past. It is unlikely that he will borrow much from the Eisenhower era because of the great changes which have taken place since Dwight D. Eisenhower presided over a caretaker type of government which gave the nation a chance to take stock of itself and find new directions. President Eisenhower was not out of place in his time. His methods would be inappropriate today, although his counsel and experience were

appreciated by Mr. Johnson and unquestionably will be by the new President.

The very nature of America's problems prevents President Nixon from becoming the dramatic mover and shaker that FDR was in 100 days, or Mr. Johnson was after his overwhelming election mandate of 1964.

In every area of national life, from tensions in the cities to the war in Vietnam his progress will have to be measured in inches instead of vast leaps.

He will not be able to get by with merely talking about solutions and inspiring the people with pretty language. He is not that type of charming leader who can give the appearance of moving forward while standing still. This, in itself, is not at all unfortunate. He will face the handicap of a politically unfriendly Congress, but this may not be a disaster. Michigan's George Romney made a significant point in a Senate committee hearing on his qualification to head the Department of Housing and Urban Development. His thesis is that the legal tools are available for solving the problems of the cities; that results can be obtained if existing programs and laws properly are used.

President Nixon inherits from his Democratic predecessors a vast reservoir of presidential power and innumerable laws authorizing action by the chief executive. His success or failure as President will hinge largely on his ability to use the power that is his.

The President, for example, has great latitude in dealing with foreign affairs, and particularly the war in Vietnam. President Johnson, using these same powers, made only slight progress toward achieving peace, along with America's objectives, in Asia. President Nixon may fare no better because of the realities of the situation, but he will have his chance to employ new policies and methods if he sees fit to do so.

The same thing largely applies to economic problems, such as inflation, the crises in the cities, and so on and on.

All of which does not change the basic fact that President Nixon faces a monumental challenge and is inheriting a set of problems so serious as to make a strong man shudder.

At the very least, he deserves a chance to see what he can do and the reasonable support of the people and their Congress.

A prayer for his strength, courage and wisdom, also is in order.

MEL BAREILLES: CHAMPION OF THE LITTLE GUY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, as a point of personal privilege, I request the attention of the Members of the House of Representatives. I do so to pay a final tribute to a lifelong friend, a trusted adviser and a former colleague in the county supervisors organizations of California.

Supervisor Melvin J. Bareilles of Humboldt County, Calif., passed away on Friday evening, January 17, 1969, as a result of an apparent heart seizure. I lost one of my closest friends.

I knew and enjoyed a close personal relationship with "Mel" Bareilles for many years. As a former supervisor of neighboring Del Norte County, I worked closely with Mel on problems of mutual interest and concern. In addition, we served together on committees of the California Supervisors Association and

the supervisors unit of the Redwood Empire Association.

Mel Bareilles was an exceptionally dedicated and effective public servant. I remember so well how he worked around the clock during the tragic floods of 1964 which struck a devastating blow to Humboldt County and the entire north coast of California. His only thoughts then were of the people—their welfare and their property which had been inundated, dislocated or destroyed during that disaster.

I will always remember Mel Bareilles as a team player, and I believe this was a quality he attained very early in life. Not only was he an avid sportsman and sports enthusiast, but an outstanding athlete. Mel was the captain of the baseball team at St. Mary's College and went on to play semiprofessional baseball with the "Scotia Lumberjacks" in his native Humboldt County. The Clausen brothers were teammates and competitors of this dynamic and friendly "pepper-pot" who, as a catcher, was recognized and respected by everyone, as one of the "best ball players" on the north coast of California.

Humboldt County baseball fans of yesterday will never forget the unbeatable battery of Mickey McKay and Mel Bareilles, aided by such baseball greats as Joe Casey, Mingo Bianchi, Julio Rovai, to name but a few of the "Lumberjacks."

This athletic indocrination instilled in Mel Bareilles the "will to win" at an early age—he never lost it.

He was a fierce competitor, a determined leader, but most important of all—a gentleman on and off the ball field.

He was a devoted family man, matched perfectly with his gracious, warm, and lovely wife, Mary—who, together gave much more than they ever received.

Mel Bareilles was the same fierce competitor in the political field, and to know him was to respect him because you always knew where he stood on the issues.

Recently it was my privilege to participate with Supervisor Bareilles during a "Congress for Community Progress" meeting in his home town of Rio Dell.

On numerous occasions, Mel and I would hold informal meetings and phone calls regarding mutual constituent or area problems. Believe me, I can testify to the fact that Mel Bareilles looked after his people.

In looking back as well as to the future, I believe history will record Mel Bareilles' early pioneering efforts in the Eel River Association as his greatest contribution. As a charter member, he was the driving force needed to get this very important regional water conservation organization off the ground.

Whatever progress is made in the future in bringing about flood control and water conservation project improvements to the Eel River, Mel Bareilles' name will be remembered by those of us who know the total story and his timely contributions.

On the night of his untimely passing, Mel Bareilles was doing that which he enjoyed most—representing the people of his constituency at a public gathering. Because of his long and devoted service to the people of southern Humboldt County, I am confident that the

many programs and initiatives advanced by Mel Bareilles will be carried through. I, for one, stand ready to assist in this "follow through for Mel."

Words are never adequate to express the true feelings of one who has lost a very close friend. But, I am moved to write to describe Supervisor Melvin J. "Mel" Bareilles as the "champion of the little guy—the common man," and that includes all of us who came from the Eel River Valley.

Mel Bareilles was proud of the redwoods and the redwood country he lived in. Like the giant redwoods, Mel Bareilles will be remembered as a "giant of a man"—filled with the highest qualities of honesty, integrity, morality, and dedication to purpose that is characteristic of the great men of our time. For a short man, he will leave some mighty big shoes to fill.

My colleagues of the House, this is my tribute to a lifelong friend, Mel Bareilles—a dedicated public servant who gave his all for his family, his community, his county, and his country.

THE JOHNSON YEARS

HON. RICHARD WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 16, 1969

Mr. WHITE. Mr. Speaker, as we begin to gain more perspective on the period which will be known as the Johnson years, the debt which the Nation will forever owe to President Lyndon B. Johnson becomes greater. We see around us a nation enjoying unparalleled prosperity, more people employed than ever before, and the proportion of unemployed near an all time low. And yet we see a nation that is deeply troubled; a nation engaged in a bitter conflict for which we are seeking an honorable and a just solution; a nation with deep internal conflicts and sore wounds that must be healed. We are deeply troubled because we are a nation that cares, and the measure of our caring is a tribute to the Johnson years, and the great leadership of Lyndon B. Johnson.

A man thoroughly schooled in politics, which he often viewed as "the art of the possible," he taught us that more things are possible than we ever dreamed. In this great legislative body, he was schooled in the arts of the lawmaker; and, deep rooted in the Texas soil from which he came, there was a thorough schooling in the needs of the people.

He taught all of us to better use our skills for the benefit of the people. He taught us to erase more and more of the barriers that existed between the rich and the poor, between the educated and the unlearned, and between people whom nature had given differing colors of skin.

A schoolmaster to a nation of "caring" people, he led us to the fulfillment of many dreams, but it is a part of his monument that he left before us the vision of many goals that must yet be fulfilled. It was typical of him that he appeared before this body to remember

with fondness our work and our struggles together, and to give us the measure of the work we must yet accomplish.

Lyndon B. Johnson, both in spirit and in person, will be with us for a long time to come. As he returns to his home country to become a great teacher, he will continue to be our teacher, to help guide us to new dreams and to the means of their fulfillment.

COAL MINE SAFETY: THE BUDGET DISAPPOINTMENTS

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SLACK. Mr. Speaker, you will recall that on November 20, 1968, an explosion occurred at Mountaineer Coal Co. No. 9 mine near Farmington, W. Va., resulting in the tragic deaths of 78 men. Twenty-two other miners barely escaped with their lives in that disaster.

Much has been written and spoken since the Farmington disaster. Public demands for new and expanded mine safety laws have come from many quarters, and Government spokesmen have asked for increased authority for the Bureau of Mines in the Department of the Interior.

It is my privilege to represent one of the largest bituminous coal mining areas in the world. I am, therefore, vitally interested in any developments which affect this segment of our economy.

The bituminous mining industry is presently operating at a high level of production, and its outlook for continued prosperity is very promising. There will undoubtedly be a growing demand for coal tonnage during each year of the next decade. An estimated 500 million tons of coal were mined during 1968, and a record 760 million tons annually by 1972 has been forecast. Several industry officials predict that 50,000 to 75,000 new miners will be needed in the next five years.

Mr. Speaker, the bright future of the coal industry is a far cry from that which faced the industry immediately after World War II. At that time homeowners were switching to gas, smoke-belching railroad engines gave way to diesels, and thousands of miners found themselves out of work.

But now, because of the Nation's soaring demand for electricity, the coal industry is booming. Some coal companies say they have had to hold down production because of the lack of miners. The industry has captured a large share of the electric utility market, and has signed numerous long-term contracts with power companies now placing new plants in coal fields. For example, the Appalachian Power Co. has just begun construction on the largest powerplant in the world in Putnam County on the Kanawha River in my congressional district.

Mr. Speaker, I cite this background information to emphasize my interest in an industry that is so vital to the economy of my district, my State, and this Nation. Any action that adversely affects

this segment of our economy is of deep and continuing concern to me.

The tragedy at Farmington made national and international headlines and brought forth an array of "bleeding hearts" and "instant experts" in the field of coal mining. Many of these "instant experts" have come forward with charges leveled against the Federal Government, labor unions, and industry. The headline hunters have had a field day.

Last September the President recommended that the Congress pass legislation to strengthen mine safety, and last month the Secretary of the Interior suggested that a revised version of this measure—to replace the current Federal Mine Safety Act—be passed. Included in the proposed law are provisions for dust and methane gas levels and more intensive mine inspection. Penalties for violations could be levied against mine operators.

Mr. Speaker, I am wholeheartedly in favor of the passage of additional mine safety legislation—as a matter of fact, I am a cosponsor of this legislation—and I certainly believe that everything possible should be done to make the mining of coal as safe as possible. I could not, in good conscience, believe otherwise.

But those of us familiar with mining and its dangers know that most mining deaths do not result from disasters like that at Farmington. Most deaths in coal mines are the result of roof falls, equipment accidents, and the like. As a matter of fact, until the Farmington disaster, about 200 miners had been killed in 1968, only a dozen of whom died from explosions. During 1967, 217 miners were killed, again only 12 of whom were killed by explosions.

In my estimation, however, the recent proposals of many persons in this field are aimed in the wrong direction. To be certain, adequate inspections and low levels of coal dust and methane gas are necessary, but they do not go to the root of the problem. The only way we are going to effectively reduce or eliminate coal mining deaths is to eliminate, as much as possible, the necessity of sending large numbers of men underground.

As with all efforts to legislate in any field requiring the balancing of rights between groups of individuals, we cannot afford to overlook the fact that an approach based on regulation and enforcement has some merit, but rarely provides the ideal results. As long as men go beneath the surface of the earth or the sea, they will subject themselves to hazards. All we can expect to do through legislative action is to marshal the forces of the Federal Government to minimize the hazards.

Mr. Speaker, the national interest requires that every effort be made to encourage the stability and productivity of the coal mining industry. Yet, we cannot overlook the human element, and whatever actions may be taken by the 91st Congress to amend or replace the Mine Safety Act will be directed toward the assurance of greater safety guarantees for the individual worker who must go underground. The Bureau of Mines has worked in this field of activity since the first Federal law was passed and will no doubt be responsible for whatever ac-

tivity is authorized by any new legislation. This is fitting and proper.

However, we cannot expect to obtain substantial results from any program which consists only of a combination of inspection, enforcement, and penalties for those who violate the law. We Americans have surmounted problems of this kind before, and whenever we were successful in that respect, our success was largely traceable to the skill with which we applied the resourcefulness and inventiveness of the maximum number of talents available to us, both inside and outside the government. Therefore, while the Congress may desire to place additional authority with the Bureau of Mines so the factors bearing on protection of the human being may be strengthened in his favor, I submit that this will not produce a wholly satisfactory result.

At the beginning of this new Congress and a new administration, I propose that additional efforts in the field of coal mining safety be initiated—efforts which can be pursued parallel to legislative action to tighten the Mine Safety Act. I believe that the Office of Coal Research could be utilized extensively in the field of mine safety. This organization began functioning with funds appropriated for fiscal year 1961. It has had a consistent history of inadequate funding, although many of the contract research undertakings which have grown out of its stimulus offer very promising prospects for the future.

The assigned mission of the Office of Coal Research is to explore avenues which will make coal more competitive with other fuels by reducing the cost of production or transportation, or by finding new uses or additional markets. Funds appropriated to the OCR during recent years have constituted an insignificant proportion of the total budget, or, in fact, of the budget of the Department of the Interior. In fiscal year 1969 OCR requested \$17.8 million, but this amount was reduced to \$13.9 million by the Bureau of the Budget. OCR found itself with \$13.3 million for contract research after action by the Congress. Prospects for 1970 appear to be approximately in the same vein. The OCR requested \$17.4 million, and the Budget Bureau reduced this request to \$13.3 million.

Mr. Speaker, it should be pointed out that the Office of Coal Research is administered by a handful of specialists and that administrative and supervisory costs consist of less than 4 percent of the funds appropriated. In other words, of the \$13.3 million appropriated to OCR for fiscal year 1969, over 96 percent is to be used for contract research designed to bring into the coal research field some of the best brains in American industry and to encourage them to approach problems which have defied solution in the past.

I propose that the Congress appropriate for fiscal year 1970 the sum of \$5 million above and beyond all regular funds scheduled for contract research in the Office of Coal Research. These funds should be earmarked definitely toward the pursuit of contracts which would draw further from the specialized fields

of knowledge in American industry and channel it into two general areas: First, the exploration of devices which would be in the nature of the creation of self-sustaining climates underground, as has been done under certain conditions in the space program; and, second, the development of means, methods, and devices whereby much of the mining function could be performed through remote control. This method has been utilized successfully in certain atomic energy programs and in the handling of dangerous and radioactive materials.

What I propose, Mr. Speaker, is that the Office of Coal Research by means of research contracts, undertake a broad systems approach into the problems of coal mine health and safety. This systems approach should be directed primarily toward elimination or reduction of problems and elements which produce health and safety hazards in coal mining operations, and thus prevent or reduce the incidence of accidents, disasters, and industry-associated diseases.

The new budget would give the Bureau of Mines \$3,337,000 for health and safety research. This money would permit further exploration of correctives for certain elements of mining which are known causes of accidents. There is no indication that this activity would break new ground in mine safety work.

There are 6,500 mines operating at present. The Bureau of Mines has 251 mine inspectors. If the full budget request is granted, the Bureau plans to add 48 more inspectors. In the budget document it is stated that the Bureau "hopes to inspect, at least once annually, every underground coal mine."

Mr. Speaker, I submit that the Bureau has an almost hopeless assignment. A resident Federal inspector at every one of the 6,500 mines would be required to maintain a reasonable assurance of safe conditions, on the basis of our present level of knowledge about mining, its methods and its hazards.

So we face a clear choice. Either we will have more regulation alone, signifying a willingness to continue the present course, or we will reach out with wholly new determination to achieve a breakthrough in mining safety.

It is my conviction that we must turn loose on these problems not only the Federal efforts which may be administered through inspection and enforcement programs by the Bureau of Mines, but also the full potential of American industry itself. There is no better way in which this can be done than through contract research programs of the Office of Coal Research, and I will therefore urge my colleagues to favorably consider appropriating an additional \$6 million to OCR for this purpose for fiscal year 1970.

THE LATE HONORABLE PAUL F. SCHENCK

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. McCLORY. Mr. Speaker, it is with sadness that I have learned of the passing

of former Congressman Paul F. Schenck, of Dayton, Ohio. As a new Member of the House in 1962, I became acquainted almost at once with Paul Schenck and was attracted to his studious analyses of legislative problems and his eloquent and convincing debates on the floor of the House in behalf of significant national issues.

During the 89th Congress I was particularly active in the area of water pollution control and participated in nationwide investigations of the many ramifications of this critical national problem. I have a distinct recollection of Congressman Schenck's contributions to this subject and to the meaningful legislative measures enacted at that session of the Congress to help reduce the contamination of our water resources.

I am aware also of the many civil and public contributions of Paul Schenck, including his leadership in the Boy Scout movement and many other useful services to the community, State, and Nation.

I am proud to join in this tribute to former Congressman Paul F. Schenck, and to extend to his widow and to other members of his family this expression of sympathy.

TILLMAN COUNTY MOVES TOWARD
BALANCED ECONOMY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. STEED. Mr. Speaker, Soil Conservation, the official magazine of the Soil Conservation Service, took notice in its December issue of the economic achievements of Frederick and Tillman County, Okla.

"Industry: Take Notice" is the title of the article, which describes how Tillman County uses quality labor and space to help attain a balanced economy.

The magazine credits Tillman County with achieving what hundreds of other communities have been talking about.

As vital as any issue we face today is the question of how to make viable the economy of our rural areas, to permit half of our people to live in a rural small-town environment as they want to do. On this subject I am sponsoring the bill to provide a tax incentive to industry to locate in such areas. This step should be taken, and many others as well.

I enter herewith the full text of the Soil Conservation article, a constructive contribution to this field and a well-deserved tribute to Tillman County:

INDUSTRY: TAKE NOTICE—OKLAHOMA COMMUNITY USES QUALITY LABOR AND SPACE TO BALANCE FARM ECONOMY

A wheat-and-cotton community in southwestern Oklahoma has done what hundreds of other communities in America are talking about.

It has taken a lot of the ups-and-downs out of its economy.

No longer is there a steady outflow of people.

Small farmers are no longer selling out, either to big farmers or to other small farmers who found themselves with holdings too small for a living from farming alone.

A NEW ORDER

And downtown the merchants report a new order of business, a stability unknown before.

The area—Tillman County, with Frederick its seat of government—has attracted industry to the point that everybody in the county who wants to work in one of the plants is working there.

Some workers are even commuting from surrounding counties.

And Paul McLellan, the man the local residents say is mainly responsible, says that if any new industries want to come to Frederick people will have to move into the county to work in them. That means growth, and Frederick's Chamber of Commerce, which from the beginning has given strong leadership to the upward push, is preparing for it.

Agriculture, of course, is still Tillman County's leading industry. The county is fifth in land in agriculture in the state. Wheat is its leading cash crop with cotton second. Grain sorghums and alfalfa are becoming more important. The county leads in Oklahoma in the output of alfalfa seed. Interest in livestock—there are about 60,000 head of cattle, mostly beef, aside from those in feedlots—is growing.

Most of the county's 1,001 farmers are working on or have completed conservation farm plans. Woodrow Bohannon, chairman of the Tillman County Soil and Water Conservation District, estimates that conservation work done by the landowners is contributing \$500,000 a year to the local economy.

QUALITY OF LABOR

In the seven small industrial firms in Frederick there are 700 employees. Well over 600 of the employees are from farms. In many cases the farm wife, too, is employed in one of the plants.

The quality of labor was one of the factors attractive to the operators of the industrial plants in considering the area. The employees learn quickly the needed skills and are glad to have the chance at income which will mean they can keep their homes.

Space was another factor. Frederick had established an industrial park with ample room for expansion of facilities.

Access to markets was a third. Two railroads and a modern highway system serve the area.

The community began the effort to bring balance into its economy as long as 15 years ago.

"We knew we had to attract industry," explained McLellan, a Frederick resident from early childhood. "We decided first to find out what it would take to get it here."

A first step was a request by the Frederick Chamber of Commerce to the Agricultural-Industrial Service of Oklahoma State University at Stillwater for an area survey. The survey showed a top-heavy cash crop income with a low percentage from livestock. It also showed a need to improve school facilities and to provide for additional cultural and recreational advantages.

Frederick leaders promptly formed Frederick, Inc., an industrial foundation and set about to meet the conditions outlined in the survey. McLellan directs the foundation's affairs.

Soon industry started to take notice.

The second largest industrial employer to set up a plant in the new industrial park is a leather goods manufacturer. The firm employs 225 men and women at the local plant and at a subsidiary in Tipton, a neighboring community in the county. The company has expanded twice and soon will add space for 50 additional workers.

Another company, manufacturing women's garments, started 5 years ago with 10,000 square feet of space and 25 workers. It has expanded four times and now has more than 135,000 square feet with 350 operators. It has an international market.

The newest arrival on the industrial scene is a firm which specializes in overhauling jet aircraft engines. It employs 90 workers now, and officials expect to increase the number to 250.

A stone-working firm employs 66 workers and uses 6,000 square feet of space. Its products are in national demand. Company heads say plans call for the production of structural stone soon.

A new garment factory has entered the field with 30 workers employed in an almost completely automated plant.

Two of the local industries are associated with agriculture. There are four feedlots with a total capacity of 18,000 head. One of the firms, on the highway east from Frederick, is the second-largest in Oklahoma and is still expanding. It now has a capacity of 15,000.

A new fertilizer and agricultural chemical firm operates a bulk fertilizer blending plant and ammonia storage and handling facilities. The feedlots consume more feed than is raised in the county. The practice of soil and water conservation has encouraged the shift to pasture, forage production, and livestock as a more efficient use of the land resource. Irrigation from wells, with farmers using the technical skills of the Soil Conservation Service to develop conservation systems and do other conservation work, is claiming increasing interest.

Laxton Malcolm, Tillman County's extension agent, says the average size of farms in the county has been growing over the years, reflecting the national trend. However, the rate of increase is considerably less now than landowners have access to additional income from industry. The average size of farms now is 500 acres. In 1945 the 2,081 farms averaged about 240 acres.

The movement of labor from the farms to the industrial plants has worked a degree of hardship on some of the farmers. However, the use of larger equipment has helped to solve the problem.

"What we have done hasn't all been roses," Bohannon, the soil conservation district board chairman, said. "But we have worked together. I don't know of any town our size that has moved ahead with such energy to attract industry. We are happy with our progress."

"The advantages of having industry here to balance our agricultural income far outweigh the disadvantages. Industry shares the tax load and as a result we have better schools, highways, and public facilities. I think we will find it has meant faster progress with our resource conservation work, too."

SUPPORT OF LEGISLATION TO ESTABLISH POSTAL EMPLOYEE LABOR-MANAGEMENT RELATIONS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, one of the most urgent issues facing this new session of Congress is an old ailment. Hopefully, it will be corrected by this 91st Congress. All that is needed is a set of dentures in legislative form. The bill that I have introduced today fills that need. But the prescription now requires the endorsement of this body.

Simply stated, I am urging you to put teeth into Presidential Executive Order No. 10988, first promulgated by the late President John F. Kennedy and continued in effect by President Lyndon B. Johnson.

As you know, this Executive order marked the turning point in the Government's relations with its organized employees—particularly postal employees. It was timely—in fact it was long overdue—and it was very much needed. Under its provisions, collective bargaining and union recognition in limited form were finally accepted as legitimate expressions of the labor-management scene in the Federal structure.

During the intervening years more than 12,000 local agreements have been reached with management in the postal service. The Executive order has achieved its purpose, perhaps beyond even the imaginings of the distinguished panel of public servants who drafted it after extensive hearings in the early days of the Kennedy administration—men like Arthur Goldberg, Robert McNamara, Willard Wirtz, John W. Macy, Jr., and others.

But time marches on. The medicines compounded for one point in time are frequently outmoded by progress. And experience brings to light weaknesses not always anticipated. After 7 years, the progress achieved under Executive Order No. 10988 has come to a point of stalemated.

Basically, the problem is inherent in the nature of the Executive order. It has no statutory root. It exists at the whim of one man—the President of the United States. I am not suggesting that our new President is likely to turn the clock back. I am suggesting that a mechanism which involves the welfare and working conditions of the Nation's 700,000 postal employees ought to have and, indeed, must have ultimate legislative sanction.

In any event, the Executive order has one fatal weakness—it has no teeth. It is weighted against employees and there is just nothing they can do about it. Its provisions may be freely violated by management—and such, sadly, has been the case. There is no equilibrium. Management is the prosecutor and the judge and jury. This kind of imbalance cannot work—and is not working.

My bill would redress this injustice. It is a similar but improved version of H.R. 460 which I sponsored in the last Congress. As a matter of fact, somewhat similar bills have been introduced in the Congress for the past 20 years—long before the issuance of the Executive order in question. This bill sets up an orderly program of administrative procedures and appeal mechanisms while spelling out the rights and privileges of both labor and management within the postal service. It provides for compulsory arbitration of disputes and establishes an independent Labor-Management Relations Panel to handle such matters patterned after the procedures which have governed labor-management relations in private industry for more than three decades.

There is nothing in it that is revolutionary or untested. On the contrary, it merely extends to the postal employee some of the basic protections which have long since been enjoyed by his counterpart in the private sector.

On one count, however, it is quite different from law existing in the private sector. My bill does not, either by implication or design, weaken or water down

the existing statutory prohibitions against the strike weapon in the postal and Federal service. I want to make that clear because there has been a lot of misunderstanding on this score.

The papers lately have been full of stories about "unrest" among Government employees generally, but particularly among the postal unions and the approximate 700,000 employees they represent. Such adjectives as "impatient," "restless" and "unsettled" are used to describe their current mood. I have been close to the leadership of these unions and close to their rank-and-file members during recent years, and I can tell you that these adjectives, in many instances, are correct.

But I can also tell you that the overwhelming majority of our postal employees are dedicated, patient, and have no fundamental urge to strike or otherwise violate the law. Rather, they have an abiding faith in the Congress as their last court of appeal for equity and justice. We must not let them down.

Moreover, postal employees are not the only restless areas in Government. There is also a widespread sense of "exasperation" among many high-ranking postal officials who feel that the employees should be more grateful for the higher wages and improved benefits of the past 8 years—and even for the Executive order itself. It is, I suppose, a very human reaction.

But that kind of exasperation is also a product of blindness. Wages and benefits have risen but so has the cost of living whose first victims are always those in the lowest sector of salaries—including our dedicated postal clerks, letter carriers, and other low-paid postal workers. Far worse, however, has been the deterioration, especially at the local level, of even the limited processes of consultation available to employees and their unions in the postal service on legitimate questions of policy affecting working conditions.

Mr. Patrick J. Nilan, known to many of you as the able National Legislative Director of the United Federation of Postal Clerks, has summed up the situation very eloquently in a recent speech, from which I would like to quote. He says that—

When Postal management makes all the decisions unilaterally . . . when the clear intent of Congress is flouted by management in its interpretation of such basic laws as Public Law 89-301 governing work weeks in the postal service . . . when management philosophy is rooted in a "Heads-We-Win, Tails-You-Lose" concept of justice . . . when unions are compelled to seek from the courts the equity they are denied at the bargaining table . . . there is bound to be some restiveness.

Even allowing for the bias of a very able advocate, it must be recognized that the structure created under the Executive order is simply unfair, weighted, and tilted to a disturbing degree.

President James H. Rademacher, the very able president of the National Association of Letter Carriers, has also experienced the same difficulties and frustrating problems which Mr. Nilan referred to in his recent speech:

It is one thing to "give" employees a temporary bargaining machine subject to revocation at any point in time; it is quite another to make it work fairly and in the pub-

lic interest. It seems to me that in the final analysis such a critical and important mechanism must have the legitimacy of Federal law. Congress alone has that power. It is past the hour of midnight. It is time we exercised that power.

I request the consideration and support of my distinguished colleagues in behalf of the legislation which I am introducing today as the "Postal Employee Labor-Management Act of 1969."

THE 50TH ANNIVERSARY OF END OF WORLD WAR I

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CASEY. Mr. Speaker, on November 11, 1968, Veterans Day, the veterans of World War I heard a moving speech by the Reverend Dow H. Heard, D.D., chaplain, Department of Texas, American Legion. In this time of dissent and protest, I feel his words hold particular meaning on the true spirit of our involvement to preserve freedom:

THE 50TH ANNIVERSARY OF END OF WORLD WAR I

(Address delivered November 11, 1968, at Veterans Administration Cemetery, Houston, Tex., by Rev. Dow H. Heard, D.D.)

Mr. Commander Miles Wasson, and all Veterans and guests:

I hold in my hand an old newspaper—yellow with age—at the top it says:

"Extra—3:00 a.m.—Extra, San Antonio Express, Monday Morning, November 11, 1918."

You can see in big, black, boxcar size letters its headline of three words—that says—"Germany Gives Up."

The story begins (quote): "The world war will end this morning at six o'clock Washington time, 11 o'clock Paris time. The announcement was made by the State Department at 2:50 o'clock this morning—"

This is the way we got the news in the days before radio and television.

The news was received by all the people with great emotional involvement, excitement and unrestrained joy, more perhaps than ever before experienced in America . . . Bells were rung . . . Guns were fired . . . Cheering crowds swarmed into the streets, dancing and singing . . . Some were weeping . . . Others were laughing. No non-participants were observed. Everybody got into the act.

How many of you recall that day? Where were you on November 11, 1918? It was called Armistice Day.

Some of you will recall some stirring days even before that. The days in 1914, '15, '16 when there was some excitement as American soldiers were chasing Pancho Villa along its southern borders. I lived near that border in Uvalde County.

In those days America was trying to be neutral in the great war going on in Europe. But German might and arrogance and stupidity finally forced us in. Germany's unrestricted warfare on the high seas, the sinking of the Lusitania, and her intrigue with Mexico in January, 1917, where she offered to give Texas, New Mexico and Arizona to Mexico if she would declare war on us.

We declared war April 6, 1917. The Senate voted 82 to 6—and the House voted 373 to 50. President Woodrow Wilson said, "The time has come to conquer or submit. For us there is but one choice. We have made it."

Mr. Wilson had his critics. There were pacifists, and crusades organized and a march on Washington by 3,000 persons. Congress refused to see them.

At that time we were still ill prepared to wage such a war. Our Army had less than 200,000 men in uniform. Our Navy had 35,000. Our Air Force had 55 training planes, 51 of them obsolete. The Air Force had 65 officers, only 35 could fly.

America accepted a "draft" plan on April 28, 1917—only 21 days after declaration of war. Only we did not call it a "draft"—we called it "conscription". The conscription plan had its strong opposition. Even the Speaker of the House, Champ Clark, said, "There is precious little difference between a 'conscrip' and a convict."

But America went ahead with the plan and on June 5, 1917, we registered all the male citizens between 21-30. To call men up for service a "lottery" system was used. Secretary of War, Newton D. Baker, had the numbers put in a "fishbowl" at the White House and drew the first number. It was Number 256. That was the number of Leo Pickney (a Negro). He went in and later served with distinction overseas. In recent years he said "It was the only lottery I ever won. It was alright with me being first. I had no intention of asking for a deferment." (Incidentally Leo Pickney, years later, was Commander of American Legion Post #1095 in New York.) (All Veterans should belong to some Veterans organization.)

But back to that war. We sang "The Yanks are Coming". We sent 2 million troops—or 29 divisions—and held 13 divisions in reserve. We bought Liberty Bonds. Some bought the Savings Stamps. Many planted "Victory Gardens" in their yards.

To be sure, we had some "draft dodgers"—Then we called them "slackers".

Recruiting grew more intense. A big poster designed by James Montgomery Flagg was posted in every public place. It was a head and shoulders picture of Uncle Sam—with his tall stovepipe hat and with his piercing eyes looking straight into yours and his long, bony forefinger pointing directly at you, with this message underneath—"I want you for the U.S. Army."

The war raged on. Named places never heard of by Americans became household words in our country because of the bravery and victories of our soldiers—Belleau Wood, Meuse-Argonne, Chateau-Thierry, the Marne and Verdun.

We learned some new names, the big names of the leaders, and still recall them. In Britain it was David Lloyd George and Sir Douglas Haig, the hero of the British "tommies." In France it was George Clemenceau, Ferdinand Foch, Commander-in-Chief, and Papa Joffre. In America it was John J. Pershing and Sgt. Alvin York. In Germany it was Kaiser Wilhelm II, Von Hindenburg and Von Ludendorff.

It was a war in which we won, as we have in all our wars. America was in the war only 18 months. But let us never forget that we did not win it alone. It cost us a lot. It cost others more. It was a war in which 13 million died.

United States had 107,284 killed.

Britain had 807,451 killed (8 times as many).

France had 1,427,800 killed (13 times as many).

Russia had 2,762,000 killed (25 times as many).

Germany had 1,611,104 killed (15 times as many).

And it cost us \$30 billion.

It was a war that changed the history of the world. It destroyed four empires: The German Empire, The Austro-Hungarian, the Ottoman and the Russian.

As I said, we did not win World War I single handed, but we were the strong straw that finally broke the back of the military enemy. Without us our allies would probably have fallen. In that event we could have been crushed later by the combined force of a hostile world. The clear lessons of history teach us that we must always have allies,

whether we like all they do or not. Isolationism is as obsolete as an oxcart.

Back to World War I again. It was a singing war. Do you remember the songs? "Over There" by Geo. M. Cohan. "Oh, How I Hate to Get Up in the Morning" by Irving Berlin. "Goodby Broadway, Hello France", "Keep the Home Fires Burning", "Katie, Beautiful Katie". And the soldiers cooked up some pretty fancy ones when they got to France: "A Mademoiselle from Armentieres" with its "dinky, dinky, per-lee-vo". And another one was "How 'ya gonna keep 'em down on the farm, after they've seen Paris".

When the war over and the veterans came back, they organized veterans organizations, several of them, and Armistice Days, November 11th, were big annual celebrations. The first one in Houston was a big affair in 1919. On that occasion the then Mayor of Houston, His Honor, A. E. Amerman, made an eloquent, fiery, patriotic speech in which he ripped apart the "agitators, the un-American idealists, be he a cultured university lecturer or a be-whiskered soap-box orator". And he concluded with these words:

"When you lift your voice for America, know that at your side stands the manhood and womanhood of America, while hovering over us and within us are strong souls of those who died but will not rest, who slumber but will not sleep throughout the countless ages unless you and I and all America stand true to those ideals for which they fell in the morning of life—"

At that first Armistice Day observance in 1919 here in Houston, the Rev. M. M. Wolf, Pastor of Tuam Baptist Church, gave a long and moving prayer. In closing I quote two short paragraphs from that prayer. In it Dr. Wolf said:

"The events of this day mark a great period in the history of mankind, and we are here to express our gratitude unto Thee for the triumph of right over wrong, of goodness over cruelty, of justice over injustice. We know the victory came not without suffering and sacrifice—it was a mighty struggle; our homes gave up their finest and their best—"

"May our nation be guided by the Spirit of God. May we be loyal to truth, to our flag, and to our God, and may our nation bring fruits of righteousness and ever be a messenger of great good tidings to every nation in the world. Our Father, deliver us all from a spirit of selfishness and isolation, and help us that in every struggle for right, that we may add our effort and our sacrifices." Amen.

THE "PUEBLO" CASE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. WYMAN. Mr. Speaker, no matter how you slice it, someone is responsible for the *Pueblo's* position of helpless peril. I believe this responsibility should be determined and not avoided.

Hopefully, this will be done by the Naval Board of Inquiry. If not, it should be accomplished by a congressional investigation.

The quandary in which Commander Bucher found himself cannot be said to be of his own creation. Despite Navy regulations in respect to the surrender of a naval vessel, I find it hard to believe that the captain did not anticipate the possibility of attack and inquire concerning his responsibilities in that regard before going on station, aware as he must have been of the virtual nonexistence of adequate armament on the *Pueblo*.

In connection with the *Pueblo* case, I

commend the reading of an interesting article by Allan C. Brownfeld appearing in Roll Call, issue of January 23, 1969, entitled "Unanswered Questions in *Pueblo* Case":

UNANSWERED QUESTIONS IN "PUEBLO" CASE (By Allan C. Brownfeld)

The release of the crew of the U.S.S. *Pueblo* was greeted by the American people with great joy, for it is unthinkable to Americans that their fighting men abroad would be permitted to be captured in such a brazen manner and to be held for so long a period by so small and weak an enemy. Americans, it seems, have not yet come to appreciate the burdens of power, the fact that small nations may retaliate against various provocations with a maximum of force, while great powers are muscle-bound, fearful that their every act might precipitate global disaster.

Although those who urged an immediate invasion or bombing of North Korea were both intemperate and unwise, those who were responsible for the circumstances both before and after the capture of the ship acted in a manner which leaves many important questions unanswered. It is in the interest of answering these questions that a Naval Board of Inquiry has been called and it is for this same reason that many members of Congress feel that a full fledged Congressional investigation is warranted.

The first question to be asked is: Why was the *Pueblo* left undefended in hostile waters? The chronology of the case has been forgotten by many, but should be carefully studied by those involved in seeking answers.

The *Pueblo* took over its surveillance state on January 10, according to the U.S. Defense Intelligence Agency. Prior to that, the U.S.S. *Banner* had been on the same station. On January 9, the North Korean Government radioed a charge that American surveillance ships were operating off Korea—a clear reference to the station later taken over by the *Pueblo*—and warned that the Communists were prepared to take action. This broadcast was received in Washington by the Defense Intelligence Agency and was published in the January 10 file of foreign broadcasts issued by the U.S. Government's Foreign Broadcast Information Service.

There had been frequent incidents in the past involving U.S. surveillance ships on the North Korean station. Through June, 1967 two destroyers had served as escorts for a ship on that station. In June, the destroyers were withdrawn and shifted to duty elsewhere. The *Banner*, and later the *Pueblo*, had been left unprotected and virtually unarmed in an area previously considered by the Navy to require the security of escort warships. When the warning came from North Korea on January 9, no action was taken by the Joint Chiefs of Staff, to whom the *Pueblo* reported, to try to safeguard the ship.

A large U.S. military field at Osan, South Korea, was barely 15 minutes' flying time from the *Pueblo's* station. When the Korean gunboats surrounded the ship, this information was radioed immediately. On the nearby field were four U.S. fighter planes regularly stationed there, three armed with nuclear weapons, one out of commission for repairs. Two to three hours would have been required to shift from nuclear to conventional weapons. The question must be asked: who was responsible for permitting the *Pueblo* to go undefended?

The second question to be asked is why the crew of the *Pueblo* did not resist capture, why the ship was not scuttled, and why the highly classified information aboard it was not destroyed. In addition, it has been reported that the ship was constructed in such a way as to make scuttling impossible. If so, why were other precautions not taken to prevent this material from reaching enemy hands?

The chairman of the Senate Armed Services Committee says the Navy Intelligence ship *Pueblo* should have been sunk by her crew when attacked by North Korean forces. Senator Richard B. Russell said that he would ask the Navy for copies of orders given to the commander of the ship to determine why the *Pueblo* was not scuttled. "I want to see just what orders the commander was given," the Senator said. "It seems we are wasting a great deal of money sending such ships around the world if we take no action when danger threatens."

A third question relates to the conduct of the crew while in North Korean hands. The military Code of Conduct states in paragraph five that "I will make no oral or written statements disloyal to my country." Yet the North Korean propagandists were pleased when Commander Lloyd Bucher "confessed" to the *Pueblo's* violation of Korean waters. Was the Commander in violation of the Code? Or was he following another paragraph which reads "If I become prisoner of war . . . I will give no information or take part in any action which might be harmful to my comrades." Commander Bucher has said that the North Koreans told him confess or we will kill off your crew one man each day, beginning with the youngest seaman. Bucher dared his captors to kill him first. They refused and renewed their threat. He finally signed. In this instance, the Code poses the moral dilemma but does not resolve it. To further complicate the situation, does the code for prisoners of war apply in a situation in which no declaration of war has been made? What are the rules concerning illegal detainees in what is allegedly "peacetime."

A fourth question relates to the credibility of our own government. In what Secretary of State Dean Rusk called a "unique diplomatic procedure," Maj. Gen. Gilbert H. Woodward at Panmunjon December 23 first repudiated and then signed a paper which stated: "The Government of the U.S.A., acknowledging the validity of the confessions of the crew of the U.S.S. *Pueblo* and of the documents of evidence produced by the representative of the People's Republic of Korea to the effect that the ship . . . had illegally intruded into the territorial waters of the People's Republic of Korea, shoulders full responsibility and solemnly apologizes for the grave acts of espionage . . ."

Commenting on the confession, columnist Edgar Ansel Mowrer noted that "The signing of the repudiated confession . . . may call a diplomatic white lie, reveals L.B.J. as a great humanitarian. The question is, was this the kind of statesmanship which the chief defender of the human race against Communist blight can afford?"

The Communists have, of course, taken full advantage of the confession, and have either ignored the repudiation or used it as evidence of our own dishonesty. The American Communist newspaper, *The Daily World*, stated the following in its December 24 editorial: ". . . the U.S. government did not obtain the release of the 82 officers and men, as Secretary of State Dean Rusk now claims, but it was the North Korean Government that made the friendly move of releasing them . . . At the time of the release . . . Washington's representative signed a statement admitting its guilt . . . but it immediately issued another statement claiming that it lied in making its admission . . . This is a fantastic way to carry on diplomatic relations. It reveals a contemptuous attitude to the commonsense of the American people and an arrogant disrespect for other nations . . ."

The pro-Communist *National Guardian* echoed the same view: ". . . That Washington (admittedly guilty) . . . at the same time it made a disclaimer which only brings the U.S. Government into deeper discredit before world public opinion because the state-

ment read at Panmunjom prior to signing the confession only states that the confession is 'at variance' with the official U.S. position, not that the confession is false."

The reason for asking these important questions is that we must be certain that an incident such as the capture of the *Pueblo* must not be permitted to occur again. Our government must make its position clear, and must be credible in the world. A nation with great power has great responsibilities. In the *Pueblo* case, such responsibilities were not carried out properly, either with regard to defending the ship, obtaining the release of its crew, or explaining our own actions. Any Congressional inquiry which occurs should be more concerned with developing guidelines for future actions than with assessing blame and responsibility for the past. Hopefully, the new Administration will learn from the mistakes of its predecessor.

LT. COMDR. MARCUS A. ARNHEITER
DENIED RELIEF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, from time to time I have inserted in the RECORD items relating to the case of Lt. Comdr. Marcus A. Arnheiter.

Today, I would like to put in the RECORD the decision of October 22, 1968, by the Honorable William T. Sweigert, U.S. district judge, who denied Arnheiter any relief.

I note especially the reference in the decision:

The thoroughness and substantial fairness of the investigation and review are not only evident but quite impressive.

The summary and memorandum of decision follow:

IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA: MARCUS A. ARNHEITER, PLAINTIFF, AGAINST PAUL R. IGNATIUS, ET AL., DEFENDANTS, CIVIL NO. 48414

SUMMARY JUDGMENT

This matter came regularly on before the Court on June 3, 1968 on defendants' motion to dismiss or in the alternative for summary judgment.

Marvin E. Lewis, Esq., Lewis, Rouda & Winchell, appeared on behalf of the plaintiff, and Cecil F. Poole, United States Attorney for the Northern District of California, by Jerry K. Cimmet, Assistant United States Attorney, appeared on behalf of the defendants.

The Court heard argument and the matter was submitted; however, on September 12, 1968, the Court entered an order directing that the case be reopened for the purpose of placing the record of the Witter investigation before the Court. The defendants complied with the Court's order and filed the complete record on October 4, 1968.

On the latter date, the attorneys for the respective parties appeared and the Court heard further argument. The matter was then submitted to the Court for decision.

The Court, having considered all the pleadings and documents in the record and the arguments of counsel, and being fully advised, filed its Memorandum of Decision on October 22, 1968 granting defendants' motion for summary judgment. Said Memorandum of Decision is incorporated herein by reference and as expressed in said memorandum of decision and for the reasons stated therein,

the Court finds that there is no genuine issue as to any material fact and the defendants are entitled to judgment as a matter of law.

Accordingly, It is hereby ordered, adjudged, and decreed that summary judgment be and hereby is entered in favor of the defendants and against the plaintiff in this case.

Dated: October 23, 1968.

W. T. SWEIGERT,
U.S. District Judge.

MEMORANDUM OF DECISION, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA: MARCUS A. ARNHEITER, PLAINTIFF, AGAINST PAUL R. IGNATIUS, ET AL., DEFENDANTS, NO. 48414

This action is brought by Marcus A. Arnheiter, Lieutenant Commander, United States Navy, against the Secretary of the Navy for a Declaratory Judgment and for Relief in the Nature of Mandamus.

The case is now before the court on defendant's motion to dismiss the action for lack of jurisdiction over either the person or the subject matter and for failure of the complaint to state a claim upon which relief can be granted or, in the alternative, for a judgment in favor of defendant on the ground that there is no genuine issue as to any material fact and that defendant is entitled to judgment as a matter of law.

The record consists of the complaint and certain additional matter presented by the parties. Presented by the defendant and moving party are affidavits of Rear Admiral Donald C. Irvine and Vice Admiral Benedict J. Semmes and defendant's Exhibits C through F containing extensive documentary matter. Presented by the plaintiff are affidavits of plaintiff Arnheiter with attached plaintiff's Exhibits A through I, also containing extensive documentary matter.

The basic facts shown by the record are as follows:

On December 22, 1965, Lieutenant Commander Arnheiter was assigned to the command of the U.S.S. Vance, a Destroyer Escort under assignment for duty in the Vietnam war theatre as part of a Cruiser-Destroyer Task Group under the immediate command of Rear Admiral Donald C. Irvine. This Task Group was in turn a subordinate command under Vice Admiral Baumberger, Commander, Cruiser-Destroyer Forces, Pacific Fleet, which in turn was a subordinate command under Admiral Roy Johnson, Commander in Chief, Pacific Fleet.

Between mid-March and March 29, 1966, Commander D. E. Milligan, Commander, Escort Squadron Seven, received messages from commanders of other squadrons concerning irregular practices aboard the Vance and also concerning certain improper operations of the Vance that interfered with other ships; also a call from a Chaplain, Lieutenant.

Dando, concerning his observations, made aboard the Vance, of irregular practices and low morale; also a confirmatory report from a member of Milligan's own staff. After counseling with some of his fellow officers, Commander Milligan reported his information to Admiral Irvine. (Letter of Commander Milligan, July 15, 1966, part of Def.'s Ex. E).

On March 29, 1966, Rear Admiral Donald C. Irvine, as Commander of the Cruiser-Destroyer Task Group, upon receipt of this information, leading him to believe that Arnheiter should be relieved of his command "because of irregular practices in which he had engaged and irregular policies which he had established" and acting under the provisions of Article C-7801(4)(d) 2, Bureau of Naval Personnel Manual, and after conferring with Rear Admiral T. S. King (who was about to relieve Irvine) sent a naval message to Vice Admiral Benedict J. Semmes, Chief of Naval Personnel, requesting that

Arnheiter be relieved of his command of the Vance so that these matters might be investigated, indicating that speed was mandatory due to impending extended redeployment of the Vance on combat operations. (Affidavit of Admiral Irvine).

On March 30, 1966, Vice Admiral Semmes, upon receipt of this request and after telephonic concurrence in the request from Vice Admiral Baumberger, Commander, Cruiser-Destroyer Forces, U.S. Pacific Fleet, issued Naval Personnel Order 174035 directing that Arnheiter be detached as commanding officer of the Vance and that he report aboard U.S.D. Dixie for temporary duty and further assignment by Chief of Naval Personnel. (Affidavit of Admiral Semmes).

On March 31, 1966, Commander D. E. Milligan, acting under this order, boarded the Vance, relieved Arnheiter of the command and made a preliminary investigation of the circumstances leading up to the detachment, obtaining approximately 35 statements from officers and crewmen of the Vance which, according to Milligan, corroborated information already received by him from others. (Milligan's letter of 7/15/66, part of Def.'s Ex. E).

Thereupon, Rear Admiral T. S. King, who had just replaced Rear Admiral Irvine as Commander of the Task Group, acting under Naval Regulations, 32 CFR 719.254, et seq. and Article C-7801(4) of the Naval Personnel Manual, appointed Captain Ward A. Witter to conduct an "informal one-officer investigation" provided for by Navy Regulations, 32 CFR 719.611 of the circumstances leading to the removal of Arnheiter.

On April 2, 1966, Captain Witter conferred with Arnheiter concerning his rights and advised him to obtain counsel. Arnheiter obtained assignment from the Base Legal Office of Lieutenant McGovern as his counsel. On April 5th Witter reviewed with Arnheiter and his counsel the statements obtained by Milligan, the preliminary investigating officer, copies of which had been given by Witter to Arnheiter on the previous day. With Arnheiter and his counsel present, Witter then conducted hearings on April 6, 7, 8, 9, 11, 12 and 13, taking testimony under oath from 20 witnesses, receiving a sworn statement from Arnheiter and receiving other sworn statements of witnesses and other documents. (Witter Report, Plt.'s Ex. I).

Under date of April 27, 1966, Witter prepared and forwarded to Rear-Admiral King, who had convened the investigation, a 13 page report of the investigation (Plt.'s Ex. I) containing a detailed description of the proceedings and his findings of fact as required by Navy Regulations, 32 CFR 719.613.

Without attempting to detail Witter's 40 separate findings, they involve in substance and effect improper handling of ship's supplies and funds (e.g. 3, 4, 8, 10, 11, 14, 16, 26, 31, 35, 37); questionable policies and poor judgment in matters affecting officer and crew morale (e.g. 3, 6, 25, 27, 29); careless or unnecessarily hazardous operations (e.g. 1, 9, 15, 17, 21, 22, 23, 24, 28, 32, 33, 34, 36, 39, 40); improper operations reports (e.g. 12, 13).

The conclusions reached by Witter from these findings were to the general effect that Arnheiter was not the type to have command; that he lacked the ability to act without guidance and assistance of superiors; that, despite high goals and drive, he is a poor leader, unrealistic and insensitive to what is going on around him; that, although basically honest, he rationalizes distortion of facts to his own advantage; that, although attempting to run his ship in strict and pure chain of command with his officers, his obsession with this purpose affects his ability to make correct and balanced judgments; that most of his actions were relatively minor and in no case malicious; that removal from command would be ade-

quately severe penalty for his performance and, if it stands, will be more than adequate punishment for his actual irregularities.

Witter thereupon recommended that Arnheiter's removal be sustained, that he be not assigned command in the future, either ashore or afloat, but that no disciplinary action be taken against him.

Under date of May 26, 1966, Rear Admiral King, acting on the Witter report, forwarded it to Vice Admiral Baumberger with his own report (Part of Def.'s Ex. E) containing his comments on the Witter findings and his concurrence in the Witter recommendations except in the one respect that King recommended that, since the record showed that Arnheiter had knowingly, willfully and admittedly violated regulations, he should be disciplined by the issuance of a punitive letter of reprimand.

Upon receipt of the Witter and King reports, Vice Admiral Baumberger on June 7, 1966, provided Arnheiter with copies of the reports, granted requests of Arnheiter that counsel be made available to assist him and, further, granted requests of Arnheiter and his counsel for opportunity to submit further information and to file comments in rebuttal of the findings and opinions. In addition, on July 15, 1966, Baumberger obtained from Commander Milligan, the preliminary investigation officer, a letter of that date (Part of Def.'s Ex. E) setting forth the sequence of events leading up to the relief of Arnheiter and also enclosing the earlier report to Milligan by Chaplain Dando (Part of Def.'s Ex. E) dated March 26, 1966.

Under date of August 30, 1966, Vice Admiral Baumberger prepared for forwarding to Vice Admiral Semmes, Chief of Naval Personnel, and to Admiral Roy Johnson, Commander in Chief, Pacific Fleet, his own report (Part of Def.'s Ex. E) containing his comments on the Witter and King reports and enclosing an Arnheiter rebuttal statement dated August 5, 1966.

This Baumberger report of August 30th reviews the entire situation and comes to the conclusion that: "Isolated, none of the 'alleged irregularities' is sufficient grounds to sustain relief for cause; that there emerges when reviewing the record, together with many conversations held with Lieutenant Commander Arnheiter, and others intimately acquainted with him, the impression of a brilliant, yet complex officer... an officer whose actions in a number of instances, both operational and administrative (including the handling of personnel) did cast some doubt in the minds of his superiors that his judgment, discretion and objectivity could be relied upon in an independent command status."

Baumberger expressed his opinion that "had not the Vance been employed in a forward area, a demand for corrective measures by his superiors would have been more appropriate than his relief from command", adding, however, that "the foregoing should not be misconstrued to indicate that the type commander" (i.e., Baumberger) "condones the irregularities admitted by Lieutenant Arnheiter; no matter how they are explained away."

Thereupon Baumberger recommended that no disciplinary action be taken against Arnheiter, that his relief from command be sustained only as "for investigation in the light of the circumstances then existing", that he not be restored to the Vance but that he be reassigned to command a destroyer escort of the same force to provide an opportunity for reassessment of his abilities.

Under date of September 9, 1966, Vice Admiral Semmes, Chief, Naval Personnel, acting upon the foregoing and also upon a brief from his Assistant for Performance, W. R. DeLoach (part of Def.'s Ex. E) approved the removal of Arnheiter "for cause"

(part of Def.'s Ex. E). On the same date Semmes forwarded to President, Line Selection Board for Commanders (which passes upon promotions for lieutenant commanders) the memo (part of Def.'s Ex. F) of this action (to be placed in Arnheiter's Selection Board jacket), together with a copy of Arnheiter's letter, advising that the reassignment of Arnheiter would be held in abeyance pending report from Commander in Chief, Pacific Fleet.

Meanwhile, Admiral Roy A. Johnson, Commander in Chief, Pacific Fleet, had requested Vice Admiral Baumberger to submit to him additional data and another more detailed evaluation and analysis of the allegations against Arnheiter.

Under date of November 1, 1966, Vice Admiral Baumberger responding to the request of Commander in Chief, Pacific Fleet, prepared a second report (Plt.'s Ex. B) in which he sharply criticized Captain Witter, the investigative officer, for having "unwittingly compounded his already difficult task by injecting himself personally into the role of a 'psychologist' rather than in that of an impartial finder of fact" and for having "neglected or refused to pursue available evidence concerning specific allegations of misconduct" and for having based his findings for the most part "on the unsubstantiated opinions of witnesses inimical to Lieutenant Commander Arnheiter".

Admiral Baumberger then proceeded to re-examine the Witter findings one by one in the light of the evidence and to express his opinion as to each, rejecting most of them as either insufficiently supported by the evidence or as being insufficient to show impropriety, minimizing others because of triviality or mitigating circumstances but concluding that some show conduct which could not be condoned. Baumberger then reiterated his recommendations of August 30th, already above set forth.

On January 20, 1967, Admiral Johnson, Commander in Chief, Pacific Fleet, acting on the foregoing rejected Baumberger's recommendation that Arnheiter should be reassigned to another destroyer-escort command in the force. (See Plt.'s Ex. A [chronology]).

On February 16, 1967, following this determination of the Commander in Chief, Pacific Fleet, Vice Admiral Baumberger detached Arnheiter from the staff of the Cruiser-Destroyer Force. On February 23rd, Arnheiter reported to Commander, Western Sea Frontier (Plt.'s Ex. A, chronology 1/23/67) for duty and is now permanently assigned with Lieutenant commander rank to non-command shore duty at Treasure Island, San Francisco.

On March 3, 1967, Arnheiter visited Vice Admiral Semmes, Chief Naval Personnel and unsuccessfully requested either the convening of a full scale court of inquiry to review his removal or a general court martial. On April 7, 1967, Arnheiter wrote to Semmes citing claimed violations of Navy Regulations and the Naval Personnel Manual. (See Plt.'s Ex. A—chronology).

Finally, on November 24, 1967, the defendant, Secretary of the Navy, wrote (Def.'s Ex. C) Arnheiter, responding to his six previous letters between May 9, 1967 and October 21, 1967, to the effect that all his communications and his entire personnel file, including his rebuttal submissions, the investigation reports and the action of all reviewing authorities had been extensively and personally studied by the Secretary and by the Judge Advocate General of the Navy; that the Secretary had also considered the opinions of Admiral Settle and Captain Alexander (who had interested themselves on behalf of Arnheiter's contentions); that the Secretary had taken personal interest in the issues which Arnheiter raised concerning the character of his past services in command and the appropriateness of his future assignment to command and the Secretary con-

cluded: "Having now completed my evaluation I regret to inform you that your requests for further inquiry into this matter are not granted. I am convinced that you have received a full opportunity to present your position in this case. From the entire record before me, I can identify no valid reason for altering the decision that your further assignment would be inappropriate."

On December 19, 1967, plaintiff commenced this suit contending that his summary detachment from command of the Vance and the subsequent approval thereof were in violation of Navy Regulations and in effect a deprivation of procedural due process under the Fifth Amendment and asking this court for a judgment declaring that he is entitled to another Navy hearing—a fair and impartial one—on all matters relating to his detachment from command and his promotion status and ordering the Secretary of the Navy to convene a court of inquiry or other appropriate hearing, for that purpose.

Before taking up the particular allegations of plaintiff's complaint and affidavit, we should first consider the underlying question of law presented in this case, i.e., whether and, if so, upon what conditions and limitations, do the federal courts have power to review such proceedings and decisions of the armed forces as are presented by the record.

It will be noted from the record thus far set forth that, although plaintiff alleges that his removal from command and his subsequent failure of promotion will adversely affect his chances of future promotion, there is nothing in the record to negate the possibility that the Navy, should it choose to do so in the future, could reassign plaintiff to a command and/or promote him to higher rank.

It will also be noted that plaintiff has never been court martialed or subjected to discharge or any punitive action whatsoever—no forfeiture of pay or confinement to quarters or demotion in rank—not even a letter of reprimand. He was, before his removal from command, a Lieutenant Commander in the United States Navy and still is such today with the full entitlements of that rank, subject only to Navy Regulations and to orders of his superior officers. Clearly, plaintiff's basic and only grievance is that a duty order made by a superior officer detaching him from a command assignment was subsequently approved after further investigation and that he has not since been promoted in rank.

LAW RE REVIEW OF MILITARY DECISIONS

Article II, Section 2 of the Constitution makes the President the Commander in Chief of the Army and Navy and Article I, Section 8 grants to Congress the power to make rules for the government and regulation of the land and naval forces.

Stemming from such old cases as *Dynes v. Hoover*, 61 U. S. 65 (1857), *Deatur v. Paulding*, 39 U.S. 497 (1840) and *United States v. Eliason*, 41 U.S. 291 (1842), a general rule gradually crystallized in the Supreme Court to the effect that military decisions—judicial (court martial) or administrative—are not subject to judicial review by the federal courts except to the extent that these courts, exercising their power to entertain habeas corpus petitions, may make the single inquiry whether a military decision under colateral attack was within the military jurisdiction. The term jurisdiction was narrowly construed to mean, not whether the military acted erroneously or even whether it conformed to the due process provisions of the Bill of Rights, but only whether the military had jurisdiction of the person and subject matter and acted within its powers. It has been the view of the Supreme Court that for those in the military or naval service the military law, as it may be enacted by the Congress and administered by the President as Commander in Chief, is the measure of

the due process to which those in the military or naval service are entitled.

This so-called "non-reviewability rule" has been long applied by the Supreme Court to court martial convictions resulting in military imprisonment, punitive discharge or other penalties. (See, *Ex parte Reed*, 100 U.S. 13 (1879); *In re Grimley*, 137 U.S. 147 (1890); *In re Yamashita*, 327 U.S. 1 (1946); *Johnson v. Eisenstrager*, 339 U.S. 763 (1950)).

The non-reviewability rule has been applied, not only to military-judicial proceedings (i.e., court martial convictions), but also to military-administrative proceedings, e.g., non-punitive, but involuntary retirement or discharge of military personnel. See, *Reaves v. Ainsworth*, 219 U.S. 296 (1911); *U.S. ex rel Creary v. Weeks*, 259 U.S. 336 (1922); *U.S. ex rel French v. Weeks*, 259 U.S. 326 (1922); *Orloff v. Willoughby*, 345 U.S. 83 (1953).

Not until 1953 did the Supreme Court indicate relaxation of this non-reviewability rule. In *Burns v. Wilson*, 346 U.S. 137 (1953), a habeas corpus petition to annul a court martial conviction, the court, although it denied the writ, stated that the constitutional guarantee of due process is meaningful enough and sufficiently adaptable to protect soldiers as well as civilians from crude military injustices and that the federal courts have power to determine whether the military have given fair consideration to the petitioner's claims of denial of constitutional due process. The denial of relief was based, as set forth in the main opinion, upon the stated ground that the military had fully and fairly considered all the petitioner's constitutional claims but the four opinions filed in the case¹ read as a whole, seem to intimate that, if such had not been the case, the court would have reviewed the conviction and that the scope of review would have extended beyond the traditional narrow concept of jurisdiction to include claims of deprivation of constitutional due process.²

Likewise, in 1958, the Supreme Court in *Harman v. Brucker*, 355 U.S. 579, again intimated relaxation of the non-reviewability rule as applied to non-judicial, administrative actions of the military. In that case the Supreme Court set aside an administrative army discharge which had been based on security risk activities occurring prior to petitioner's induction. The Court of Appeals (243 F. 2d 613 (D.C. Cir. 1957)) and the District Court (137 F. Supp. 475 (D.C. 1956)) had both denied relief upon the traditional non-reviewability rule as set forth in *Willoughby*, *supra*. The Supreme Court, however, held that, generally speaking, judicial relief is available to anyone who has been injured by an act of a government official in excess of his express or implied powers. The court proceeded to review and overrule the military's interpretation of a statute and held that the army had in fact exceeded its statutory powers by basing the discharge, not on petitioner's military record alone, but upon civilian activities occurring prior to induction.³

Whether and to what extent decisions like *Burns v. Wilson*, *supra*, and *Harman v. Brucker*, *supra*, relax the traditional non-reviewability rule and expand the scope of federal court collateral review of military determinations, court martial or administrative, is not yet clear.⁴

In what we believe to be the most recent expression of the Supreme Court concerning federal court review of military determinations, *Beard v. Stahr*, 370 U.S. 41 (1962) the court had before it the case of an army officer seeking to enjoin the Secretary of the Army from removing him from the active list (through elimination proceedings under an Act of Congress dealing with dismissal for failure to meet military standards) upon

the ground that the Act placed the burden of proof upon the officer, rather than upon the army, and, further, made no provision for confrontation of the witnesses against the officer. A three judge district court *Beard v. Stahr*, 200 F. Supp. 766 (D.C. 1961) had held that an officer of the armed forces is subject to removal at any time by the President in his discretion, except as such discretion might be limited by an Act of Congress; that since unlimited power to dismiss is inherent in the President unless limited by Act of Congress, it follows a fortiori that any procedure established by Congress for the elimination of officers, who are either surplus or not regarded as meeting high standards, is not limited or controlled by the due process clause or any other constitutional provision and that the supervision and control over the selection, appointment and dismissal of officers are not proper subjects of the judicial function. The Supreme Court in a per curiam opinion vacated the judgment of the three judge district court upon the sole ground, however, that the action had been prematurely brought because the appellant had not yet been actually removed from the army active list.

Recent cases in the Court of Appeals and District Courts in which administrative discharges of military personnel have been challenged for lack of constitutional due process or non-compliance with statutory or rule requirements, have recognized the limited scope of federal court review and have denied relief either upon the ground of non-reviewability or after review upon the merits. See, *Broen v. Gamage*, 377 F.2d 154 (D.C. Cir. 1967); *Kennedy v. Commandant*, 258 F.Supp. 967 (D. Kan. 1966). See also, *Sohm v. Dillon*, 231 F.Supp. 973 (D.C. 1964) and 235 F.Supp. 450 (D.C. 1964) (rev'd in 365 F.2d 915) (D.C. Cir. 1966); but solely to order stay of proceedings pending military review; *Reed v. Frake*, 297 F.2d 17 (4th Cir. 1961); *Richards v. Coz*, 84 F.Supp. 107 (D.C. Kan. 1960) (a court martial case). Compare, however, *Ashe v. McNamara*, 355 F.2d 277 (1st Cir. 1965), which was granted relief after a review of a court martial conviction for fundamental unfairness (denial of effective assistance of counsel), citing *Burns v. Wilson*, *supra* and *Harman v. Brucker*, *supra*.⁵

In our opinion cases like *Burns v. Wilson* and *Harman v. Brucker* seem to indicate that, although there may be doubt, as to the scope of review, the Supreme Court is prepared to relax the traditional non-reviewability rule sufficiently to admit ultimate, collateral federal court review of claims by military personnel of denial of constitutional due process in such matters as court martial convictions which involve life, liberty or other penalty, and administrative discharges from the services which involve their quasi property rights.

It can be argued that officers and servicemen, upon termination of their service, have a quasi property right to have their discharges properly reflect their military record because if such discharges improperly and adversely reflect the military record they might stigmatize the discharge and adversely affect his civilian future.

Neither of these situations, however, is presented in our pending case. As already noted, the issue here is much narrower, namely, judicial review of such purely internal, administrative matters as duty assignment and promotion.

We are of the opinion that the traditional non-reviewability rule should be followed and applied at least where, as in this case, the military decision affects, not the life, liberty or some property right of the petitioner, but only his duty assignment or promotion status. We know of no case in the Supreme Court or in the lesser federal courts which has gone so far as to interfere with naval or army decisions of this particular kind for

any reason whatsoever. On the contrary, it has been consistently held by the Supreme Court, for example in *Orloff v. Willoughby*, *supra*, that "it is not within the power of this Court by habeas corpus to determine whether specific assignments to duty fall within the basic classification of petitioner . . . [T]here must be a wide latitude allowed to those in command . . . [W]e have found no case where this Court has assumed to revise duty orders as to one lawfully in the service." 345 U.S. 83, 90-94.

Similarly, with respect to promotion status, the Supreme Court in *Reaves v. Ainsworth*, *supra*, holding that qualification of an officer for promotion cannot be reviewed, said "to be promoted . . . may be the right of an officer, the value to him of his commission, but greater even than that is the welfare of the country and, it may be, even its safety through the efficiency of the Army." 219 U.S. 296, 306.

In *Luftig v. McNamara*, 252 F. Supp. 819 (D.C. 1966) the district court dismissed an action brought by a member of the Army to enjoin it from ordering him to the Vietnam war theatre. Although one ground for dismissal was that the court had no power to determine a political question, a further ground was that courts may not substitute their judgment for that of the Commander in Chief concerning disposition of the armed forces, citing *Beard v. Stahr*, 200 F. Supp. 766, *supra*.⁶

Any attempt of the federal courts, absent some direction or permission from the Congress to do so, to take over review of military duty assignments, commands and promotions would obviously be fraught with practical difficulties for both the armed forces and the courts.

It is not necessary, however, to base the decision of this case upon the non-reviewability rule. For the purpose of this case we will assume that this court should review the kind of naval decisions here involved and we will further assume that on such review this court should extend its review beyond the narrow test of military jurisdiction to include constitutional due process.

So far as constitutional due process is concerned, the Navy decisions here in question did not deprive plaintiff of his life or liberty through any punitive measures against him. The only possible constitutional question would be whether they operated to deprive plaintiff of a property or quasi property right within the meaning of the Fifth Amendment.

But, a member of the armed forces has no property right in any particular command or duty assignment or promotion during his service any more than has a civil service employee any such right. In cases involving civil service, judicial review of administrative dismissals, duty assignments and promotions is narrowly limited to the question whether the governmental agency has properly interpreted and substantially complied with any pertinent statute regulating assignment or promotion. The test is, not constitutional due process, but only substantial compliance by civilian superiors with such statutory requirements. *Ponell v. Brannan*, 196 F. 2d 871 (D.C. Cir. 1952). *Seebach v. Cullen*, 224 F. Supp. 15 (N.D. Cal. 1963), aff'd 338 F. 2d 663 (9th Cir. 1964); *Mancilla v. United States*, 382 F. 2d 269 (9th Cir. 1967); *Cutting v. Higley*, 235 F. 2d 515 (D.C. Cir. 1956).

For obviously stronger reasons military decisions concerning internal duty assignments and promotions must be left, absent Congressional regulation to the contrary, to the judgment of chain of command under the President as Commander in Chief. If reviewable at all by the federal court, the only possible question would be whether, as alleged by plaintiff in this case, certain procedural Navy Regulations were violated. In order to answer this question we proceed to examine plaintiff's allegations.⁷

Footnotes at end of memorandum.

REVIEW ON THE MERITS

Plaintiff alleges that his detachment from the command of the Vance was the result of a conspiracy between his subordinate officers, among them his operations officer, Lieutenant Generous, his operations officer, Lieutenant Hardy (Complaint X), and his superior officers, among them Admiral Irvine and Admiral King and Commander Milligan.

The issue, however, is not possible conspiratorial motivation by plaintiff's fellow officers, but only whether plaintiff's detachment was, nevertheless, accomplished and subsequently approved in substantial conformity with regulations, regardless of motivation.

Plaintiff alleges that his subordinate officers, among them Lieutenant Generous and Lieutenant Hardy, and others, among them Chaplain Osterman, Commander Baird, Commander Milligan, Chaplain Lieutenant Dando, Lieutenant Kordon and Commander Milligan, made and forwarded critical reports concerning him to others without notifying him in intentional and knowing violation of Navy Regulations 1212, 1243.2, 1243.3 and 1404.1 which deal with the making of critical reports concerning officers.

The issue, however, is not violation by others of such regulations, but only whether plaintiff, notwithstanding, was removed and his removal subsequently approved, in substantial compliance with the regulations pertaining to removals from command—regardless of alleged violation of other rules by plaintiff's fellow officers.

Further, as we will presently point out, the subject matter of these critical communications, allegedly made to others without notice to plaintiff, was ultimately investigated at the Witter hearing.

Plaintiff alleges that his superior officers, Admirals Irvine, King and Semmes, accomplished his summary removal in violation of Naval Personnel Manual C-7801-4. (Def.'s Ex. D). The Manual, however, expressly authorizes requests by superior officers to Bureau of Naval Personnel for summary detachment of subordinate officers from duty whenever speed is mandatory because of any emergency, impending deployment of the ship or squadron to which the officer is attached, or other urgent reasons. In the pending case, summary detachment was requested by Admiral Irvine and ordered by Admiral Semmes, Chief of Bureau of Naval Personnel, because they believed that such emergency existed.

The Manual provides that in such case the request for removal from command may be preliminarily made by message, stating briefly the reasons and the nature of the urgency; that appropriate action will then be taken by Chief of Naval Personnel but that "final action" will be taken by him only on the basis of a subsequent letter which, together with the statement of the officer in question, can be made a part of his official record.

In the pending case an investigation of the summary removal was promptly convened and the subsequent letter from Admiral King, together with the Witter investigation report, was forwarded to the Chief of Naval Personnel via Admiral Baumberger, who first made these letter reports available to Arnheiter for his rebuttal statement. Arnheiter then presented his rebuttal statement, dated August 5, 1966 (Def.'s Ex. H), consisting of over 500 pages including the attached exhibits. On August 30, 1966, the letter of Admiral King and the Witter report, together with the Arnheiter rebuttal statement, were forwarded by Admiral Baumberger to Chief of Naval Personnel for final action and on September 9, 1966, this final action was taken by Admiral Semmes, Chief of Naval Personnel, approving "for cause" Arnheiter's previous summary dismissal from command.

Clearly, these procedures were in substantial compliance with the provisions of the Manual covering summary detachments from command.

Plaintiff alleges, however, that Admiral Irvine did not comply with the provisions of Naval Personnel Manual C-7801(4)(c), 1, 2, 3, and 4, containing what are obviously directory, policy provisions concerning responsibilities of command officers in making requests for detachment of officers. Admiral Irvine's affidavit avers that consideration was given to each of those provisions. Assuming, however, that Admiral Irvine, either from poor judgment or through inadvertence, failed to comply with these provisions prior to making his request, such failure would not invalidate the summary removal by Admiral Semmes, Chief of Naval Personnel (in whom was then vested the power to act on such requests) if, in fact, the summary removal was thereafter fairly investigated and cause for the removal found.

Plaintiff alleges that the Witter informal one-officer investigation was convened in violation of regulations and without due process. Navy Regulations, 32 CFR 719.254 et. seq., authorize three kinds of fact-finding bodies: (1) Courts of Inquiry; (2) Boards of Investigation (formal or informal), and (3) One-Officer Investigations (formal or informal). An informal one-officer investigation was convened by Admiral King in this case.

The Regulations, 32 CFR 719.255, expressly leave the type of fact-finding body to be ordered in any particular situation to the "judgment and sound discretion of officers in command" under general guidelines set forth in the regulations.

The record shows beyond genuine dispute that the convening by Admiral King of a one-officer investigation was within the prescribed guidelines and, further, was a purely discretionary choice with which the court should not interfere.

Plaintiff contends, however, that procedural provisions of the Judge Advocate General's Manual were violated during the course of the investigation. This Manual provides that an "informal one-officer investigation" such as was convened in this case, is governed by the same rules and regulations as are prescribed for "an informal board investigation" (which consists of two or more officers—32 CFR 719.601) insofar as those rules and principles can be applied to a one-officer investigation (32 CFR 719.611, 612)—provided that "the mission of the officer must be given primary consideration in the determination of procedural questions, not covered by the sources of guidance."

Navy Regulations, 32 CFR 719.601, 610, provide in substance and effect that such informal boards have considerable latitude in the methods they may employ to elicit information; that testimony may be taken in any fair manner; that cross-examination must be exercised within the practical limits set by the method of interrogation, that evidence and information may be obtained by such means as formal testimony of witnesses, informal personal interview, correspondence and telephone inquiry; that a party and his counsel shall be permitted to examine such evidence or information as will be considered in the report and to present further evidence or information or to suggest other lines of inquiry; that after all available evidence has been received and after the party has had a reasonable time to examine any evidence not received in his presence and to present the evidence he may desire, the party or his counsel may make an unsworn statement, either orally or in writing and may make an argument; that an investigative report in letter form shall be submitted by the investigating officer.

Although Arnheiter as a "subject to in-

quiry" was designated as a "party" to the investigation, pursuant to 32 CFR 719.301(a) (b) and 302, the fact-finding investigation which was here convened by Admiral King, was not a trial of Arnheiter. Rather, these investigations are purely an administrative fact-finding investigation designed to provide the convening and reviewing authorities with adequate advisory information upon which to base decisions (See, 32 CFR 719.251 (d))—in this case an ultimate "final action" by Chief of Naval Personnel on Arnheiter's summary removal.

Plaintiff alleges that he was "not shown evidence favorable to him gleaned from the Milligan preliminary investigation." The record shows, however, as already noted, that statements taken from crew members by Milligan during his preliminary investigation were turned over to Witter and that Witter reviewed these statements with plaintiff and his counsel prior to the taking of evidence. (See, Witter Report, Def.'s Ex. K). (See also, Def.'s Ex. G, p. 60).

Plaintiff alleges that he was not told "which of the accusations furnished him by Witter had caused his removal or were to be the basis of the investigation." Although there is no requirement for formal charges in a non-judicial fact-finding investigation of the kind here involved, plaintiff's allegation impliedly concedes that he was, nevertheless, at the outset of the hearing presented by Witter with the crew statements preliminarily obtained by Milligan which were for practical purposes the basis of the investigation.

Plaintiff alleges that Witter, as investigating officer, "considered" certain accusations—Chaplain Dando letter to Milligan of March 28, 1966; a communication from Lieutenant Generous and a communication from a Lieutenant Kordon of which plaintiff was not made aware.

Apart from the plaintiff's bare allegation, plaintiff has not set forth in the present record on motion for summary judgment any specific evidentiary matter to show that Captain Witter "considered" any of these communications or that his findings were based thereon.

The record shows that on July 15, 1966, three months after the investigation, the Dando letter was still in the hands of Milligan (to whom it had been originally handed), not Witter, and that it was Milligan who forwarded it on that date to Admiral Baumberger. (See, Milligan letter of July 15, 1966, Part of Ex. E).

Assuming, however, that Witter did "consider" some of these communications, that fact would not amount to a substantial or prejudicial departure from regulations if in fact substantially the same accusations were made known to Arnheiter through the statements reviewed with him and his counsel by Witter before the hearing and through the testimony of his critics at the hearing. The record shows that both Chaplain Dando and Lieutenant Generous were called by Witter to give their sworn testimony at the hearing in the presence of Arnheiter and his counsel. The subject of the Kordon communication was covered by other witnesses (Def.'s Ex. G, p. 349-355, 456-465).

The record also shows that the subject matter of these communications was substantially covered at the hearing at which the Generous communication was gone into. (Def.'s Ex. G, p. 63, 306, 400). Incidentally, the record indicates that plaintiff must have had this particular communication in his own possession during the hearing and that copies of his communication were included in Arnheiter's rebuttal statement of August 5, 1966. (Def.'s Ex. H, Vol. I, pp. 129, 210).

The various subject matters of the Dando letter of March 28, 1966, appear throughout the transcript of the Witter hearing. (See re this, citations to the transcript listed in De-

fendant's Memorandum, filed October 4, 1968, Part V, p. 23-25).

The subject of the Kordon communication was also fully investigated at the hearing. (Def.'s Ex. G, p. 64; 349-351; 356; 456-465).

Without giving any specific instance, plaintiff alleges generally that he was "not permitted to present witnesses in his own defense or to introduce their signed statements" in violation of 32 CFR 719.304(a) (5), providing that a party has the right to produce evidence. The record of the investigation discloses no such instance—with two possible exceptions, (Def.'s Ex. G, pp. 429, 347) and a possible third exception mentioned in the Arnhetter rebuttal of August 5, 1966 (Def.'s Ex. H, p. 58). In none of these instances was there any abuse of discretion or any prejudice to plaintiff. As a matter of record plaintiff did present statements of witnesses in his own behalf. (Def.'s Ex. G, p. 430-431).

Plaintiff makes the narrowly restricted allegation that he was not permitted to "recall hostile witnesses" or given "reasonable" scope in cross-examination of such witnesses. This allegation implicitly concedes that he was permitted to examine and cross-examine witnesses. An examination of the record of the investigation (Def.'s Ex. G) shows comparatively few instances of this kind. (See, pp. 316, 318, 346, 359, 332, 407, 408, 410, 412) and convincingly demonstrates that plaintiff was given ample latitude and that the investigation officer's exercise of discretion was reasonable. Plaintiff was permitted to cross-examine Lieutenant Hardy for two days (Def.'s Ex. G, p. 291-364).

Although the record is devoid of any objection by plaintiff to Lieutenant McGovern, his counsel, or any request for different counsel, plaintiff now complains that his counsel had no previous experience as a shipboard officer. The record shows, however, that Lieutenant McGovern was a duly qualified attorney certified to perform even court-martial duties, (Def.'s Ex. J) and that the provision of counsel for plaintiff complied with 32 CFR 719.304(b).

Plaintiff alleges that Admiral Semmes, Chief of Naval Personnel did not personally review the investigative reports before approving plaintiff's removal for cause. Apart from the Admiral Semmes affidavit, stating that he did carefully review it, the record does show that, acting on information satisfactory to him, he personally approved the removal by his signed memo of September 9, 1966.

Plaintiff further alleges that Admiral Semmes forwarded the memo of his decision, approving Arnhetter's removal "for cause," to the Selection Board to be placed in Arnhetter's record in violation of Manual C-7801(5)(b). However, the Manual C-7801(4)(d)(2), expressly provides that "final action" on removal of an officer from command can be made a part of his record if accompanied by the officer's statement. The September 9, 1966 approval by Chief of Naval Personnel of Arnhetter's detachment was the "final action" and the memo thereof was accompanied by Arnhetter's rebuttal statement.

Plaintiff, relying on 32 CFR 719.260(a) providing for a record of proceedings in investigations of this kind, alleges that Witter "scrubbed the tape of testimony at the hearing." The record shows that one of 13 reels of tape (tape 10) faded mechanically and did not record (Def.'s G, p. 61) and the testimony had to be reconstructed by Witter (Def.'s Ex. G, p. 351). Plaintiff's allegations on this point are obviously beyond his own testimonial knowledge and he had presented no specific evidentiary matter on this summary judgment motion to support it. The record negates any substantial non-compliance with regulations or any prejudice to plaintiff on this point.

Plaintiff now alleges that Captain Witter, the investigating officer, was biased against him. The record fails to show, however, that this claim was reported to the convening authority for appropriate action as required by 32 CFR 719.514, or that it was ever raised either at the hearing or in plaintiff's rebuttal statement. The point, if reviewable at all, has been waived.

Summarizing the record, as here presented, shows beyond genuine dispute that the circumstances surrounding plaintiff's summary removal from command, were promptly investigated, reported, reviewed through chain of command and that the removal was finally approved for cause, in substantial, if not literal, conformity with Navy Regulations—including advice as to rights, representation by counsel, open hearing, confrontation with witnesses, opportunity for cross-examination, presentation of rebuttal evidence and review of the record by at least four superior officers—Rear Admirals King and Baumberger and Vice Admirals Johnson and Semmes—and finally by the Judge Advocate General and the Secretary of the Navy—the latter being the civilian representative of the President as Commander in Chief of the armed forces.

The alleged procedural irregularities, considered singly or in combination, are insufficient to raise a genuine issue of fact on the question of substantial compliance with the Navy Regulations applicable to this informal one-officer investigation.

If this court were empowered to sit in appellate review of the military proceedings here involved, it could, of course, reverse for any prejudicial error. However, this court has not been given any such power of direct review. If this court has any power at all to review the kind of proceedings here involved, such review is collateral only and, therefore, limited to such irregularities as would in effect render the Navy's decision wholly invalid and beyond its jurisdiction. Procedural errors even those which might have prejudicially affected the outcome of the proceedings, would not justify interference by this court unless they constitute such substantial non-compliance with Navy Regulations as would be, not only prejudicial, but of such constitutional magnitude as amounts to deprivation of fundamental due process of law under the circumstances.

What constitutes fundamental due process must be determined within the context of each particular situation—in this case within the context of purely internal, administrative, non-punitive Navy action concerning duty assignment and promotion status. We find no genuine issue of either noncompliance with pertinent regulations or deprivation of due process of law in this case.

It may be that, as contended by plaintiff and others on his behalf, the Navy made a mistake of judgment in his case with consequent disappointment, even justifiable resentment on his part. But, to say that his removal from the Vance was not thoroughly and fairly investigated and reviewed before final approval, is quite another matter. The thoroughness and substantial fairness of the investigation and review are not only evident but quite impressive.

It may be that Arnhetter's superior officers made a mistake in judgment in requesting his summary removal from the Vance. It may be that the findings made and reviewed on subsequent investigation could have been otherwise—but there was evidence to support them. It may be that Arnhetter could nevertheless have been reassigned to another destroyer escort for further assessment of his abilities—as was recommended at one point by Admiral Baumberger and as argued by others on Arnhetter's behalf.

These matters, however, are internal, administrative matters involving the judgment of Naval command concerning duty assign-

ment and promotion under Vietnam war conditions. It is not for this court to substitute its judgment for that of the Navy or to order the Navy to again review what this court finds to be action clearly within its powers, in substantial conformance with regulations and well within the bounds of fundamental due process as applied to internal, administrative non-punitive naval matters.

For the reasons set forth herein the motion of defendant, Secretary of the Navy, for summary judgment in his favor is hereby granted.

Dated: October 22, 1968.

Wm. T. SWIGERT,
U. S. District Judge.

FOOTNOTES

¹One concurring opinion (Minton) adhered flatly to the traditional view that the federal courts have no power to review except collaterally for the limited purpose of ascertaining, not constitutional due process, but only jurisdiction in the narrow sense. At the other extreme a dissenting opinion (Douglas and Black) held that review is not limited to "jurisdiction" in the narrow sense but includes constitutional due process within the meaning of the Fifth Amendment and, further, that even "fair consideration" of these constitutional issues by the military does not bar the federal courts from review on the merits.

²Even before *Burns v. Wilson*, supra, some inferior federal courts reviewing court martial convictions, had expanded the concept of military "jurisdiction" to include denial of fundamental due process. See, *Schita v. King*, 133 F. 2d 283 (8th Cir. 1943); *U.S. ex rel Innes v. Hiatt*, 141 F. 2d 664 (3rd Cir. 1944); *Anthony v. Hunter*, 71 F. Supp. 823 (D. Kan. 1947). Compare, however, *Arnold v. Cozart*, 75 F. Supp. 47 (N.D. Tex. 1948); *In re Wrublewski*, 71 F. Supp. 143 (D. Cal. 1947).

³It seems, however, that any relaxation of the non-reviewability rule by *Harman* is more apparent than real. *Harman* really did little more than hold that the action of the military, basing a discharge upon civilian rather than military activity, was beyond military jurisdiction and, therefore, subject to collateral attack within the meaning of the jurisdiction test long recognized as an exception to the non-reviewability rule. In 1956, two years before *Harman*, the Supreme Court in *Reid v. Covert*, 354 U.S. 1, had similarly reviewed and set aside a court martial conviction of a civilian on the ground that civilians are beyond court martial jurisdiction. See also, *Schwartz v. Covington*, 341 F. 2d 537 (9th Cir. 1965).

⁴As recently as 1957 the Supreme Court, itself, conceded that the extent to which *Burns v. Wilson* renders the Bill of Rights applicable to military trials has not been clearly settled. (See, *Reid v. Covert*, 354 U.S. 1, 37 (1957)). In the same year, in *Fowler v. Wilson*, 353 U.S. 569 (1957), the Court, considering a court martial conviction, seemed to reaffirm the non-reviewability rule in traditional terms, saying that "sentences of court martial cannot be revised by the civil courts save only when void because of the defective exercise of power possessed." That the rationale of federal court review of military determinations is still unsettled becomes evident from reading the text material on this subject. See, e.g., *Civilian Judges and Military Justice—Collateral Review of Court Martial Convictions*, 61 *Columbia L. Rev.* Vol. 61, p. 40 (1961); *Federal Court Jurisdiction over Courts Martial*, *Washington Law Journal*, Vol. 1, p. 25 (1960); *The Bill of Rights and the Military* (Chief Justice Earl Warren), *New York University Law Review*, Vol. 37, p. 181 (1962); *Military Law—A Separate System of Jurisprudence*, *Cincinnati Law Rev.* Vol. 36, p. 223 (1967); *God, The Army and Judicial Review*, *Cal. L. Rev.*, Vol. 56 (No. 2) p. 379 (1968).

*Belief was denied in *Reed v. Franke*, supra, despite the absence of a provision for a fact finding hearing before discharge; in *Kennedy v. Commandant*, despite no provision for right to be furnished counsel; in *Dunbar v. Ailes*, 348 F. 2d 51 (D.C. Cir. 1965), despite no requirement for assistance of counsel or for presentation of evidence or for cross-examination of witnesses; in *Brown v. Gamage*, despite claim of denial of opportunity to confront witnesses.

†The Court of Claims, passing upon claims of former military personnel for back pay and similar benefits, has exercised a power of review over military decisions whenever necessary in order to determine whether action of the military adversely affecting such claims was valid, i.e., within the jurisdiction of the military. Many of these cases have expanded the concept of jurisdiction to include procedural due process and have granted or withheld relief accordingly. This power of the Court of Claims may have been questionable in the light of pre-*Burns v. Wilson* cases but it has been exercised since *Shapiro v. United States*, 69 F. Supp. 205 (Ct. Claims 1947) and is now justified by reference to *Burns v. Wilson*. See, *Shaw v. United States*, 357 F. 2d 949, 953 (Ct. Claims, 1966). See also, *Juhl v. United States*, 383 F. 2d 1009 (Ct. Claims 1967); *Hertzog v. United States*, 167 Ct. Claims 377 (1964); *Egan v. United States*, 158 F. Supp. 377 (Ct. Claims, 1958); *Friedman v. United States*, 158 F. Supp. 364 (Ct. Claims, 1958); *Augenblick v. United States*, 377 F. 2d 586 (Ct. Claims, 1967).

‡The question of the power of the federal courts to review administrative determinations by the military has also been raised in a series of cases in which army or navy personnel have challenged on constitutional or statutory grounds military administrative disapproval of their applications for conscientious objector status. In those cases the courts, generally recognizing and applying the non-reviewability rule, have denied relief. See *Brown v. McNamara*, 387 F. 2d 150 (3rd Cir. 1967); *Chavez v. Ferguson*, 266 F. Supp. 879 (N.D. Cal. 1967); *Gilliam v. Reeves*, 283 F. Supp. 378 (W.D. La. 1966); *In re Keneske*, 260 F. Supp. 521 (N.D. Cal. 1966). But see, *Crane v. Hedrick*, 284 F. Supp. 250 (N.D. Cal. 1968); *Gann v. Wilson*, — F. Supp. — (N.D. Cal. 1968); *Hammond v. Lenfest*, — F. 2d — (2d Cir. 1968).

§The Uniform Code of Military Justice, Title 10 U.S.C. § 876 makes court martial convictions "final and conclusive" upon the courts but this does not seem to preclude ultimate collateral civil court review on habeas corpus, or other analogous collateral attack, e.g., suit in the Court of Claims (See, *Augenblick v. United States*, 377 F. 2d 586, 593 (Ct. Claims, 1967) or possibly even Declaratory Relief raising lack of court martial jurisdiction (See *Brown v. Royall*, 81 F. Supp. 767 (D.C. Cir. 1949).)

*As recently as October 7, 1968, the Supreme Court by a vote of 8 to 1 refused to stay duty assignment of army reservists to the Vietnam war theater.

†On September 29, 1968, this court set aside the submission of defendant's motions—reopened the hearing and directed defendant to make the transcript of the Witter investigative proceedings a part of the record herein. This was done. The transcript is now defendant's Exhibit G. At the court's request defendant has also filed, October 4, 1968, a memorandum summarizing pertinent parts of the transcript.

‡Since the record goes beyond the complaint, defendant's motion to dismiss will be treated (as allowed by Rule 12) as a motion for summary judgment. Rule 56 provides that on a motion for summary judgment the adverse party (plaintiff in this case) may not rest upon the mere allegations of his pleading but his response, by affidavit or otherwise, must set forth specific facts showing that there is a genuine issue for trial. The record will be viewed in this light.

DID THE COURT INTERPRET OR AMEND?

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ABBITT. Mr. Speaker, since last fall when I proposed a constitutional amendment to limit the tenure of Supreme Court Judges, I have received many communications in support of such a proposal. I have been gratified with the wide-spread support which my resolution has brought forth from all parts of the country. In addition to the many communications which I have received, there have been brought to my attention a number of articles and speeches made by outstanding attorneys and other individuals who support the proposition that Supreme Court Judges should be reconfirmed by the Senate every 10 years and that there should be a mandatory retirement at age 70.

This is not an isolated issue or one which has sectional connotation but is one which affects all of our people and about which Americans of all persuasions have concerned themselves.

It has recently been brought to my attention that a very fine address was delivered several years ago by Mr. Lester I. Bowman, attorney at law, Petersburg, Va., who made some observations which I feel are worthy of the attention of Members of the House.

Mr. Bowman is recognized throughout Virginia as an avid student of law and a constitutional authority. A former FBI agent, he has served as a member of the Petersburg City Council for a number of years and has been active in civic and community affairs.

His address entitled "Did the Court Interpret or Amend?" is so timely that I would like to insert it in the RECORD at this point. I commend his address to the reading of the Members of this House and to all those who regularly read the CONGRESSIONAL RECORD.

The address follows:

DID THE COURT INTERPRET OR AMEND?

"Eternal vigilance is the price of liberty." This statement is attributed to Thomas Jefferson, and is inscribed on the National Archives Building in Washington, D.C.

"A government for the people must depend for its success on the intelligence, the morality, the justice, and the interest of the people themselves" so said Grover Cleveland many years ago.

Prime Minister Gladstone of Great Britain once described the Constitution of the United States as "the most wonderful work ever struck off at a given time by the brain and purpose of man." I am thoroughly in accord with Mr. Gladstone's views regarding our Constitution, but I am very much concerned over the attempt to emasculate it by our federal Judiciary.

A great danger to constitutional government lies in the popular misunderstanding of its precise methods and purposes. The small minority who would treat the United States Constitution as an archaic hindrance to their centralist purposes, and willingly would discard or subvert it, pose less of a threat than the greater number who vociferously support the Constitution, but who unwittingly participate or approve actions that pretend to protect its features.

A striking instance of this is found in the so-called school segregation cases. It is not my purpose here to argue the merits or demerits of racial segregation, but rather to show that the United States Supreme Court, in order to accomplish what it presumably thought was a worthwhile end, committed a breach of basic constitutional limitations.

John C. Calhoun said that just as laws are written to restrain men, so constitutions are written to restrain governments. Certainly, the framers of the United States Constitution had this goal in mind when they drafted the basic compact by which the States are bound in Union; Out of the reservoir of the States' inherent political powers certain specific powers were delegated to the central government, but all powers not so delegated were to be retained, to the end that the people themselves, acting in their respective States, might control their own destinies.

It was recognized, of course, that in time the Constitution might require amendment, but it was also recognized that it was necessary to protect the Constitution from being amended by the very government it was designed to control as it was to establish controls on that government initially. Thus, Article V of the Constitution was drafted carefully to preserve ultimate control of the Constitution in the States themselves. Article V provided that no change would be made in this most basic of all laws without the consent of a full three-fourths of the States. Amendments could not even be proposed without the approval of two-thirds of each House of Congress, or as an alternative, without the approval of two-thirds of the States. Once the proposal was approved in this manner, it had to be approved by three-fourths of the States before it could be accepted as an amendment to the Constitution.

The objective of this deliberately restrictive procedure was plain that it was to protect a minority of the people in a minority of the States from the tyranny of simple majority rule. The framers of the Constitution realized, with great vision, that similarities among the States would take care of themselves but the framers were concerned that differences among the States be restricted. They wished to be positive that changes made in the Constitution were not made easily or impulsively.

It has been said that words have different meanings, but the words of a contractual instrument as applied to particular events or conditions at the time the instrument is agreed to, have a permanent meaning. I submit, therefore, that the English words used in the Constitution mean the same that they did in 1788 and that courts should interpret these words in the light of their meaning at the time the contract was entered into.

When one examines some of the recent decisions of the Courts, he can only conclude that the members of our federal Judiciary have adopted a new slogan, "Damn the Constitution, full speed ahead." It is indeed unfortunate that some of our Courts have not seen fit to practice judicial restraint. Their failure to do so has resulted in a usurpation of the powers of our Legislative Branch of our government. Thomas Jefferson feared this possibility and it gave him great concern. In a letter to Judge Spencer Roane, of the Supreme Court of Appeals of Virginia, dated September 6, 1819, Mr. Jefferson said this: "The Constitution, on this hypothesis, is a mere thing of wax in the hands of the Judiciary, which they may twist and shape into any form they please."

Mr. Justice Roberts of the Supreme Court of the United States adequately defined the purpose and powers of the Supreme Court of the United States in the case of *United States v. Butler*, et al., 297 U.S. 1, 56 S. Ct. 312. Mr. Roberts said as follows:

"It is sometimes said that the Court assumes a power to overrule or control the action of the people's representatives. This is a misconception. The Constitution is the

supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate, the judicial branch of the government has only one duty; to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. . . . This Court neither approves or condemns any legislative policy. . . . The question is not what power the federal government ought to have, but what powers in fact have been given by the people. It hardly seems necessary to reiterate that ours is a dual form of government; that in every state there are two governments: The State and the United States. Each state has all governmental powers save such as the people, by their Constitution, have conferred upon the United States, denied to the states, or reserved to themselves. The federal union is a government of delegated powers. It has only such as are expressly conferred upon it and such as are reasonably to be implied from those granted. In this respect we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restrictions except the discretion of its members. . . . From the accepted doctrine that the United States is a government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the states or to the people. To forestall any suggestion to the contrary, the Tenth Amendment was adopted. The same proposition, otherwise stated, is that powers not granted are prohibited."

And now, we come to the main point of my discussion, did the United States Supreme Court have the right to issue the opinion it did in *Brown v. Board of Education* is interpreting the Fourteenth Amendment of the Constitution. I quote Section 1 of the Fourteenth Amendment as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

We find some of the words and phrases of the Fourteenth Amendment on the surface, to be rather nebulous. When we speak of a State's "abridging a citizen's privileges or immunities", or of a State's denying to any person within its jurisdiction the "equal protection of the laws", it is fair enough to inquire what these apparently ambiguous phrases mean.

To answer these questions, one must go to the primary source. What did these words and phrases mean, as applied to particular situations, to the framers who drafted the Amendment and to the States that ratified it?

This argument is not one of disgruntled Southerners, for it is an established maxim of law. Judge Cooley in his great work on Constitutional Limitations said:

"A Constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion. . . . The meaning of the Constitution is fixed when it is adopted, and it

is not different at any subsequent time when a Court has occasion to pass upon it."

The Fourteenth Amendment was proposed in 1866 and ratified in 1868. In the fifteen year period immediately following the ratification of the Fourteenth Amendment, seven cases were brought to contest the continuing power of the States to operate racial separated public schools. In each of these cases Negro plaintiffs sought to secure equal protection. These cases were presented to the highest courts of Ohio, Indiana, Nevada, California, and New York. Two Federal circuit courts also considered the same question.

These cases should not be ignored as "ancient history". When it comes to answering the question posed in 1952 by the Supreme Court itself—What was the intention of the framers and the adopters of the Amendment in the terms of separate schools? These seven cases are fresh, pertinent and definitely relevant.

In the Ohio case of *Garnes v. McCann*, 21 Ohio 198, decided in December, 1871, the Court said:

"Equality of rights does not involve the necessity of educating white and colored persons in the same school, any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school. Any classification which preserves substantially equal school advantages is not prohibited by either the State or Federal Constitution, nor would it contravene the provisions of either. There is, then, no ground upon which the plaintiff can claim that his rights under the Fourteenth Amendment have been infringed."

The Supreme Court of Indiana in 1874 was called upon to decide a similar issue in *Cory et al. v. Carter*, 48 Ind. 327, and after thoroughly analyzing the Fourteenth Amendment, said:

"We are very clearly of the opinion that the act of May 13th, 1869, is constitutional, and that while it remains in force colored children are not entitled to admission into the common schools which are provided for the education of the white children."

A similar issue arose in the State of California in the case of *Ward v. Flood*, 48 California 36 in 1874. The Court said:

"* * * and in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with the other, and both at the common public expense."

In the case of *United States v. Buntin*, 10 Fed. 730 decided by the Federal Circuit Court of Ohio in 1882, the Court said:

"The Supreme Court of the States has held that such a classification of the two races is within the constitutional discretion of the legislature, and that the separate education of the whites and blacks in accordance with the terms of the law is no wrong to either. I concur in and adopt this decision as a correct exposition of the Constitution. * * *"

The United States Supreme Court in 1899 in the case of *Cumming v. Richmond County Board of Education*, 175 U.S. 528, said:

"* * * the education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land."

Again in 1927 in *Gong Lum v. Rice*, 275 U.S. 78, Mr. Justice Taft said:

"The question here is whether a Chinese

citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all * * * Were this a new question, it would call for very full argument and consideration, but we think it is the same question which has been many times decided to be within the constitutional power of the State Legislature to settle without intervention of the Federal courts under the Federal Constitution.

* * * The decision [to separate races] is within the discretion of the State in regulating its public schools and does not conflict with the Fourteenth Amendment."

From the foregoing, it is evident that the judiciary has performed its interpretive function. In the field of public education, the Constitution stood clearly defined and, so far as education is concerned, the people have not changed it in the slightest respect. Did the Supreme Court then have the right to issue the opinion it did in the *Brown Case*?

The Court, in referring to the *Brown Case*, stated as follows:

"It follows that the interpretation of the Fourteenth Amendment enunciated by this Court . . . is the supreme law of the land, and Article VI of the Constitution makes it of binding effect on the States 'any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.'"

It is interesting to note that Article VI of the Constitution provides that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

It of necessity follows that a court decision is neither constitution, law nor treaty, but merely declaratory of one or more of them. If such a court decision be the supreme law of the land, then the United States Supreme Court in the *Brown Case* has undertaken to amend the Constitution since Mr. Justice Taft in *Gong Lum v. Rice* previously held that the separation of the races in the public schools did not conflict with the Fourteenth Amendment.

Section 5 of the Fourteenth Amendment has provided as follows:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of the article."

Congress had never seen fit to pass such legislation, until 1964 when it approved the Civil Rights Bill, which then became the supreme law of the land.

The men who wrote the Constitution recognized, with unmatched political wisdom, that true liberty can rise no higher or be made more secure than the spirit of the people to achieve and maintain it. Their prime concern was to devise a new form of government for the new Nation under which such a spirit might thrive and find the fullest opportunity for expression. The Amendments comprising the Bill of Rights followed only after the structure of government had been established by the Constitution proper. They resulted not so much from what the framers considered to be new ideological imperatives as from fears among the States that the national government might seek to tamper with individual rights already assured under the laws of the various states.

For the most part, the rights guaranteed by the first ten Amendments against federal invasion were simply those enjoyed by Englishmen under the Magna Carta, the real fountainhead of individual liberty. There were, however, two obvious extensions of

these rights: freedom of religion and freedom of speech and press.

As the debates at the Constitutional Convention and the terms of the Constitution itself both reveal, the framers proceeded on a premise which many years later Judge Learned Hand was to state in the following words: "Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court even can do much to help it." They staked their faith that liberty would prosper in the new Nation not primarily upon individual rights but upon the kind of government the Union was to have. And they determined that in a government of divided powers lay the best promise for realizing the free society it was their object to achieve.

The matter had a double aspect: first, the division of governmental authority between the States and the central government; second, the distribution of power within the federal establishment itself. The former was solved by making the authority of the Federal Government supreme within the sphere of powers expressly or implied delegated to it and reserving to the States all other powers—a reservation which subsequently found protection in the Bill of Rights through the provisions of the Tenth Amendment. The second aspect of the governmental structure was solved by distributing the total federal powers among the Legislative, Executive and Judicial branches of the Government, each having defined functions. Thus evolved the two great constitutional doctrines of Federalism and Separation of Powers.

These doctrines are the roots of our constitutional system. No view of the Bill of Rights or interpretation of any of its provisions which fails to take due account of them can be considered constitutionally sound. There is no such thing as a doctrine of civil rights at large, standing independent of other constitutional limitations or giving rise to rights born only out of the personal predilections of judges as to what is good. And it should further be observed that our federalism not only tolerates, but encourages, differences between federal and state protection of individual rights, so long as the differing policies alike are founded in reason and do not run afoul of dictates of fundamental fairness.

Abraham Lincoln in his first Inaugural Address on March 4, 1861 said:

"If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

The written Constitution established in 1789 and amended in the intervening years to meet changing conditions, is now being deliberately disregarded, and the doctrine of conformity by coercion is being advanced not only by our so-called intellectual groups but by vote-seeking politicians in our "great society."

If we are to retain our individual liberties, we must get the train back on the right track. This can only be done by us, the people, in voting intelligently on the basis of constitutional principles rather than for personal or material gains in some form or another.

I believe the time has come when Americans believing in God, regardless of their denominational differences, must join in common purpose to restore our Constitutional Republic as a limited government of the people, by the people and for the people. If we fail to do this, the government provided by our founding fathers shall perish and disappear from the face of this earth.

MAKING OUR GOVERNMENT WORK

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. DWYER. Mr. Speaker, no more difficult and challenging task faces the 91st Congress and the new administration than that of finding ways and means of improving the manageability of our immense and intricate federal system. The Advisory Commission on Intergovernmental Relations, on which I serve as one of the three Members representing this House, has given this matter long and careful study. More than a year ago the Commission completed work on a comprehensive analysis of the fiscal strengths and weaknesses of our federal system. The Commission has offered a full agenda of specific recommendations for bringing order to our grant-in-aid structure and thus strengthening American federalism.

The enactment last year of the Intergovernmental Cooperation Act of 1968 was a very significant step in the right direction. It is important that the 91st Congress build on that foundation. We must find ways to consolidate existing programs, to achieve more flexibility and to simplify and clarify confusing and conflicting grant requirements. As the ranking minority member of the Government Operations Committee I will continue to work toward the accomplishment of these goals.

The February 1969 issue of the Reader's Digest, now on the newsstands, contains a timely and perceptive discussion of the problem. The article is entitled "The Great Challenge—Making Our Government Work." It was written by Kenneth O. Gilmore, the Digest's Washington editor, who headed a five-man team that gathered and analyzed a mass of material on which the article was based. I commend the article to the attention of all Members; I include it at this point in the RECORD:

THE GREAT CHALLENGE: MAKING OUR GOVERNMENT WORK

(By Kenneth O. Gilmore)

(Note.—As the new President takes office the vast bureaucracy he will command seems precariously close to a massive breakdown. Here is why—and how—the public should support his battle for reorganization and reform.)

As President Richard M. Nixon strives to bring the nation together, no task presents a greater challenge than overhauling the huge, unwieldy machinery of our government. It is an awesome, urgent calling.

"We need a far-reaching reorganization of government that will correct intolerable duplications of mission and provide for improved coordination," says former-Secretary of Health, Education and Welfare (HEW) John W. Gardner, now head of the Urban Coalition.

"Society will no longer tolerate the gap between the promises of democracy and our performance," says Sen. Edmund S. Muskie (D., Maine), chairman of the Senate Subcommittee on Intergovernmental Relations.

"The net result of our massive federal effort in recent years seems to be a policy that is unplanned, unmanaged and, if the trend

continues, unworkable," says Sen. Abraham Ribicoff (D., Conn.), who has conducted 33 hearings on the federal role in our cities.

This "quiet crisis," as many call it, may not make daily headlines. But its severity is evidenced by a thousand and one bureaucratic blood clots in the lifelines of our body politic:

Propped against the walls of a county administrator's small office in Missouri are 24 U.S. maps. "Each one shows the regional headquarters of federal agencies I must deal with," says the exasperated official. The maps reveal a ridiculous jigsaw pattern. For example, he says, the Department of Housing and Urban Development (HUD) has its regional offices in Fort Worth, Texas, while the Bureau of Outdoor Recreation operates from Ann Arbor, Mich.—1148 miles away. "I have to shuttle between them to discuss a parkway they're both involved in."

Encouraged by Washington to submit long-range community-planning programs, New York State applied for \$1,670,000. But a rules change required that the forms be split into 334 separate \$5000 study blocks. The revision took three months and monopolized 50 percent of the state agency's manpower, with the paperwork costing \$150,000—nearly one tenth the grant.

Officials of the Interior Department's National Park Service in Minnesota tried to inspect a tract of land belonging to the Agriculture Department's Forest Service, hoping to combine it with a piece of their own property to make a more suitable public recreation area. Forest authorities refused to permit the park men on the land. "They act like two foreign nations," fumed Rep. John Blatnik (D., Minn.), who finally forced the two bureaucracies to negotiate.

In the nation's capital, Washington Post columnist William Raspberry discovered a merry-go-round of anti-poverty projects that has left the disadvantaged dizzy. There is the United Planning Organization (UPO), which is supposed to coordinate all poverty efforts. But overlapping it is the People's Involvement Corporation (PIC). There is a Model Cities Commission (MCC) and the Model Inner City Community Organization, Inc. (MICCO). "Since all of them are dependent upon federal funds for their existence, competition among them is inevitable," says Raspberry. "Most are accomplishing very little."

STACK OF SPAGHETTI

These episodes spell out a dismal conclusion: Our government has literally proliferated itself out of control. We are confronted by an apparatus so large, disjointed and self-perpetuating that it has defied all those who have attempted to make it manageable. More disturbing, the system now puts a premium on securing funds rather than on spending them according to the real needs of people.

How have we reached this sad point? The answer lies in an examination of the grant-in-aid system whereby tax dollars are brought into Washington, then funneled back to states, localities, institutions and individuals under a multitude of matching formulas. Throughout the 1960s, a blizzard of bills has swept through the Congress in a frantic, unplanned effort to solve social ills. Within the last five years alone, 240 new or significantly expanded grant-in-aid authorizations have been passed, including 17 new programs for education, 15 for economic development, 12 to meet city problems and 21 for natural resources. As former HEW boss Wilbur Cohen said, "There is some kind of a grant that deals with almost every aspect of human life."

Predictably, federal-aid costs have skyrocketed, climbing to \$20.3 billion this year, more than triple the amount of a decade ago. But another price tag has to be reckoned with: colossal confusion. An organizational chart of today's crisscrossing bureaucratic

lines would resemble a giant stack of spaghetti. At the top, in Washington, are 21 federal departments and agencies with 150 bureaus and thousands of subdivisions. Below is a wilderness of 400 haphazardly scattered regional offices. At the bottom—the receiving end of grants—are 90,000 units of local government, not to mention tens of thousands of institutions and individuals. Every 24 hours, \$55,616,438 pours through this labyrinth from over 500 Congressional authorizations split into more than 1000 programs. How many millions are uselessly spent when 13 agencies operate 101 educational and cultural programs? Or when nine different empires manage 192 installations supervising 1000 federal pollution projects? Or when there are at least 57 tax-fed job-training programs spread among five federal departments? Or when there are 35 different federal programs for housing and even five for driver training?

An Office of Education pamphlet entitled "Where the Money Is" lists 111 different programs in that agency alone. But for real dollar watchers, a private \$225-a-year guide and file system breaks the educational jungle into 430 subcategories. No one person can keep up with it.

Among the worst effects of this horrendous hodgepodge:

1. *The Long Wait.* "It is getting increasingly difficult for a local officer to get a decision, even a negative one," says Prof. Herbert Kaufman of Yale, whose studies show that some communities have waited for decisions for 12 to 15 months after applications were filed. "You don't know if it is going to take six weeks or a year before an application is approved," confirms an Atlanta official. "This creates a breakdown of operation and budgeting."

2. *The Paper Explosion.* The Kitt Peak National Observatory in Arizona, operated by several universities with federal aid, must regularly turn in the following data to Washington: non-discrimination report, computer-utilization report, Davis-Bacon labor-law report, federal-contract report, federal drivers-licenses report, gold-flow report, patent report, excess-property report and federal-property report. "The flood of material which rolls out from Washington to the would-be aid recipient is exceeded only by the volume of paper which he must send back," says Sen. Charles McC Mathias (R., Md.), who has closely studied this problem.

The Bureau of Outdoor Recreation offers applicants a two-page form, but this requires knowledge of a nine-page guide which, in turn, is based on a 250-page manual amended with 24 releases totaling an additional 200 pages.

The Midwest Research Institute, after interviewing officials in ten cities from Portland, Ore., to Providence, R.I., reported that these men were "deluged by pound after pound of printed matter, all of it telling only a part of what they must know to manage intelligently."

3. *Silly Rules.* "A major complaint about federal administrative regulations is their rigidity." This was the conclusion of the 26-man Advisory Commission on Intergovernmental Relations after extensive investigation. Former Gov. John Connally of Texas complained about "trivia" that Agriculture Department bureaucrats have imposed, such as temperature-control regulations for cat and dog cages used in grant-supported activities.

In one case, local officials had to spend considerable time reaching an agreement not to be forced to list every individual freplug and street light in the city as part of an administrative manual on "public improvements." Not long ago, an application for a park grant was sent back to Nassau County, New York. Why? It was not sent in a proper binder.

4. *The Heavy Hand.* A recent study by the U.S. Conference of Mayors scolds federal authorities for an increasing tendency to "impose managerial 'second-guessing' on local administrations." In Kansas City, Mo., which has a \$480-million-a-year smorgasbord of 64 programs, officials are burned up over the behavior of high-handed federal visitors. "Don't worry about a thing," one Labor Department big wheel announced in describing a sweeping job-training plan. "We're going to come in here and set up a big staff."

After it had a \$1-million anti-poverty program well under way in Oakland, Calif., the federal Office of Economic Opportunity decided—without ever consulting local officials—to finance a second, \$142,000 program. Oakland planners were understandably bitter. "We had difficulty learning anything about the venture," said one city official.

5. *The Grantsmanship Game.* A number of states, institutions and cities now employ, under fancy titles such as "Urban Affairs Consultant," men whose basic mission is to find out just where to lay hand on federal monies stored in the nooks and crannies of Washington. At best, this growing profession of men schooled in all the subtle techniques of wheedling and cajoling provides an abysmal commentary on methods of distributing federal funds. At worst, it has a distinctly unhealthy aroma. Says one professional grantsman: "In conflict situations I use personal friends, officials I know, Congressmen or even the President. They exert the required influence on the person making the decision so that he will render a decision favorable to our city."

"Because some communities cannot afford to retain persons skilled in grantsmanship, they may fail to obtain aid for much-needed services," Senator Muskie has noted. "On the other hand, communities with talented grantsmen have obtained more funds than could be spent wisely. One wonders whether the receipt of a grant may depend more upon the cleverness of the person preparing the application than upon real needs." And, in fact, a secret government report concludes that "richer counties receive proportionately more of the federal dollars than do poorer counties."

SERIOUS QUESTIONS

One of the many who kept hearing complaints about the federal-aid runaround was Rep. William Roth, a young first-term Republican from Wilmington, Del. To find out what was going on, Roth distributed sophisticated questionnaires to every agency and subdivision in the federal establishment, asking about their programs. At first, many bureaucrats didn't take him seriously. Indeed, HEW refused to return the questionnaire, claiming it would take 1800 hours to complete. "If that's what's necessary to inform the public about your programs," said Roth, "then something's really wrong with the system."

Last June, William Roth stood before his colleagues in the House to reveal the results of eight months of research. He told them first that nobody in the government, neither at the White House nor in Congress, knew exactly how many programs existed, where they were or what they were about. He told them that he had so far identified 1050. "I believe," he concluded, "that my findings raise serious questions as to the efficiency of the present grant system."

No one is more aware of these "serious questions" than President Nixon, who has pledged to streamline our federal system. Here is how every citizen can help him win this battle for better government:

First, the President must be given every opportunity to shake the worst bugs out of the system. The White House deserves all the backing it can get as efforts are made to strip down worn-out agencies and combine others. Vested interests, of course, will be peddling

scare propaganda the second their sinecures are threatened. But remember: there is no way to prune deadwood from the federal forest without some loud crashing of timber.

Second, the public should enthusiastically support the establishment of a commission to review the entire spectrum of government activity. This commission could give the President valuable advice on where to eliminate deep-rooted excesses and overlap. (The two Hoover Commissions of 1949 and 1955 made 587 efficiency recommendations and saved the taxpayers billions.)

Third, Congress must revamp its own outdated machinery. A long-standing bill to reform the creaking committee system and create more effective Congressional staffs should be adopted. Today, Congress is pathetically unequipped to examine—and control—the multitude of proposals thrust upon it by an ambitious bureaucracy. It must therefore take part of the blame for the federal layer cake.

Fourth, searching study must be given to a number of proposals shifting decision-making power back to local government. Outstanding liberals and conservatives alike agree that remote control from Washington depletes and demoralizes responsible local leadership.

Two of the most common proposals are: "block grants," whereby Washington would provide financial assistance in broad functional areas, with wide discretion given to state and local governments; and "revenue sharing," which would return a percentage of federal income taxes for state and local use. The goal of both proposals—to decentralize and give cities and states more power to set their own priorities—makes eminent sense.

These four steps will be neither easy to take nor absolute in effect. They must be combined with far-reaching modernization of local governments from the state house to city hall. And they must be supplemented by fresh ideas—from tax credits, to citizen participation, to the training of a new generation of cooperating administrators on every level.

But if one common theme has come forth out of all the study of our federal structure, it is this: the motivation, direction and moral force for real reform must start at the top. Richard Nixon is determined to "bring us together." He can make a historic stride toward that goal by bringing our government together—and making it work.

INTRODUCTION OF BILL TO LIMIT POWER OF PRESIDENT IN CREATING OR ENLARGING NATIONAL MONUMENTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. BURTON of Utah. Mr. Speaker, on the morning of the day that President Johnson left office—that is, sometime between 8 a.m. and 12 noon on January 20—he signed proclamations extending the boundaries of two national monuments in the district that I represent in the State of Utah.

One proclamation affects Arches National Monument, adding some 49,000 acres to its former 34,010-acre area. The other proclamation enlarges the size of Capitol Reef National Monument from 39,117 acres to 254,117 acres, a sixfold increase.

This was done on Monday. The Members of the Utah congressional delegation were not informed of the President's intentions in this regard until the evening of the preceding Thursday. In other words, we were given less than 4 days' notice of an action involving almost 300,000 acres of land in the State of Utah and the rights of numerous individuals to use them. Obviously, there were no hearings conducted by any public body before this action was taken; there was no effort made to inquire with respect to the wishes of the people most vitally affected by the action, the people who live in the area.

In making the enlargements, the President acted under authority of the Antiquities Act of June 8, 1906. That act reads as follows:

The President of the United States is authorized, in his discretion to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. June 8, 1906, c 3090, § 2, 34 Stat. 225.

It is to be noted that the purpose underlying the act is to allow for preservation through Executive order of "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." I also draw attention to the fact that any lands to be set aside under this act "shall be confined to the smallest area compatible to the proper care and management of the objects to be protected."

It is my firm conviction that Presidential orders creating monuments which are neither of historic nor scientific nature, but which are scenic in character and which embrace almost 300,000 acres of land—as is the case with the Arches and Capitol Reef proclamations—are greatly beyond the scope and original intent of the Antiquities Act. I think it is quite clear that the act was to provide for preservation of historic sites and buildings, and in cases involving relatively small amounts of land. I do not think that it was ever intended to be a vehicle whereby vast acreages could be placed in what for all practical purposes amounts to national park status.

I believe the proclamations of January 20 violate the very spirit of the Antiquities Act, if not also the letter of it. I am not unaware that other Presidents in other times have also relied upon the Antiquities Act in creating or enlarging national monuments similar to those enlarged by President Johnson several days ago. There is precedent for Mr. Johnson's

use of the Antiquities Act in this regard. However, those other instances, in my view, were no less improper than the ones to which I raise objection today. I think the only proper way to set aside vast areas of land in national park status or national monument status or wilderness status or recreational area status is through specific acts of the Congress of the United States. It should not be done by Executive fiat. It is the Congress, not the President, who should make determinations of this kind. When the Congress acts it has been my experience that the people are first heard. This is not always so when the Executive acts. No area, except in very limited cases, should ever be given status as a national monument without a bill being introduced in the Congress for that purpose and without that bill going through the orderly steps of the legislative process. There should be hearings on the matter. The views of the opponents and the proponents should be heard, expert testimony should be adduced, and opportunity given for debate of the issues by members of the appropriate committees and of the Congress itself. In most cases, I would think, field hearings should be held. After all of this has occurred, then it may be proper to create such a monument, but it is wrong to create it in any other fashion.

I have today introduced a bill which would amend the Antiquities Act to prevent future occurrences of the kind that took place on January 20. By the terms of my bill the power of the President to create national monuments or to increase the size of existing ones would be strictly limited to designations involving only small tracts of land, to be specific, four sections, or 2,560 acres. This is sufficient to allow for protection of historic and/or scientific sites in those rare cases where it is deemed inexpedient to refer the proposals to the Congress.

My amendment keeps intact the full letter and spirit of the Antiquities Act. But it would prevent the Executive from continuing to use the act for purposes for which it was never intended. I would greatly appreciate my colleagues giving their close attention and consideration to the bill that I have introduced. It is my hope that it will be speedily and favorably acted upon.

FAITH IN SPACE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ROBISON. Mr. Speaker, America's three great astronauts have completed the most significant and far-reaching journey undertaken in the history of mankind. They stand before the people as the composite of all the initiative and productive capabilities of the human race. But Man, in terms of all the universe, is a very insignificant being. His limits of understanding fall far short

of the knowledge available for possible total comprehension. Man's destiny therefore rests in his dreams and faith in a superior being. It was with this thought in mind that astronaut Borman read the following prayer:

Give us, O God, the vision which can see Thy love in the world in spite of human failure. Give us the faith, the trust, the goodness, in spite of our ignorance and weakness. Give us the knowledge that we may continue to pray with understanding hearts and show us what each one of us can do to set forth the coming of the day of universal peace.

Without any doubt, I am sure that the vast majority of Americans believe as I do that in this new world of science and space, our faith in God needs added strength to guard against the eroding proposals promoted by certain individuals possessing a desire to destroy the basic Judeo-Christian traditions of this great country. Madalyn Murray O'Hair has undertaken another such negative program in her quest of that ultimate goal. She is the example of how an individual, purporting to represent a dissident minority, can cause the freedom of the majority to be taken away. Such action as she espouses are but stepping stones until, in due course, many of our freedoms could be lost.

This woman, who was instrumental in getting prayer removed from public schools, now wants prayer banned from outer space. She believes that she has the power to influence or control the entrance of prayer into the vast networks of the universe and is proceeding on that assumption. The basis for her feelings are due to the fact, as she states it:

Christianity, you know, is a very minor religion and is accepted by a very minor number of people in the total world.

She must also take into consideration that she is a citizen of the United States where this statement would be far from true. Perhaps if Mrs. Madalyn Murray O'Hair attended any church, she would know that there are approximately 1 billion Christians in the world, besides which the overwhelming majority of the world's people believe in a supreme being. The astronauts' prayer for peace offended few people, and as for myself, the Christmas message beamed from outer space made my Christmas a deeply spiritual one.

Madalyn Murray O'Hair has spoken to many student groups at different colleges and universities around the Nation, and one of such students sent me his later thoughts:

I stopped to think that since the school prayer ban, I've noticed no great improvements in American education which evolved from her work. As a matter of fact, there is now more student unrest, more massive and belligerent protests, and a higher percentage of youthful delinquency than ever before. I'm not sure, nor am I saying that these are results of a prayer ban, but it is a thought.

At any rate, she is now engaged in her newest space prayer-ban proposals and nothing seems to be stopping her or be in her way. It is in the American tradition that she and others have and can exer-

cise the right to express opinions; but I think that everyone, whether he be atheist, agnostic, or believer, should slowly and sincerely ask himself, "What good purposes will it serve?"

I include in the RECORD at this point a letter from one of my constituents to the editor of the Elmira, N.Y., Star-Gazette which seems to relate the problem most concisely:

MRS. O'HAIR TRYING TO TAKE AWAY FREEDOM TO THE EDITOR:

It seems a shame that in this day and age a few narrow minded, selfish, self-centered people that represent a minority can cause the freedom of the majority to be taken away.

I am referring to Mrs. Madalyn Murray O'Hair and her followers who feel that the Christmas message from our astronauts in outer space was a "tragic situation." The same Mrs. O'Hair who was instrumental in banishing all prayer from public schools is now attempting to take away the freedom of speech and religion of our astronauts.

The Christians, Jews and countless other religious sects that believe in a Supreme Being are not forcing Mrs. O'Hair to believe. We offer her the same freedom that we have and wish to preserve, and that is to believe and choose as we so decide and not as Mrs. O'Hair decrees.

No one forced her to listen to or believe the message from our astronauts this Christmas Eve, just as no one forces you to believe or not believe as you presently do, but at least we have a choice. Mrs. O'Hair is trying to take away this choice.

If this woman and those like her are not stopped, this country could very well be deprived of everything that it stands for, everything that makes it the most wonderful country in the world.

If she were to succeed in her present venture, some of her next ventures could probably be:

1. Remove the words "under God" from the Pledge of Allegiance.
2. Eliminate the swearing on the Bible in (a) the presidential inauguration, (b) all court proceedings, (c) all other oaths of allegiance.
3. Prohibit all Catholics from blessing themselves in public.
4. Prohibit all benedictions and invocations at public affairs.
5. Prohibit all Christians, Jews and other religions from using the U.S. malls for any religious greetings or announcements.
6. Ban Christmas as a national holiday.

Etc. . . . This list may sound ridiculous, but so was the prohibiting of school children from repeating a prayer in public school, and so is what Mrs. O'Hair is trying to do now.

I urge every religious, social and fraternal group, and every person to band together, circulate petitions, write your congressman and stop this woman and her followers from taking away the freedom our forefathers fought for.

I beg of you, don't sit back and say "What can I do?" for if one woman can inspire enough people to deprive us of what she already has, you can inspire enough people to preserve this precious freedom of ours from people like Mrs. O'Hair.

ELMIRA.

GEORGE E. LEVESQUE.

Mr. Speaker, the author of the letter, Mr. Levesque, has proposed that he organize a nationwide campaign of resistance to Mrs. O'Hair through the junior chamber of commerce Jaycees. I am encouraging him to proceed with his plan.

LADY BIRD ASSURED HER PLACE IN HISTORY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MILLER of California. Mr. Speaker, few have presented so true and sensitive a picture of the former First Lady, Mrs. Lyndon B. Johnson, as Isabelle Shelton in the Sunday Star of January 12, 1969.

It is seldom in our history that a First Lady has so taken to her heart the duties brought upon her by her husband's office. In executing these duties, she has managed to combine both serenity and efficiency, both warmth and dignity, both calm and vivacity, both charm and candor. The American people owe Mrs. Johnson a debt, the magnitude of which only time alone will indicate.

Sharing as I do with millions of Americans the same admiring regard for this most remarkable lady, it is fitting that I should make Miss Shelton's article a part of my remarks:

LADY BIRD ASSURED HER PLACE IN HISTORY (By Isabelle Shelton)

Within weeks of the time he became President, Lyndon Johnson predicted in an exclusive interview with this reporter that his wife, Lady Bird, would be the most successful and influential First Lady in the nation's history.

It sounded like a bit of Texas bravado at the time, when the country was still under the spell of the lovely, grieving Jacqueline, widow of the assassinated President John F. Kennedy.

Now, five years, 200,000 miles and innumerable speeches, tree planting, river rides, Head Start, visits, awards, plaques and citations later, there are few in the nation who would not agree that the President's proud prediction has quite literally come to pass.

FERMENT AND TORMENT

In a time of almost unprecedented ferment and torment for the nation, with passions running so high that three leaders have been murdered, her husband driven from office and his party badly wounded, Lady Bird Johnson has somehow ridden serenely through it all.

Although she was picketed by those with messages for LBJ—usually about the Vietnam war—the bitter, searing criticisms of her husband somehow never rubbed off on her.

This was true even though she participated more actively than almost any other First Lady in the often turbulent affairs of the nation.

If she had sat quietly above the battle, performing only as a gracious White House hostess, as have most First Ladies, the lack of criticism could be understood.

GENTLE MANNER

But she chose to become involved with some of the nation's rawest, stickiest problems—albeit always approaching them in a gentle, ladylike manner, and usually quite obliquely.

This was probably her greatest strength. Unlike the late, revered Mrs. Franklin D. Roosevelt, the only other First Lady with whom she can reasonably be compared, she never attacked evils frontally.

Eleanor Roosevelt earned the respect and affection of millions for her tireless efforts

on behalf of the disadvantaged, most particularly her pioneering battles for social justice for Negroes. But she thereby brought down on her head torrents of abuse from those who did not want to see their privileged little worlds shaken up.

But operating always in low key, often on less controversial subjects but sometimes taking on the big ones—and placing emphasis always on Southern charm and sweet reasonableness—Mrs. Johnson has, many think, moved mountains. And she managed to remain loved and admired at the same time.

Reporters recall agonizing over the text of one of her speeches, at the University of Alabama in Tuscaloosa—where Gov. George Wallace had stood in the doorway a few years earlier, the symbol of resistance to school integration.

DELICATELY PHRASED

The First Lady seemed in her speech to be pleading for racial tolerance and understanding, but it was so delicately phrased that reporters found themselves having to interpret her intent in their own words—a step beyond what they regard as their proper role.

But the largely white Southern audience filling the college auditorium—who listened attentively but applauded little seemed to get and accept the gentle message.

College officials said later they felt the speech had been very helpful, and that a more direct, bombastic approach from the First Lady would have set back rather than helped the cause of integration.

But if her approach was most often low key, she was capable of speaking out strongly and courageously when she thought a situation demanded it.

She was one of the first national figures to publicly tangle with the hecklers, four at political rallies across the land.

SOFT SELL

They plagued her historic 1964 whistle stop train tour of the South—where she was sent by the Democratic National Committee because it was felt her soft sell would go over better with her "kissin' cousin" Southern kin folk than would LBJ, by then anathema to the South for his part in passage of the 1964 Civil Rights Act. (It worked, too. She is widely credited with holding four of the eight states she visited for LBJ.)

She held her ground valiantly with the hecklers, in Columbia, S.C., and other cities, shaming her tormentors into letting her have her say in a manner not unlike that which brought kudos this past fall to Democratic Vice Presidential candidate Edmund Muskie.

Later, back on the train, she raised Cain privately with Rep. Hale Boggs, one of the train's chief tub thumpers, for calling the hecklers "Nazis and Fascists."

The heckling and the many bitter signs ("Impeach Lady Bird," "You've Got the Feathers, We've Got the Tar") backfired against their perpetrators, bringing Mrs. Johnson sympathetic editorials across the land, especially in the South.

"In the South, we don't treat a lady that way—especially the First Lady of the land," ran the recurring theme.

She had spotted the hecklers for the menace they were to become. On her return to the White House she issued a statement, in the form of a letter to Democratic National Chairman John Bailey, that might well have served as a text book for those involved in similar incidents last fall including the Chicago police department.

She was concerned, she wrote Bailey, "because at times the heckling went beyond a mere difference of opinion and because young people, many of them too young to vote, were being used to express the enmity of others.

"I am afraid some of them were the unsuspecting victims of hate organizations whose vehemence the President and I have met before."

GET THE MESSAGE

She asked the party chairman to "get the message to our people that even when expletives of others are angrily unrestrained and our candidates and spokesmen interrupted by sustained and loud interference, our people must refuse to be provoked. They must not be intimidated into abandoning the sense of decency and fair play . . ."

She showed courage of a high order just a few days later when the greatest storm of the 1964 campaign broke over the head of the Johnson administration with the arrest of Walter Jenkins, LBJ's right-hand man, on a morals charge.

It was one of those moments of high drama in a campaign, which have been known to completely reverse the course of events.

With the country in shock and the President, campaigning in New York, thundering for Jenkins' resignation, it was the First Lady who had the guts to issue a statement from the White House, on behalf of the Johnson family, expressing grief and compassion for a companion who had fallen.

"My heart is aching today for someone who has reached the end of exhaustion in dedicated service to his country," the statement read.

"Walter Jenkins has been carrying incredible hours and burdens since President Kennedy's assassination. He is now getting the medical attention which he needs.

PRAY FOR RECOVERY

"I know our family and all of his friends—and I hope all others—pray for his recovery. I know that the love of his wife and six fine children, and his profound religious faith, will sustain him through his period of anguish."

It was Lady Bird Johnson's finest hour in the White House.

"The plain fact is there has never been a First Lady to equal Mrs. Johnson," says the venerable and very Republican Alice Roosevelt Longworth, who has been watching First Ladies from a front row seat in Washington ever since her stepmother, Theodore Roosevelt's second wife, became one 68 years ago.

"No woman has ever accomplished this task" of First Lady with Mrs. Johnson's "combination of strength and grace; she has never once put a foot wrong." TV newsman Eric Sevareid quotes Mrs. Longworth as telling him.

Mrs. Johnson's preoccupation with what she called "beautification" which to some conjured up visions of Helen Hokinson-type club women planting postes along the highways (and which some observers complained was "boring"), was recognized to be much more than that by just about every major organization concerned with improving the quality of American life.

MANY AWARDS

She could line the walls of the LBJ ranch—or the LBJ Library under construction in Austin, Tex.—with the medals, plaques and citations she has received for her beautification efforts alone.

Typical is the citation given her in 1966 by the prestigious American Institute of Architects, "in recognition of her determination to restore beauty where it has been forgotten; to preserve beauty where it exists, and to protect our natural resources.

"Her sensitivity, vision and hearts and conscience of the American people, who have rallied behind her in this great cause."

AIA President Morris Ketchum Jr., of New York, in presenting the citation, praised the First Lady's efforts as "statesmanship of the

highest order," for which "the United States will be forever in your debt."

Chatting earlier with reporters, Ketchum had been even more lyrical of "the marvelous job" that Mrs. Johnson has done in sparking the visual redemption of this urban environment of ours.

PUBLIC INTEREST

Reports filtering back to AIA headquarters from its chapters in 50 states brought word that there now is "tremendous public interest" in a broadscale attack on "commercial ugliness" that goes way beyond "just planting flowers and screening junkyards" and gets to the very core of American life, Ketchum said, citing multi-million dollar face-lifting projects in such cities as Boston, Hartford and Philadelphia.

"Only her sponsorship has made it possible," he said. "I can't think of any other case in American history where a First Lady has taken on such a worthwhile cause.

"She has brought home to the American people the need for a change in our cities and countryside. We lead such busy lives, we never have time to look around us. I think she has made people look around, and after that things happen.

"Every countryside, every city, every citizen has been touched by her efforts. It is a genuinely important and lasting contribution."

MOST CHERISHED

Of all the honors she has received, possibly the one she will cherish most is one she can't take home to hang on her wall. It is the recent designation of a 121-acre park on a Potomac River island as Lady Bird Johnson Park.

Beautification was not the only string to Lady Bird Johnson's bow, although it seemed to be the one closest to her heart. She also will be remembered for helping focus the spotlight a First Lady controls on such diverse projects as Head Start, VISTA, adult education, remedial reading, and efforts to alleviate grinding rural poverty.

The Women's National Press Club, in giving her its Eleanor Roosevelt Golden Candlestick Award last month for her "efforts to improve the quality of life for all Americans," touched on several of these.

"She aroused the nation's conscience to preserve America's natural beauty and its historic sites. . . . She walked through slums, climbed the heights and hollows, rode the river rapids and planted trees from coast to coast. All this—and more—she did to dramatize problems of poverty, education, recreation and conservation."

In her open-hearted hospitality, she "shared the White House with all the people as never before," the citation continued. "She set high standards of personal dedication, and added a new dimension to the role of First Lady."

Some critics complain that Mrs. Johnson, a small town girl much of her life, never became sufficiently involved with big city ghetto problems—and this may be one reason for the only serious blast of criticism that ever came her way, singer Eartha Kitt's fiery explosion at a White House luncheon.

Miss Kitt actually had been set off by another speaker at the luncheon, whom she felt was papering over deep and fundamental problems causing crime by talking about installing more street lights—but the volatile entertainer took a side swipe at beautification along the way, arguing that planting flowers didn't settle any fundamental problems either.

The country rallied to Mrs. Johnson, impressed by her dignified but spirited response and outraged by the violence of Miss Kitt's language, and what they felt was its inappropriateness from an invited luncheon guest.

WOMEN DOERS

Perhaps actually more important was the fact that Mrs. Johnson, by the mere fact of scheduling the luncheon (one of her "Women Doers" series) had shown that she did have a concern about the problems of the cities.

She didn't win them all.

Although she made the nation much more conscious of its environment, she lost her second encounter with the bill-board lobby in Congress. Big signs will continue to clutter the landscape.

She is aware, too, that she only scratched the surface of much of the ugliness—and that even what she did achieve can slip back, if others don't carry on the work.

"There is no reason why, because I planted trees, another First Lady should have to water them," she said in a recent speech. "But I hope someone will," she added wistfully.

She was disappointed never to find a better word than beautification to encompass what she was trying to do. She asked the nation to help her, but no one ever came up with anything she thought was an improvement.

She lost a struggle over her own name, too—a personal disappointment to her. Dubbed "Lady Bird" by a nursemaid when she was only two years old, she never had liked it, but was unable to effect the switch back to her christened name, Claudia Alta Taylor. (Her husband didn't help much by continuing to list "Wife, Lady Bird" in his biography which ran so many years in the Congressional Record).

No summary of Mrs. Johnson's White House years is complete without mentioning her incomparable staff director and press secretary, Elizabeth Carpenter, and the talented crew Mrs. Carpenter corralled to help her.

DEVOTED LIZ

Many of the things Mrs. Johnson sought to achieve would not have been possible without the inventiveness, devotion and ever-present wit of Mrs. Carpenter, an authentic public relations genius who labored untrillingly, and who (through many battles both with and for this and other reporters) never forgot the first rule for one in her role—that the interest of her "client," or principal, always came first.

But just as Lady Bird Johnson couldn't have done it all without Liz, so—as Mrs. Carpenter would be the first to say—even the irrepressible Liz couldn't have done it without a wonderfully co-operative, imaginative, disciplined and dedicated First Lady, who knew exactly what she sought to achieve, and who was willing to work like the very dickens to achieve it.

One can well believe Mrs. Johnson when she says these days that she is "looking forward to a long rest."

President Johnson told this reporter in that first early interview that the reason his wife would be so successful as First Lady was that she was "the most disciplined, organized person I ever knew," and that he was "constantly amazed at the amount of work she managed to get done" in an unruffled manner.

Looking back over the past five years, he seems to have been right about that, too.

Mrs. Johnson has set a high water mark for the new First Lady, Pat Nixon, to shoot at.

Knowing full well what it's like to come along after a widely admired First Lady, she has generously tried to ease the problem for her successor by twice pointing out publicly that no First Lady has to be like any other First Lady, but that each, in the parlance of today's youth, should "do her own thing."

Addressing the Women's National Press Club, she urged that the "media's wide lens"

allows all future First Ladies "freedom to do what comes naturally."

In an ABC television interview with Howard K. Smith, she said that every First Lady must be allowed to "hew her own way in this place."

They were gracious, kindly gestures, which may ease her successor's path.

But any way you look at it, Claudia Alta Taylor Johnson, 34th First Lady of the United States, is going to be a hard act to follow.

PRESIDENT RICHARD NIXON

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. HASTINGS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the January 22, 1969, edition of the *Jamestown, N.Y., Post Journal*, one of New York State's distinguished newspapers. On this date when we have been honored in this Chamber by a visit from the President of the United States, I particularly want to commend this editorial to the attention of the Members. The editorial follows:

PRESIDENT RICHARD NIXON

Richard Milhous Nixon is the 37th President of the United States of America. It has been a long, tedious road for Mr. Nixon, but the qualities which carried him through to realize this triumph should stand him in good stead as he undertakes his awesome task of national leadership.

Narrowly defeated in his first bid for the Presidency eight years ago, routed in a subsequent campaign for Governorship of California, humiliated and embittered, Dick Nixon appeared to be at the end of the political trail. But he refused to surrender. Operating from a new base in New York, where he attained eminence and affluence in the practice of law, he continued his active participation in politics. Traveling the country from coast-to-coast he devoted countless hours of time and energy to Republican fund raising activities and the campaigns of other men, storing up a fund of political I.O.U.'s which he cashed at the 1968 Republican convention, meanwhile deepening and broadening his study of national and international affairs.

No man among Mr. Nixon's predecessors brought to the office a superior background of experience and training. Congressman, Senator, Vice-President, he has come to grips with all of the problems of both legislation and administration. If any President can be said to have assumed office with the ultimate of preparation, comprehension of public affairs, physical and mental vigor, Mr. Nixon is that man.

How he employs his talents remains to be seen. He assumes office at a time of both crisis and expectation; when divisive forces still rend the land, but when the hope that more tranquil days lie ahead has been enkindled.

The need, as Mr. Nixon himself sensed during the campaign, is not for further innovation, but for consolidation; a turning back from the adventure of experimentation in favor of a conservation of established values; a time of reconciliation, of national unification, of appraising objectives and weighing means; a time, in short, of conservatism in the best meaning of that much abused word.

The people have chosen Mr. Nixon to lead this restoration. On how fully he understands and how capably he responds to the assignment depend the immediate welfare of the nation and his own place in history.

NATIONAL MARITIME UNION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DINGELL. Mr. Speaker, late last month the U.S. Tenth Circuit Court of Appeals handed down what well may be a landmark decision in the case of the National Maritime Union versus the Department of Defense; that is, Curran against Clifford. The court ruled that the Defense Department can be required to answer to seamen for noncompliance with Federal maritime laws. It further held that the Defense Department must look to the reserve fleet before deciding no U.S.-flag ships are available to carry military cargo. Finally, the court's decision pointed out the fallacy of the so-called effective control theory, which contends that American-owned ships using foreign crews under flags of convenience can be requisitioned by the United States in a time of emergency.

The National Maritime Union, the largest union of unlicensed seamen, has been battling for a long time to win the right to contest Government policies that undermine the U.S. merchant marine. It now appears that the National Maritime Union's court victory will lead to a showdown on Government maritime policies which the union has been seeking.

In its ruling the court of appeals decided that the 1956 cargo preference law for shipment of U.S. military cargoes was meant for the protection of seamen as well as shipowners and the Government.

This decision can be vital to the future of the merchant marine. All too often, maritime laws passed by Congress have been treated in a rather cavalier fashion by the executive branch, particularly the Department of Defense. The seamen and their unions can, if the Supreme Court upholds the circuit court, insist that the Government uphold the laws with a legal approach.

I include the statement of Mr. Joseph Curran, the union's president, on the effect of the court's decision in the RECORD following my remarks:

STATEMENT BY NMU PRESIDENT JOSEPH CURRAN ON DECISION OF U.S. COURT OF APPEALS IN CASE OF CURRAN AGAINST SECRETARY OF DEFENSE CLIFFORD, DECEMBER 27, 1968

The decision by the U.S. Court of Appeals on our case against the Secretary of Defense re its use of foreign flag vessels represents a breakthrough of great significance in our efforts to get reconsideration of government policies on the merchant marine.

The Appeals Court only "reversed in part" the lower court's summary judgment against us but this is what it means:

(1) *The Defense Department can be required to answer to seamen for non-compliance with maritime laws.* The main argument against us in this was that the 1956 Act which states U.S. military cargoes must be carried in U.S.-flag ships was not intended for the protection of seamen and therefore we, suing on behalf of American seamen, had "no standing"; i.e., we had no right to sue. The argument was that the law was meant for protection of the government (and the DoD acted for them) and of the U.S.-flag shipowners (and they were not complaining) . . . The government based its argument on the fact that when the original cargo preference act was passed by Congress

(Act of 1904) there were no provisions requiring employment of American seamen on American ships. The fact that the 1936 Act specified that it was to be national policy to maintain an adequate American merchant marine *manned by American seamen* made no difference, they claimed. It took a masterful job by our general counsel, Abraham E. Freedman, to establish that Congress actually had the protection of American seamen, as well as American shipowners, in mind when they passed the 1904 Act.

Our counsel was able to make a strong case on this point by excerpts from the 1904 House Committee report. The Appeals Court therefore, decided on this point that U.S. seamen have the right to take action against violations by the Defense Department. It went even further. The majority declared that seamen, through their union, "are perhaps the only party with sufficient interest to challenge the Defense Department's allegedly unlawful administrative practice and thereby to vindicate the public interest in an adequate wartime merchant fleet. The court pointed out that responsibility to challenge violations of maritime laws by the DoD could not be left to U.S. shipowners because they have interests in foreign, as well as U.S. flag operations. So the court decided that we have a right to sue and went on to indicate its belief that we have a responsibility to sue for the public interest, as well as our members' interest.

This is an extremely important point for all of maritime labor and for organized labor generally. It establishes that the Defense Department can be required to answer to unions for violations of law which injure American workers economically. This is going to mean a great deal to us not only in court actions but in our work in Congress and with government agencies on maritime policies and practices.

It doesn't matter whether in this case the court believes DoD violated the law or not (the indications are they don't think so) the important thing is that the court has ruled that we—as the representative of American seamen—have the right to challenge the Defense Department and when they are so challenged, the Secretary of Defense has to prove that their actions do not violate the legal rights of American seamen.

Up to now, where questions of defense are concerned, nobody could effectively question the Defense Department, which considered itself the sole authority on its own actions. Therefore, the Department has tended pretty much to ignore the intent of Congress and the public policy when it suited its purposes. This is the kind of answer we were getting from McNamara when he was Secretary of Defense and we protested Defense Department use of foreign ships for military cargoes to Vietnam. Even though they were running into one fiasco after another in which foreign crews would refuse to sail with U.S. military cargo, McNamara answered our warnings and protests with words to the effect that "this is Defense Department business and NMU can just mind its own business."

That's what we decided that since our business is protecting seamen we would have to force the DoD into a showdown and we took the case to court. The lower court accepted the old tradition that no worker or union have the right to question the Defense Department through a court action about their activities. We were brushed off by the lower court with a summary judgment based mainly on that contention. The Appeals Court has reversed that part of the judgment and thus established a very important precedent. But that's not all.

(2) *The Defense Department must "look to the reserve fleet before deciding that no U.S. flag ships are available.* Much of the case against the Defense Department turned on whether or not American flag ships were available at the time the Department char-

tered the foreign flag ships we cited in our complaint. We claimed, among other things, that not only currently operative shipping but ships in the idle status in the reserve fleet must be considered "available". The Defense Department attempted to dismiss this argument with the bare claim that the question of bringing ships out of the reserve fleet, even if not bringing them out may mean there will be no American flag ships available for some military cargo, is for the Department alone to decide. The Appeals Court saw it more our way.

The court did not spell out what "look to" means; it made clear that there were plenty of reasons Defense could decide against calling up more reserves and it specified that it did not mean that entire reserve fleet had to be activated before DOD could turn to foreign flag ships. But the majority opinion that Defense has to first "look to" the reserves is important because it completely rejects the idea that the Defense Department has "absolute and unreviewable discretion" concerning whether or not ships are available in the reserve fleet. This establishes our right to challenge DOD through court action on grounds that it has not made proper use of the reserves in an emergency. It furthermore gives added weight to our arguments between emergencies about the inadequacy of the reserve fleet.

In order to comply with the laws and provide the protection the laws are meant to provide, DOD has to maintain an adequate reserve fleet and that means not only enough ships but ships that can be brought out in reasonable time capable of doing a reasonable job. The experience in the Vietnam sealift showed that the DOD had been sadly delinquent in that responsibility. We had enough ships in the reserves but they were obsolete and in terrible condition. It took too much time and money to get them operative. Even then they proved to be a hazard. The reserve fleet has been allowed to run down dangerously largely because of the policy expressed by McNamara many times, that ships of "friendly" alliance can always be regarded as a reliable reserve. The folly of that policy was demonstrated in the Vietnam sealift along with the complete inadequacy of the reserve fleet we had.

The court has thus strengthened our hand in the long fight against administrative policies of reliance on "friendly foreign" ships and the neglect of our reserves. This can be useful in our efforts to get positive action on a maritime program by Congress and the new Administration.

(3) The court pointed out the fallacy of the "effective control" theory. One of the points we made was that, if no U.S. flag ships were available at the time of the events we cited, DOD then had a responsibility to requisition for use under U.S. flag, the run-away ships in the so-called "effective control" fleet. The government claims that these ships are available to us in an emergency and an important part of our unhealthy maritime policy is based on that claim. This would have been the time to put the theory to the test. The court did not agree with us, but in trying to justify its rejection of our point, the court unintentionally presented one of the most effective arguments against "effective control" that has been made by anybody outside the unions. Here are some excerpts from the decision:

"Yet the decision to requisition (effective control ships), impinging as it does upon the sovereignty of another nation is a political decision involving complex questions of foreign relations . . . Where clear congressional intent or even compelling reasons of policy indicate, we might 'pierce the flag veil' and find such ships to be 'American' for certain purposes. Here there is no such clear intent and no such compulsion of policy. Hence we hold that foreign flag ships subject to American requisition are not 'American ships' for purposes of the 1956 Act."

These certainly are sound reasons for abolishing a policy which contends that foreign-flag ships can be relied on for our needs in a defense emergency simply because the owners have signed a paper stating that they will be available.

The "effective control" theory is another part of U.S. unwritten maritime policy that has been shown to be wrong time and again yet nobody but the unions has had the guts to challenge it. Here, a court which is in sympathy with the theory, wrong as it is, sets down in judicial language, the very arguments we have been using to prove it false and dangerous. It is a powerful argument against the "effective control" theory and we will make use of it in our further battles in courts, with Congress and the administration and on the waterfront to beat this racket.

AN UNUSUAL BUREAUCRAT

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PURCELL. Mr. Speaker, undoubtedly one of the finest and most reasonable men I have had the opportunity to work with in Washington is Dr. Luther Holcomb, Vice Chairman of the Equal Employment Opportunity Commission. I have found him to be a sensible, quiet voice that "makes sense," and his thoughts have been well worth listening to, particularly in the field of human rights.

It was with no great surprise that I have found that others agree with me on this point; but, nevertheless, I was personally pleased to see the Louis Harris article in the Dallas Morning News used to describe Dr. Holcomb and shed light on just why he is considered "an unusual bureaucrat." Accordingly, I place the article, "An Unusual Bureaucrat," in the Record at this point:

[From the Dallas Morning News, Jan. 17, 1969]

DR. LUTHER HOLCOMB: AN UNUSUAL BUREAUCRAT

(NOTE.—The following column appeared recently in the Augusta (Ga.) Herald, Dr. Holcomb, highly respected in civic affairs of Dallas, was formerly director of the Greater Dallas Council of Churches.)

(By Louis C. Harris)

We have a regrettable tendency, those of us who do not always subscribe to the nostrums concocted in Washington as cures for what supposedly ails us, to regard all bureaucrats as impractical muddlers striving to extract sunbeams from cucumbers.

But such is not the case. In fact, I can now say that one of my very good friends is a bureaucrat!

The gentleman to whom I refer is Dr. Luther Holcomb, the vice-chairman of the Equal Employment Opportunity Commission whom I came to know for the first time in Athens last year when he spoke on a program of the Georgia Press Institute.

An ordained minister who originally hailed from Texas, Luther Holcomb is one man for sure who has not permitted his role in national affairs to warp one whit his ideals, principles, his sense of humor, nor his concept of fair play.

But because the mark of Washington was upon him I recall how surprised some of us were when, hearing Dr. Holcomb for the first time, we received an altogether rational and

unemotional approach toward achieving equal employment opportunities for men everywhere.

It was with a large measure of delight—and with no surprise at all—that I read another of Luther Holcomb's speeches the other day after receiving a copy from Stan Smith, the general manager of the American Newspaper Publishers Association.

Stan sent along the speech to various newspaper editors around the country because it had to do, primarily, with the EEOC's ruling in connection with the use of sex labels in classified ads.

To eliminate any semblance of "discrimination" in advertising, EEOC said newspapers must no longer list ads under "male" and "female" classifications. Luther Holcomb dissented.

He contended that in such advertising the newspaper is not doing the hiring, but is simply providing a service to the advertiser. Thus, he said, EEOC has no jurisdiction, in the first place. By the same token, he argued, the classification of ads under the heading of male and female is a time-saver for those seeking jobs, as well as for those seeking employees.

Havoc will result, he pointed out, if personnel departments are besieged with male applicants unwittingly applying for jobs modeling feminine apparel, or with female applicants for the position of locker room attendant at a mens gymnasium.

As thoroughly in accord as one might expect me to be with Dr. Holcomb's premises, I found far more impressive what he had to say, later on in his talk, as he offered his audience "some observations on issues pertinent to the times."

"Despite America's seemingly infinite capacity for growth and flexibility," he said, "the truth is that our society as now organized has been stretched taut . . . America is 'supercharged.' 'Hyperemotionalism' is on the rise. As a nation, as a people we are capable of creating the greatest good for the greatest number, but we are also capable through self-deception of bringing chaos upon our society." Then he said:

"The time of divestiveness is over. It is now our solemn obligation to stand united and occupy ourselves with the fundamentals and imperatives of the transition to a new administration . . ."

"Our new president-elect is aware of the gravity of our social cleavages, but he alone cannot restore unity. Although he has been chosen to lead our nation, the people must cooperate by following. We must learn to respect each other despite our diversities and to trust each other despite our differences . . . I believe every American should commit himself to unite in spirit with the president."

As for the job he holds, Dr. Holcomb explained that the original concept of Title VII of the Civil Rights Act, which created EEOC, "was to acknowledge the existence of job discrimination, to make the public aware of it, and by elimination of job discrimination to give minority groups the 'opportunity to achieve' that is uniquely American. It was never intended," he added, "that Title VII become a permanent part of the functions of the federal system . . ."

Said Dr. Holcomb: "The private-enterprise system is the backbone of America. American business is known for its creative and progressive techniques, and those innovative methods must be put to use in eradicating discrimination in employment opportunity."

"Likewise," said he, "government must seek a commonsense, down-to-earth approach to problem-solving at every level. Past bureaucratic methods must be alleviated. Government and business, working together, must develop an equitable way to include minorities in every aspect of American opportunity. A revolution of responsibility on the part of all Americans—including minorities—must occur."

Just as I said, Luther Holcomb is an unusual bureaucrat. We need more like him.

REVENUE SHARING ENDORSED

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SCHWENDEL. Mr. Speaker, during the recent election we heard a good deal about the need for new and better answers to the solution of this Nation's problems and, indeed, the new Cabinet members designated by President-elect Nixon have used the same phrase extensively. One of the problems in need of a new and better answer is that of financing for our State and local governments. This is really a two-headed problem, in that control of the purse strings implies, if not assumes, control of the entire program. We are all aware of the increasing concentration of revenue from the tax dollar and the corresponding control and authority in Washington, D.C. I have offered a new and better answer to this problem in the form of a bill for revenue sharing, H.R. 663. This bill returns a substantial share of our revenue to the States with no strings attached. The bill also provides for credit for taxes paid to State and local governments to encourage to do their "fair share" to meet their own revenue needs. Substantial support has been generated for this concept. The Muscatine Journal recently endorsed my bill, and under unanimous consent I submit the editorial for inclusion in the RECORD as evidence of the growing support for this concept:

[From the Muscatine (Iowa) Journal, Jan. 9, 1969]

REVENUE SHARING SOUGHT

It has been calculated that the federal government is currently collecting 65 per cent of all taxes gathered in the United States, with local governments getting 20 per cent and states 10 per cent.

Editorial Research Reports indicate that in the decade ending in 1968, federal tax collections rose 103 per cent; state collections went up 140.2 per cent; and local governmental collections mounted 109.7 per cent.

Meanwhile state governments are feeling a financial pinch . . . with the indications that some additional levies are in prospect at the state level. Local taxing bodies may also boost levies in many areas, surveys have indicated.

Hence it is that hard-pressed governmental bodies at the non-federal level are looking toward Washington for a measure of relief.

One of the measures aimed at prying some extra cash from Washington is a revenue-sharing bill introduced in Congress by Rep. Fred Schwengel of the First Iowa district.

Under the Schwengel bill 5 per cent of the income taxes collected by Uncle Sam would be returned to the states. Ten per cent of the rebate would be to the poorest one-third of states. A different formula would govern distribution of the remainder.

Gov. Nelson Rockefeller of New York, in a speech last fall, noted that out of a total 65 per cent of the U.S. tax take by federal authorities, the federal government returns only about 9 per cent in the form of categorical grants to localities "with an eyedropper wrapped in red tape, so to speak."

Rep. Schwengel, in commenting on his revenue sharing proposal, noted that there are now more than 400 categorical grant programs in effect, which he asserts make it increasingly difficult for state and local governments to have sufficient latitude in setting their own priorities.

"To take advantage of Federal tax money, they must follow Federal priorities. Revenue sharing would allow local government to more effectively meet its problems and would certainly lower the overall cost to the taxpayer."

These objectives are laudable. Rep. Schwengel admits his bill isn't perfect, and work is underway to improve it. But if it will lower the cost to taxpayers and contribute to the effectiveness of local government, ample help should be available.

CRIME FIGURES FOR WASHINGTON SHOW NEED FOR IMMEDIATE ACTION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ROGERS of Florida. Mr. Speaker, the latest statistics on crime in the District of Columbia released by Police Chief John B. Layton show the need for immediate action by the Congress to stem this shocking trend.

I have introduced legislation to authorize additional manpower in the judicial system of the District to complement the existing effort to expand the law enforcement personnel.

The need to act is great, and I insert at this point in the RECORD for the benefit of my colleagues an article from the January 28, 1969, issue of the Washington Evening Star which dramatizes the situation:

DISTRICT OF COLUMBIA CRIME INDEX CLIMBS HIGHER AS NIXON MAPS DRIVE—12-MONTH TOTAL UP 25 PERCENT—NOVEMBER RAPES PUT AT ONE DAILY

Crime in Washington was running more than 25 percent above the previous 12-month total at the end of November, according to statistics released today by District Police Chief John B. Layton.

The latest monthly crime figures—showing nearly one rape a day during November and 1,074 robberies—were routinely made public less than 24 hours after President Nixon called the city's crime rate "a major problem."

At his first White House press conference yesterday, the President also said he will propose a new program this week dealing with crime in the District.

Nixon said he had instructed Atty. Gen. John N. Mitchell to prepare the program on "an urgent basis." He added that the city's crime problem was brought "very close to home" when a White House employee was the victim of a purse-snatching as she left work one evening last week.

"Therefore, we have turned on all the lights in all of that area, I can assure you," the President added.

SHARP RISE NOTED

As District Mayor Walter E. Washington and other city officials indicated surprise at learning of Nixon's imminent crime proposals, Chief Layton's office said the index of reported crimes in the District last November had increased by 23.2 percent over the totals for November 1967.

All seven categories in the crime index showed increases last November over the corresponding figures for that month in 1967.

The biggest increase—123.1 percent—was in rapes (29 last November, compared with 13 in November 1967).

Robberies increased 107.3 percent (1,074 vs. 520); homicides, 64.3 percent (23 vs. 14);

auto thefts, 30.4 percent (1,086 vs. 833) aggravated assaults, 10.4 percent (277 vs. 251); burglaries, 1.4 percent (1,415 vs. 1,396), and larceny over \$50, up 1.1 percent (1,415 vs. 1,396).

The chief's report noted that crimes against persons—excluding such categories as auto thefts and burglaries—amounted to 30 percent of total offenses during November, compared with 25.6 percent of the total in October.

The 23.6 percent over-all increase in comparing November 1968 with November 1967 was not the largest such boost last year. The year-to-year June total had risen by 37.5 percent, for example, while July was up 35 percent and September 25.7 percent. October's year-ago increase was 18.5 percent.

For the 12 months ending Nov. 30, the only crime category showing a drop was aggravated assaults, down 3.2 percent from the 3,186 reported in the previous 12 months.

Other 12-month comparisons at the end of November: rapes up 63.9 percent to 257; robberies up 45.7 percent to 8,131; auto thefts up 35.5 percent to 11,199; burglaries up 24 percent to 17,658; and homicides up 9.4 percent to 187.

NEW JUMP INDICATED

And another increase in at least one category appears to be in the works for the current month. A preliminary survey made by The Evening Star yesterday showed 574 armed robberies through Sunday—not including unarmed robberies such as yokings, pickpocketing and the purse snatching from the President's employe and other women.

Nixon's statement that he was planning an anti-crime program for the District appeared to catch Mayor Washington by surprise, but within hours of yesterday's White House press conference the mayor was announcing progress "in all areas" of his own two-week-old anti-crime drive.

"I welcome all the help we can get in the city," the mayor said, referring to the President's statement.

Washington last night said additional police recruitment resulted in the signing up of 49 new patrolmen, 2 more policemen and 13 police cadets.

"We have made progress in all areas of our drive, we see some improvement," the mayor remarked.

DELAYS SENATE APPEARANCE

In another development, Washington asked for and received a postponement of his appearance before a Senate Judiciary subcommittee looking into changing the Bail Reform Act.

Sources reported the city has been working on a draft of an amendment to the District Bail Reform Act, and that the mayor postponed his testimony because he was not satisfied with what he and aides had come up with.

The mayor also met yesterday with District Health Department and police officials on drug addiction. He said officials are finding "an amazingly high number of crimes related to drug addiction, particularly among younger offenders." He said drug addiction programs will be strengthened and expanded.

SUPPLEMENTARY EDUCATIONAL PROGRAMS IN DAY CARE CENTERS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. KOCH. Mr. Speaker, on January 23, I joined the gentlewoman from Hawaii (Mrs. MINK) in cosponsoring a bill entitled "Preschool Centers Supplementary Education Act." Its objective is

to expand and upgrade the educational capabilities at child day care centers which are now primarily custodial in nature. For this purpose, funds of \$300,000,000 are authorized annually for each State on a pro rata basis.

Medical research has determined that the earliest years are the most important in child development, since environment is a major factor in molding the basic characteristics and traits of the adult. Thus it is an important investment in future generations that we make available to our young people the best possible opportunities for a healthy and creative educational environment.

With an increasing number of young mothers entering the job market, more and more preschool children are entering the day care programs. The Headstart program for underprivileged preschool children provided an effective means of reaching those children who might otherwise have been lost to the society. Expanding the day care centers to set up educational programs will provide similar opportunities to children who do not qualify under existing Federal programs. It would make these early years productive, not only for the child but for society as well, and would greatly enhance a child's chances of fulfilling his capabilities.

GEORGE H. LEHLEITNER, OF LOUISIANA, HONORED WITH HAWAII'S SPLINTERED PADDLE AWARD

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MATSUNAGA. Mr. Speaker, Hawaii achieved statehood 10 years ago as the result of contributions by countless individuals. One who worked tirelessly and endlessly in the cause of statehood for Hawaii was only recently honored in Hawaii. He is George H. Lehleitner, a New Orleans appliance dealer.

At a recent luncheon meeting of the Chamber of Commerce of Hawaii, Mr. Lehleitner was presented the award of the Order of the Splintered Paddle in recognition of the substantial contribution he made both of time and personal wealth in the fight for Hawaii statehood. In presenting the award to Mr. Lehleitner, Gov. John A. Burns, of Hawaii, noted that the honor was long overdue. The Governor added:

No one—although there were many laborers in the vineyards—no one made a greater contribution to Statehood for Hawaii.

The Splintered Paddle Award, of which Mr. Lehleitner is the 23d recipient, is said to have derived its name from a decree by King Kamehameha I, which is regarded as Hawaii's first bill of rights.

Passed on from generation to generation in Hawaii, the Kamehameha decree imposed a death sentence upon anyone who attacked or set upon women and children, the aged or the helpless as they went about their way. In a historical sense, it was the forerunner of America's Safe Streets and Crime Control Act. The Splintered Paddle Award has been made

annually since 1956 to men who have made "the greatest contribution to their fellow man and Hawaii without thought of personal gain." Former President Dwight D. Eisenhower was the first recipient of the award.

There is indeed no higher honor that could be bestowed upon such a distinguished friend of the 50th State. His support was particularly effective among the southern legislators who formed the core of the statehood opposition. We in Hawaii owe George H. Lehleitner an enduring debt of gratitude, and I believe that my colleagues will find of great interest John Bilby's story of this unique award, as published in the Honolulu Advertiser of Friday, January 17, 1969:

HAWAII HONORS A SELFLESS FRIEND

(By John Bilby)

The highest award of the Chamber of Commerce of Hawaii, the Order of the Splintered Paddle, yesterday was presented to a man who, in the words of Gov. John A. Burns, "is known to few people in Hawaii."

George H. Lehleitner, a New Orleans appliance dealer, received the coveted honor for his years of key efforts on behalf of Hawaii Statehood.

Lehleitner spent close to a quarter-million dollars of his own money during years of mustering vital political and public support on the Mainland for Statehood.

The first recipient of the Splintered Paddle award was former President Dwight D. Eisenhower, in 1956.

Among other recipients have been Walter F. Dillingham, Duke Kahanamoku, Adm. Arthur W. Radford, Conrad C. Von Hamm, Samuel Wilder King, Riley H. Allen, Adm. Harry D. Felt, U.S. Sen. Oren E. Long, Arthur Godfrey and Raymond S. Coll, for many years editor of The Advertiser.

Outgoing Chamber President Ralph T. Yamaguchi said the award is presented to men who have made "the greatest contribution to their fellow man and Hawaii without thought of personal gain."

Gov. Burns, who presented the award during the 119th annual meeting of the Chamber before a capacity audience in the ballroom at the Royal Hawaiian Hotel, said:

"For years he (Lehleitner) spent every waking hour working for Statehood for Hawaii." He would accept no reimbursement for his heavy expenses, the Governor said.

Lehleitner's interest in Hawaii began during World War II when he commanded a troop ship in the Pacific.

He was sympathetic to a population which he felt suffered injustice as second-class citizens under military rule, Burns explained.

Opposition to Hawaii Statehood was particularly hardened in the South. Lehleitner traveled constantly, seeking to convince Southern congressmen they should favor Statehood and at least not fight it.

A turning point in the Statehood battle occurred when he came to Hawaii to assist Gov. Burns—then Territorial delegate to Congress—in changing the mind of Louisiana's influential Sen. Russell Long, who thereafter was one of the staunchest Statehood proponents.

"I will always treasure the award because it is so uniquely Hawaiian," Lehleitner said. He said no single person deserved credit for the victory. "There were many architects of Statehood."

But he told the audience that "with your permission" he would cite one: "Your own editor of The Advertiser, George Chaplin."

Lehleitner said Chaplin, then editor of the New Orleans Item, wrote editorials almost monthly urging Statehood. "Those editorials were frequently reprinted," he added.

He said that this Mainland activity coincided with the local journalistic efforts of

the late Riley Allen, Lorrin P. Thurston, William Ewing and A. A. Smyser.

"If I should be reincarnated on earth," the award recipient said, "I would like it to be as a keiki o haina o Hawaii."

During the recent years that he has not visited Hawaii, he has frequently been asked, he said, if the spirit of aloha still exists.

He told Chamber of Commerce members from Oahu and several other Islands and their guests anecdotes that proved to him that "I will be able to return to the Mainland with an emphasis on 'Yes!'"

Arriving by plane at Honolulu Airport with little time to make an inter-island plane connection, he was told he could catch a green shuttle-bus to the other departure area.

Lehleitner said he went outside the terminal and a green station wagon came along in a few minutes. Several other persons got in.

He told the driver where he was going and the driver replied, "Sure. Where's your bag?"

It was only on arriving at the other terminal that he found he was in a private vehicle which had come to meet arriving friends.

Lehleitner's expressions of apology and embarrassment were brushed aside. "This is Hawaii," the driver told him.

Nowhere else does one encounter the spirit of aloha," Lehleitner said.

Before the presentation, Gov. Burns related the story from which the award got its name.

"While plundering off the Puna Coast as a young man, King Kamehameha I skirmished with two fishermen.

"His foot slipped into a crevice of lava rock and held him fast. One of the fishermen, seeing his helplessness, struck him on the head with his paddle so hard that the paddle was splintered.

"Kamehameha escaped, but years later, after he became king of the Hawaiian Islands, he conducted an extensive search for the two fishermen and found them.

"Although they admitted their guilt, Kamehameha decreed they should be spared, but mandated that henceforth, any wanton attack upon the innocent or the helpless should be punished by death. Thus," said the Governor, "the Law of the Splintered Paddle was promulgated—the first Bill of Rights in Hawaiian history."

ROBERT A. EVERETT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, along with all other Members of the House I was terribly saddened by the passing of our dear friend and colleague from Tennessee, the Honorable Robert A. Everett.

He has served on the Committee on Veterans' Affairs every since he was first elected to Congress, and I found him to be a diligent, hard-working, courteous and considerate member of our committee. He was particularly interested in the field of medical care, and visited many of our Veterans' Administration hospitals, and on more than one occasion was instrumental in correcting deficiencies which had appeared at one of these installations.

For several Congresses he was chairman of the Subcommittee on Insurance and played a leading role in the hearings

and debate which led to the enactment of the servicemen's group life insurance program providing automatic coverage for all those individuals who serve in our Armed Forces today.

He was chairman of the special Subcommittee on Intermediate Care which held hearings here in Washington, D.C., conducted field investigations throughout the United States, and compiled a mass of data which led directly to the enactment of the nursing care program as found in Public Law 88-450. It seems to me that if one monument is to be attributed to this fine gentleman no more appropriate one could be devised than this public law which has already benefited thousands of our older veterans and will truly benefit thousands more in the immediate period ahead of us.

We shall miss him in the Congress for his good humor, good commonsense, and devotion to serving the people of his district and our country at large. With his mother and other relatives, I share the deep sense of loss which they have experienced along with all of us in the Congress.

THE INDEPENDENT SECTOR

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ASHBROOK. Mr. Speaker, a short but excellent explanation of possible future citizen participation in combating the country's social ills appeared in the Philadelphia Inquirer of January 28 under the byline of Don Oberdorfer and entitled, "Volunteers To Spark Social Reform Drives."

Expanding on President Nixon's intention "to enlist the legions of the concerned and the committed," the columnist highlighted the possibilities inherent in the independent sector, that segment of our society between the governmental and private business sectors characterized by individual effort and initiative on a voluntary basis.

Mr. Oberdorfer explores some of the possibilities which are being entertained by the new administration in its emphasis on the individual and his ability to assist in solving public problems.

I include the above-mentioned column in the Record at this point:

ROMNEY HOLDS KEY ROLE: VOLUNTEERS TO SPARK SOCIAL REFORM DRIVES

(By Don Oberdorfer)

WASHINGTON.—The Nixon Administration is preparing a Government-wide and nationwide drive to pit millions of citizen volunteers against the country's social ills. Some Presidential aides say this program of Government-encouraged "voluntary action" will be "a central theme" of the new Administration.

Mr. Nixon struck the keynote of this theme in his inaugural address. "We are approaching the limits of what Government alone can do," he said then. "Our greatest need now is to reach beyond Government, to enlist the legions of the concerned and the committed."

A chief evangelist in enlisting those legions

is to be George Romney, Secretary of Housing and Urban Development, who has been placed in charge of planning the voluntary action effort. Romney has scheduled a preparatory meeting this week with a small group of experts, including Robert Finch, Secretary of Health, Education and Welfare.

Romney and Finch—like Mr. Nixon himself—are devotees of the idea that vast and untapped energies of volunteers in an "independent sector" (between the Government sector and the private business sector) can transform the nation. Romney established programs to encourage voluntary action against social ills in Michigan during his tenure as Governor, referring to it as "the better way of solving most public problems." Finch is coauthor of a book on "Independent action," calling it "The great third force in American life" and "The starting point for a new American politics."

Mr. Nixon began in 1965 to extoll the idea of an "independent people's sector" as a way to solve national problems without bigger Government. In a campaign speech last Oct. 6 on "the voluntary way," he expanded on his earlier ideas, making several promises of action if elected, and declared that "the President should be the chief patron of citizen efforts."

In recent private discussions with his Cabinet members and staff aides, Mr. Nixon reportedly referred to the proposed voluntary action program as "crucial" to his Administration. But he has noted, too, that the Government must be very careful not to take over citizen volunteers in an effort to stimulate and channel them. "The problem," said one of his advisers, "is how to lend the backing of the government to this without making it involuntary action."

Within this framework, Nixon advisers are considering a variety of proposals to stimulate voluntary action. Among them are:

A mixed public-private organization under Federal charter, similar in makeup to the semiofficial American Red Cross, with the job of stimulating drives for voluntary action in urban ghettos, rural slums and even neglected areas of burgeoning suburbs. Such an organization has been recommended by a Nixon-sponsored task force on voluntary action, headed by Richard C. Cornuelle, former vice president of the National Association of Manufacturers and the godfather of independent action.

A Federally-sponsored "computer bank" to serve as a national clearing house for information on successes and difficulties of independent action throughout the country. Mr. Nixon promised such a computerized clearing house in his Oct. 6 speech. An official of the Defense Department comptroller's office, Roger Feldman, has been detailed to draw up the plans. Under initial proposals, it would be possible for volunteers anywhere in the nation to obtain a quick computer printout listing precedents and available U.S. help for any project they are planning.

A Presidential challenge to all citizens, churches, business organizations and civic groups for 100 days of study of neighborhood and local problems, followed by an explicit commitment of volunteer efforts best suited to their solution.

—For outstanding voluntary efforts, Presidential awards—similar in nature to the wartime Navy "E" for efficiency—to be made in person at the White House. Among the models under study is Gov. Ronald Reagan's award for "creative citizenship" in California. Mr. Nixon suggested Oct. 6 that through White House recognition, today's President could do for voluntary action what Franklin D. Roosevelt did for the March of Dimes.

—Designation of officials in each Federal agency and department to push Federal efforts encouraging independent, voluntary citizen action. Romney has already asked

each department of Government to investigate its responsibilities for public participation. "I will expect Federal departments concerned with social problems all to be actively dedicated to the stimulation of new voluntary efforts," Mr. Nixon said on Oct. 6.

—Establishment of a U.S. office of Voluntary Service, to include the VISTA program of the present War on Poverty, the Teacher Corps, a new student-teacher program to enlist high school and college students part-time, and perhaps the Peace Corps. Such a consolidation of volunteer-oriented Federal programs was suggested as "logical" by a Nixon task force on welfare headed by Richard Nathan, now assistant director of the Budget Bureau.

While the emphasis may be greatly increased by Mr. Nixon and the Federal effort expanded, volunteer programs have been a familiar part of many U.S. efforts. The Veterans Administration Voluntary Service has been enlisting volunteers in hospitals for 20 years.

The Nixon camp, however, appears to have a much greater level of activity in mind. There is talk of "an army of volunteers" to clean up the slums, teach young and old to read, counsel youthful troublemakers and even work on a couple-to-couple basis to patch up matrimonial difficulties.

"We can't continue to shift private responsibilities to Government without our way of life collapsing," says Romney in discussing the need for the new program. "However, I don't visualize this as a substitute for the magnitude of current effort by the Government to solve our problems, which are far too great for the resources now being applied."

Some people, however, do see a volunteer program as a substitute for Federal efforts, and as a way to reduce the political steam behind larger Federal appropriations and programs aimed at social ills. The conservative appeal was summed up by Cornuelle, guiding light of the independent action movement, in "The New Conservative-Liberal Manifesto," a book he coauthored with Finch last year.

"Suppose you believe in limited Government and clean air," wrote Cornuelle then. "If only Government seems able to make the air clean, you have to abandon either one ambition or the other. But if the best way to keep the air clean is by non-Government action, you can have your cake and eat it. That's exactly what we're finding out as we suddenly discover the forgotten American tradition of solving public problems by independent action."

In his 1965 book, "Reclaiming the American Dream," Cornuelle asserted that it fully mobilized, the "independent sector" of businesses, unions, charitable and private groups and volunteers could solve virtually all of the nation's problems, including unemployment, poverty, the farm problem, juvenile crime, pollution, * * *, racial segregation and inadequate education. Asked last week if he still believes independent action can do all this, Cornuelle answered, "Yes, I do." But added: "I'm glad that I didn't say when."

CALIFORNIA AGRICULTURE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PETTIS. Mr. Speaker, although the Federal Government has spent billions of dollars in agriculture subsidies, and is continuing to do so, there is one

State which has been able to survive and maintain its No. 1 position in agriculture with little Federal assistance. At a dinner which I attended recently, it was refreshing for me to hear Mr. Robert McInturf, president of the Agricultural Council of California, make the following remarks about California agriculture:

CALIFORNIA AGRICULTURE

It is a great pleasure for me to welcome you on behalf of the Agricultural Council of California, your host for this the second event to honor the California Congressional Delegation and our distinguished guests. The first such event took place three years ago, and I'm happy to see the response from members of Congress, their administrative assistants and wives for this affair is equally as gratifying as the first. This in spite of the fact that each of you have another important function to attend tonight.

The Agricultural Council of California, representing some 70 major agricultural cooperatives with approximately 100,000 farmer members throughout our state, is this year celebrating their 50th Anniversary of service to California agriculture. Although most of the Council's activities fall in the field of legislation, education and public relations within our State, they have found it necessary the past few years to also represent California Cooperatives and agriculture on a national basis. We want to thank each member of the California Delegation for their cooperation which we have called on them here in Washington.

Your dinner here tonight was made up entirely of products grown and marketed cooperatively in California. These are but a few of the 230 crops that are grown commercially in our state, and that have made it the number one agricultural state in the nation. Our number one industry, agriculture, accounts for in excess of four billion dollars gross income annually with one-third of this amount being marketed through our agricultural cooperatives.

We feel that the strength of our cooperatives in California has contributed significantly to the fact that only five of our 230 crops receive federal subsidies and the income from such subsidies accounts for less than two percent of our annual farm income.

It is interesting to note that while California agriculture continues to contribute over nine percent of the total gross farm income for the nation, its share of the net farm income has declined over the past ten years from nine and one-half percent to six percent. This means, of course, that the cost-price squeeze has been felt more keenly by farmers in our state than in any other state of the nation.

California farm workers enjoy the highest average farm wages with greater benefits than anywhere in the country, yet harassment of farm labor has been more acute in our state than in all other states combined. Although, we would like to be paying even higher farm wages, we have not yet figured a way to automatically add on 15 percent to the price of our commodity to supplement the wages of our employees, as is the case with many restaurants and was the case with this dinner served tonight. California agriculture, with its wide diversity of crops has problems that are unique to our state. Legislation that would put California at a competitive disadvantage with other parts of the country could have a serious effect on the economy of our state.

The next few years will be critical for agriculture. Our industry has made this the best fed nation in this World, with the consumer spending a smaller percentage of his spendable dollar for food each year, in fact, a de-

cline from 26 percent twenty years ago to 17 percent today. Agriculture can afford this subsidization of consumers only if its farmers, too, share in the fruits of their efforts.

CZECHOSLOVAKIA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CONTE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I would like to insert the final two articles on Czechoslovakia, written by F. Stephen Larrabee, which appeared in the Greenfield Recorder, on October 1, 1968, and October 2, 1968:

CZECHOSLOVAKIA—3

(By F. Stephen Larrabee)

(NOTE.—The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the third of four articles he has written about life inside that torn country, all part of a longer series he is doing on his month-long tour of Europe.)

Prague in September, 1968, is a city shocked and confused by events it is powerless to control. It is a city living in hope and verging on despair. The mood of the city fluctuates with every new rumor that flutters through its coffee houses and beer halls. Today the mood is sober, but the sobriety is marked by an anxiety and fear. There is general feeling that things can only get worse not better.

Many people don't actually expect that the country will be thrown back into the dark days under Novotny, the Stalinist leader purged in February by the Dubcek progressives, but they are unsure of how much of the liberal reforms can be salvaged in the face of Soviet denunciation backed by force. They know only that they had a dream and now it is dead.

Many Czechs still haven't recovered from the impact of the invasion. The traumatic event has deeply affected the whole nation psychologically. Everyone seems to think in terms of the event. Time is marked from "that day" or from "August 21" and from "February" when the Dubcek progressives came to power. The day and the year have become infamous dates that will take their place along side those of the Munich pact in 1938 and the Communist coup in 1948. For many Czechs the invasion was a sort of surrealistic nightmare that changed from fantasy to grotesque reality as the days passed.

But if the event has touched the deepest cord of the nation, it has also produced a national consciousness that was unknown before. The unity of Czech and Slovak has been assured and both peoples are determined that it shall remain. The unity of the people behind their government is quite astonishing. Everywhere a visitor goes he sees the names of Dubcek and Svoboda. It seems as if every second shop has a picture of the two men taped to the window.

Often the Czech colors are displayed beneath the pictures of their leaders or sometimes even flowers. The men have, in a very real sense, become heroes. They have become the embodiment of an ideal which the Czech people are determined shall not die.

This solidarity is just not visual; it is an all-pervasive fact. A poll which appeared in The Reporter, one of the liberal Czech papers the Russians have banned, showed that 90% of the people in Prague who were polled replied that they had the most confidence in

Dubcek, as the most trustworthy of their leaders. When asked whether they thought that there had been danger of "counter-revolutionaries" an astonishing 93% replied "No", 2% replied "Yes", and 5% answered "don't know." 79% replied "Yes" to the question, "Do you think that the present unity will remain?"

A visitor can notice other manifestations of this unity. Many traffic signs have been taken down or reversed. Streets signs have been removed from corners of buildings. Czech policemen are ignorant of how to get to the center square or the most famous national monuments. Slogans such as "Moscow 2000 miles" or "Russians go home" are scrawled on walls and kiosks. And always, everywhere, the names Dubcek and Svoboda are written wherever space can be found.

At night the city closes up early. There is little celebrating to do. Most people rush home to listen to their televisions and radios in hope of making some sense from the chaos of the last few weeks. While most of the Russian troops have been removed from Prague to the outskirts of the city, some few soldiers do remain. Here and there one sees an Uzbek infantryman or perhaps a conscript from Baku. But such a sight only provokes the Czechs and reminds them of their loss.

Almost every Czech I met told me of some incident of stupidity or callousness on the part of the Russian soldiers. Many told me stories of soldiers who did not know where they were. Some Russians even thought they were in West Germany. Others thought they were on maneuvers somewhere in Poland. Of course, they soon learned otherwise, but this seemed only to confuse, even agitate, them. Many Czechs expressed disbelief at the "barbarism" and "stupidity" of the Russians. Over and over again I heard the word "animals" used to describe the Russians.

The invasion has undoubtedly affected many Czechs very deeply and very personally. It has left a scar that will never properly heal. It may not bleed but it will always ache. And no matter how the surgeons in Moscow choose to treat it, there will always be the danger that it will suddenly hemorrhage and require specialists on call—and expensive supplies near at hand—which can be rushed in immediately. Under such conditions the operation and other surgical requirements can hardly be termed a success.

Some attempts at healing were already underway when I was there. One night as I walked through the deserted streets of a silent and empty Prague, a Soviet army truck roared around the corner and as it passed me, three copies of Pravda, the paper of the Communist Party of the Soviet Union, were tossed at my feet from within the truck. No Czech bothered to even give them a passing glance. I left the corner with all the copies undisturbed.

Dependently, many times bitterly, the days from February to "that day" are recalled. Those months were a sort of golden age to many Czechs. They talk of the period with exhilaration, then often lapse back into a quiet reflection when the consciousness that the days have ended begins to sink into their minds. As one Czech said to me, "We were free, really free. People could speak whatever they wanted. Papers printed all the news, not just propaganda. It was really exciting . . . but now . . ." Another told me of returning from holidays in the West a few weeks early because she felt that "Czechoslovakia was the most exciting place to be." People looked to the future with optimism and hope.

A correspondent explained the difference to me by saying that under Novotny most Czechs created a psychological state for themselves which he termed "internal migra-

tion." They cut themselves off from the outside world and withdrew into their own little world which consisted of their job, their family, their leisure time, perhaps. They took no interest in politics. Most didn't even bother to read the newspapers. Then when Dubcek came to power, everything seemed to change. Suddenly there was a new resurgence of interest in politics. People awake and in many instances politics even became the focal point of interest.

For many Czechs now, however, the critical decision is whether to stay and wait out the storm or leave before it breaks. Quite a few had the feeling that if they were going to leave, they would have to do it soon. At present, Czechs can obtain a visa without problems, but no one knows how long this situation will last. Many of the older people I talked to were resigned to staying but they expressed concern for the younger generation. Many it seemed, felt they were watching history repeating itself. They had witnessed the German occupation in 1938, the communist coup in 1948, and now the Soviet invasion in 1968. They didn't want the younger people to bear the burdens they had borne. As I listened, I remembered the words of a young Hungarian I had known years ago who had said to me, "Yes, of course I love my country, but it is not really my country."

At this moment, when much is still confused and clouded with ambiguity, one thing is certain: resentment and hostility to Russia is deep and bitter. Socialist "brotherhood" is dead in Czechoslovakia. What exactly will replace it is yet unclear. Much depends on the men in Moscow and events that will be affected behind closed doors in the Kremlin. And so tonight, as in so many nights in the past weeks, the people of Prague will return home to their televisions and radios. And they will watch and they will wait.

CZECHOSLOVAKIA—4

Prague is a strange mixture of old and new, East and West. Its roots are Western, from the home of Franz Kafka to the old German Rathaus that marks the center of the "old city."

It also an incredibly beautiful city, not unlike Paris in its quietness and charm. And it is this beauty and charm that first strikes a visitor, reminding him by its architecture and narrow, cobblestone streets winding back among buildings which date back to the early Middleages that this city was once one of the cultural centers of Europe.

The Gothic spires of its churches and cathedrals that rise high above people scurrying along the streets below and the richness of their interior with their religiously inspired painting and sculpture reflect the Western origins of the city. The city is divided by the Vltava River.

The opposite sides are connected by a series of bridges which give the city a very ancient flavor. One can walk along the bridges in much the same way that one walks along the "pontons" of the Seine in Paris.

All this contrasts quite strikingly with the Skodas and Tatrars—two makes of car manufactured in Czechoslovakia—which have a very non-western look and which zip through the narrow, cobblestone streets of the city with astonishing frequency. In fact, I was quite struck by the number of cars in Prague, and Czechoslovakia in general. It is still quite difficult to buy a car. They are expensive and one must order it, then wait, often several years, before actually getting it.

But still more and more Czechs seemed to be taking to the road. The Skodas are small, functional cars, not unlike Fiats or Peugeot's in design. The Tatrars are the luxury cars, often used by the government for official purposes. They are big, heavy, and almost always black. The car has tailfins, like our old Cadillac, and the result is a rather ugly, rocket-shaped vehicle which looks like it belongs in

a Flash Gordon movie rather than on the picturesque streets of Prague.

Prague also has a surprising number of neon signs, at least for a Communist city. It doesn't look like Los Angeles, of course, but the lights do give the city some color without being at all garish. The windows of the shops are tastefully decorated which tends to brighten the city as well.

The people, even in the wake of the recent invasion, bustle about, making the city seem far more lively than any other Communist city which I have visited.

They are relatively well-dressed, and looking at many of them, a visitor might easily think he was in a Western city. Many girls wear mini-skirts matched only by those in London. That the younger generation should have long hair is an indication of the "westernization" (read "decadent bourgeois influences" if you are a Russian) that has been increasing as more and more Czechs have been allowed to travel to the West in recent years.

A visitor might also be quite struck by the assortment of films he can see in Prague. I saw advertisements for "My Fair Lady" with Rex Harrison and Audrey Hepburn, A Laurel and Hardy comedy, a recent Peter O'Toole film, and "Spartacus" with Kirk Douglas. And of course a visitor can see many of the highly-praised Czech films which are being viewed by more and more people in the West today.

Another interesting experience is to go to a nightclub for young people. There the visitor will find the anti-socialist forces have been hard at work undermining the values of the young; the music is mostly rock and roll—Beatles, Rolling Stones, etc.—rendered into Czech when possible. When the band tries to play some other rendition, the visitor may witness, as I did, the students stamping their feet in signs of disapproval.

The standard of living in Prague is not high by western standards, but it is still quite good. Food shops are well stocked. In snack bars it is possible to order milk shakes, and one sees all sorts of delicious looking ice cream Sundays in the windows. Judging by the clientele—youngsters, oldsters, workers, and party officials—it would seem that such foods are by no means luxuries.

I paid about 15 cents for my strawberry milkshake. It was as good as anything I have had at the local drugstore in the States. In fact, I ate as well in Czechoslovakia as I have eaten anywhere in Europe—and quite cheaply, even discounting the difference in living standard and wage differentials. I ate in private homes, pubs, snack bars, and even one of the best restaurants in Prague, and I can honestly say that it compared favorably to food that I have eaten in similar places here in the West.

The home in which I stayed was in an old apartment building, but nonetheless, it had flush toilets, hot water, and a television. I have stayed in many places in Europe that lacked hot water and flush toilets, especially in older apartment houses. The standard of living, by comparison, was surprisingly good and overall, much higher than in other Communist countries where I have been.

In fact, the Czechoslovaks are quite proud of their living standard. They also feel that it could be considerably higher if "some comrades" did not insist upon retaining some ideologically pure but economically inefficient practices.

Many point with pride to certain achievements under Communism. They ask where in America is there a university that charges no tuition. They ask where can a student pay only about \$2 per month for his room or 15 cents for a good meal. They cite the number of social services that the government provides to its citizens—and as they emphasize, all the citizens. Many Czechs have returned from traveling abroad with some disillusionment about certain aspects of West-

ern life. They are disappointed that such wide gaps between rich and poor still exist in the West. Some gaps they claim do not exist in Czechoslovakia—and I tend to agree.

That the average Czech lives better than the average person in Western Europe would be hard to prove. He does live better than the average Greek or Italian peasant and better than many urban proletariat in the West because the government insures that he gets the same benefits as someone who earns a bit more.

The common complaint in Czechoslovakia is, however, that while the necessities are taken care of for all citizens. It is still quite hard for most to save any money. It is quite difficult to rise from one's position and little incentive is offered to do so.

While the Czech returning from abroad may be contemptuous of the western government which fails to provide social services for all and neglects the poor, he is also envious of the western citizen who is free to speak about it and read uncensored news. He is envious of his ability to decide his own style of life (to a certain extent at least) rather than have it decided for him by the government.

The Czech would like to see many of the social services of the welfare state as they exist in Czechoslovakia combined with the degree of personal freedom which exists in the West. By and large, he does not want to restore capitalism, but only obtain the individual freedom to read uncensored news and speak freely. Many Czechs talk about a state which would combine "Socialism and Humanism."

Czechoslovakia was a great experiment until the Russians stepped in to halt it brutally. The Russians feared that the experiment could only lead to a watered down version of communism which would threaten to erode the other communist societies of Eastern Europe. Had the Dubcek clique succeeded in purging the other conservative element, as it seemed it was intent on doing until Moscow stepped in, profound reverberations would have been felt in all the capitals of Eastern Europe and the Kremlin itself.

The Communist party would have been confronted with an attractive rival, still professing the positive ideals of communist dogma, but purged of many of its repressive elements. Czechoslovakia had the potential to become a communist society capable to both providing a greater sense of equality among its citizens and also giving them personal freedom and a decent standard of living. In short, it would have begun to live up to the ideals, however imperfectly, of the Communist Manifesto. It would have also meant the end of the Communist party as it has existed in Moscow.

Certain factions of the Communist party leadership in the Soviet Union recognized this fact. They saw that they were at the crossroads and had to act. In acting they showed that Communism still can not tolerate competition. But it remains to be seen who will suffer the most from their action.

It is quite possible that their action saved the West, and the United States in particular, a rude awakening. Had the liberalization in Czechoslovakia continued, it is possible that a society might have evolved in the next decade which provided both social justice and personal freedom, although in a rather imperfect balance.

Such a society would have offered an alternative to Western society which would have been attractive to many developing countries. It might have produced a revived faith in Lenin and Marx, even if the society would not have been "Communist" as we have known it.

Nonetheless it would have been the result of innovative and progressive leadership in the Czech Communist party. It would have been shown that Communism is adaptive and responsive to popular sentiment for personal

freedoms. For the moment, at least, the Soviet Union has killed this possibility and by its action further discredited Communism in the eyes of the world.

THE FREE CHINESE—TEACH RICE NOT REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, perhaps the increasing pressures by the world's Socialist leaders to recognize Red China and sacrifice our free world friends from Nationalist China is motivated by other reasons than profit and lucre. Can it be fear of the success of the Republic of China in its humanitarian missions abroad—fear of the internal breakdown and the continued defeat of Red China in its world revolutionary movements of violence, hate, and exploitation?

The free Chinese have now established ties with 21 countries of Africa as compared with 14 for the Peking Reds. But we hear little of the free China successes—and this seems the way the Nationalist Chinese want it. You see, they teach rice and farming while the Reds of Peking teach revolution, violence, and destruction of existing governments.

The record of achievement for the free Chinese of the republic is a credit to their industry and leadership—a mark of great success in helping people of the emerging nations of Africa remain free and meet their food demands.

Truly, the Republic of China has demonstrated time after time that it is the government representative of the peoples of all China.

To recognize Red China at the expense of the Republic of China would be like selecting violence over peace and revolution over performance.

Mr. Speaker, I include a news release from the New York Times for December 25, 1968, a feature article from the Rotarian magazine for November 1968, and an editorial from the Evening Star of January 2, 1969, following my remarks:

[From the New York Times, Dec. 25, 1968]
NATIONALIST CHINA IS WINNING NEW FRIENDS
IN AFRICA—TAIWAN'S FARM AID EFFORT IS
HELPING SPREAD INFLUENCE—TAIPEI NOW
HAS TIES WITH 21 COUNTRIES, PEKING
WITH 14

(By Frank Ching)

Nationalist China is meeting with increasing success in its effort to turn African nations away from Communist China.

Among the African countries, 21 now have diplomatic relations with the Chinese Nationalists, while 14 have such relations with Communist China.

A major factor in Taiwan's effort to win friends in Africa is its agricultural aid program, which was launched in 1961. The Nationalists now have about 450 farming experts serving in 19 African countries. The program is being expanded and new agreements with Ghana, the Central African Republic and Lesotho have been signed, providing for the sending of teams to those countries.

Technical aid in the fields of public health, fishery, food processing, civil aeronautics, education, highway development and water conservation are also extended to a few countries, including Ethiopia, which does not get agricultural aid. The total number of Nationalist aid officials in Africa is about 600.

VOTE IN U.N. REFLECTS SHIFT

Nationalist China's diplomacy in Africa is directed by Vice Foreign Minister Yang Hsi-kun, known in Taiwan as "Mr. Africa." Mr. Yang recently returned from his 22d visit to Africa, during which he toured 24 countries, bringing back diplomatic recognition from Gambia and newly independent Swaziland.

Taiwan has made a grant of \$3-million to Chad and one of \$2-million to Sierra Leone to finance agricultural and industrial projects, part of a total grant of \$20-million to be extended to 10 African countries. The Nationalists have spent about \$50-million on aid to Africa.

The increase in African support for the Nationalists was reflected in the vote on the China representation issue last month in the United Nations, in which 15 African countries—only a few more than in 1967—voted for the admission of Communist China and 20—one more than last year—voted against Peking.

Of the three new African members, two—Mauritius and Equatorial Guinea—abstained, while the third, Swaziland, voted against admission.

The gain is particularly significant when compared with the voting in 1960, when nine African countries supported Communist China and only two were opposed.

Joel Tchong-kaio, Nationalist Ambassador to Upper Volta, said in a recent interview here that the courting of Africa was especially important because it is mainly in that area that Taiwan hopes to win new support. It is also in that part of the world that the Nationalists have to work hardest to keep the support they have, Ambassador Joel said.

While Chinese Nationalist diplomacy in Africa is directed primarily against Communist China, Peking's motives there are more complex. In addition to attempting to isolate Taiwan, the Chinese Communists seek to turn newly independent countries not only against the West but also against the Soviet Union, claiming for themselves the role of leader of the world's revolutionaries.

Communist China has greater resources than Taiwan and is willing to use them on large, prestige projects. Peking is reported to have about 8,000 people working on aid projects in Africa. It is estimated that the Chinese Communists have spent \$175-million on aid to African nations.

The Chinese Communists have agreed to build and finance a 1,000-mile-long railroad linking Zambia and Tanzania, which is expected to cost \$280-million to \$400-million. In May, Peking signed an agreement with Guinea and Mali for the construction of a Guinean-Malian railroad.

The Chinese Communists have also built factories in Mali, and the October 2d Palace in Conakry, built with Chinese aid, is the biggest building in the Guinean capital. In Somalia, a Chinese-built theater stands in the center of the capital, Mogadishu.

However, despite early successes, Peking's popularity in Africa has fallen sharply in recent years.

Dahomey and the Central African Republic, which had broken with Nationalist China to recognize Peking, have severed ties with Communist China and resumed relations with Taiwan. Ghana, once a center of Chinese Communist activity, suspended relations after the overthrow of President Kwame Nkrumah in 1966, while Mr. Krumah was on a visit to Peking.

TUNISIA SUSPENDED TIES

Tunisia suspended relations with Communist China in 1967, charging interference in internal affairs, as had the Ghanalians. In

Kenya, the book "Quotations from Chairman Mao" was banned and Peking's chargé d'affaires expelled.

Communist China, which sided with the secessionist Biafrans, lost the support of Nigeria in the United Nations this year. Nationalist China, meanwhile, contributed \$10,000 to be used to aid war victims in Nigeria. The recent coup in Mali, which represents a shift away from the left, is likely to erode Peking's position in Africa further.

Foreign Minister Wei Taoming of Nationalist China, in a recent interview here, stressed that there were no political strings attached to Taiwan's agricultural aid program. He asserted that, while the Communists use aid for subversive purposes, the Nationalist program was purely to help people.

He used Gambia as an example of what the agricultural teams have achieved. When a Nationalist team arrived there in 1968, he said, women were planting rice and men were planting peanuts, a less arduous task. After the 12-man Nationalist team had begun to grow rice, Gambian men gradually joined in this work. Dr. Wei said this showed that even the customs of a nation could be changed.

[From Rotarian, November 1968]

THESE ARE THE SAINTS—TEACHING RICE, NOT
REVOLUTION, IS TAIWAN'S METHOD OF LOW-
ERING COMMUNIST STOCK IN AFRICA

(By William Clifford)

"When things look gloomiest for us here, when our friends seem to be doing us in, we can always count on our enemy, the Chinese communists, to come to our rescue with some outrageous new action."

So commented a Nationalist Chinese official as he happily contemplated the result of last year's United Nations vote against the admission of communist China. It wasn't the United States that kept the communists out this time. Like every other country, it casts only one vote, and many of its closest allies on other fronts refuse to go along with the U.S. in the U.N.

The deciding factor at the U.N. was the African bloc, where Nationalist China's stock has risen steadily over the past six years while the communists have been going into eclipse.

What accounts for this?

The inept diplomacy, the outrageous new actions of the communists, for one thing. They have acquired a well-deserved reputation for empty promises, bribery, and sabre rattling, treating the Africans like children, and trying to undermine their governments. African freedom from colonialism wasn't enough. What they wanted for Africa was revolutions, bloodshed, and communist dictatorships that would defer to their leadership. What they've been getting in Africa is the gate.

In the past two years communist Chinese diplomats have been expelled from Burundi, Dahomey, and the Central African Republic. Ghana threw out their technicians, while Kenya ousted their news correspondents and followed by kicking out their chargé d'affaires. Kenya's Vice President lost his job for taking Peking's bribes, and communist bribery also provoked a cabinet crisis in Malawi. The President of Tanzania castigated Peking for failing to come through with its grandiose program of economic aid, and the new government in Algeria cost the Chinese much face by canceling the Afro-Asian Conference. All this in spite of the fact that none of these are right-wing, pro-Western governments; rather, they are strictly neutralist, or in some views, anti-Western. But the communist government of China's 700,000,000 people simply can't get along with them.

At the same time, another group of Chinese have been getting along in Africa. They are a few small teams of farmers and tech-

nicians from the island of Taiwan with its 13,000,000 people. This seat of the Nationalist Chinese government in exile has recently become one of the brightest spots on the Far Eastern economic horizon. Taiwan now has the best diet of East Asia. Rice production is four times what it was when the Chinese took over the island two decades ago, following 50 years of Japanese occupation. Sugar and sweet potatoes are up almost three times, and many new crops are flourishing. The \$1.4 billion U.S. aid program closed down for good four years ago, when Taiwan was obviously ready to take full care of herself.

The Nationalist Chinese also had the resources to begin helping others. And using their political as well as economic wits, they turned to Africa. It wasn't only those votes at the U.N. that made Africa attractive, though of course they did and they do matter a great deal. What made the African countries such fertile territory for Taiwan was the need for basic agricultural know-how. The Chinese know very well how to grow rice. Mostly the Africans don't, and there's nothing they need more. So the Chinese have met the need by sending teams of their farmers to show African farmers how to plant better seed, to irrigate, to use fertilizer, and bring in two or even three crops a year instead of one. The Ambassador from Malagasy confirmed the importance of food production to his young underdeveloped country when he said, "China is our greatest friend, because it has helped us in the agricultural field." The President of the Ivory Coast said the Chinese demonstrations revealed that his people "had all the time been slumbering on a rich granary."

This was a loaded remark, because for several generations European rulers had told the Africans that their soil was infertile, their climate impossible, and they themselves lazy. Many Africans came to freedom with ingrained feelings of inferiority. The Chinese farming demonstrations have given them confidence in both their capability and their land. Far from being good for nothing, their land is good enough to grow almost anything. In the past there was no reason for these people to work hard. Now the opportunities provide the incentives.

At the modest cost of training about 570 men, plus tools and seed and agricultural seminars in Taiwan to which Africans are invited, the Chinese have broken new ground where Africa's need is greatest and made staunch friends in their own hour of need. People in Libya were so delighted with the seeming miracle of growing rice at the edge of the desert that they put a sign on the house where the Chinese farmers lived saying "These are the saints." The Chinese don't pretend to be saints, but their agricultural success in Africa has almost a touch of the miraculous about it.

[From the Washington (D.C.) Evening Star, Jan. 2, 1969]

RETURNING A FAVOR

The Taiwanese have 600 economic aid officials operating in 22 African countries. Four hundred and fifty of them are directly engaged in helping to expand agricultural production.

For this comparatively small financial outlay, the Taiwanese have received surprisingly large political dividends. Nationalist China is now recognized by 21 African nations; Communist China, by only 14. And in this year's United Nations vote, 20 African states voted against the admission of Red China while just 15 favored this step.

Taiwan's aid program alone does not, of course, explain the depth of Africa's current disenchantment with Communist China. In large part, the Communist Chinese are themselves to blame. They have tried

through heavy-handed diplomacy and subversion to promote pro-Red Chinese governments at a time when most African leaders believe that their countries' interests will best be served by a policy of political non-alignment.

Politics aside, however, Taiwan's economic miracle offers a heartening example to Africans who hope to steer their countries onto the path of economic modernization. The Taiwanese, a non-Caucasian people, have shown that the proper mix of sensible economic policies, hard work and financial resources can turn the trick. Now they are using their economic development know-how to brighten the future of the Dark Continent. For a nation whose spectacular economic growth owes much to outside financial assistance, this is an altogether fitting way to return the favor.

LATVIA'S 50 YEARS OF INDEPENDENCE, 1918 TO 1968

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PUCINSKI. Mr. Speaker, on November 18, 50 years passed since the Latvian nation proclaimed its independence in 1918, along with its sister nations on the Baltic Sea—Estonia and Lithuania.

Latvians belong to the Baltic branch of the Indo-European family. Archeologists have established that the Baltic peoples settled on the eastern shore of the Baltic Sea some 4,000 years ago. They have been living there ever since and have developed their own, distinctly Western, cultures and institutions.

Christianity came to Latvia in the early 13th century, and in 1207 Pope Innocent III granted Latvia and Estonia the status of an ecclesiastical state, which was called Terra Mariana—the Land of Mary.

For hundreds of years the Latvians resisted, with varying fortunes, the onslaught of foreign armies. It was Russia that in 1795 finally gained complete domination over all of Latvia.

The collapse of the Russian empire during World War I enabled many nations of East-Central Europe to fulfill their aspirations for a free life. The Latvians immediately grasped this historic opportunity and in 1918 proclaimed their independence as a democratic republic within its ethnic boundaries.

But the newly planted tree of liberty had to be watered by the blood of patriots. After a war of liberation that lasted 638 days, Latvia and the Soviet Union signed a peace treaty in 1920. Moscow solemnly pledged "forever" to respect the sovereignty of independent Latvia.

The Soviet "forever" lasted only 20 years. In June 1940, following the treacherous Molotov-Ribbentrop pact, the armed forces of the Soviet Union occupied Latvia, Lithuania, and Estonia against the will of the Baltic people.

Today the Latvian nation remains under Soviet occupation, but it refuses—as it always has throughout its history—to accept the finality of slavery.

Every year at this time the Latvian people look toward the great democracies, they look to the free world, and they continue to hope that the day will again come when freedom, which was taken away by the Red might, will be restored not only in Latvia, but throughout the world. We pray that God will give the Latvian people the strength to maintain their resistance against the terror that stalks Latvia.

It is noteworthy that the 89th Congress of the United States unanimously adopted House Concurrent Resolution No. 416. The resolving clause reads:

Resolved, That the House of Representatives urge the President of the United States to (a) direct the attention of world opinion at the United Nations by such means as is appropriate, to the denial of the rights of self-determination of the peoples of Latvia, Estonia, and Lithuania, and (b) to bring the force of the world to bear on behalf of the restoration of these rights to the Baltic peoples.

The House resolution was adopted by a record vote of 298 to 0 on June 21, 1965. It passed the U.S. Senate unanimously on October 22, 1966.

RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ZWACH. Mr. Speaker, there is a great need for continuing a balanced program of cooperation between the Federal and local communities in regard to the careful planning and development of our natural resources. More and more, our Nation is suffering the ills that beset a nation by compounding too many people in too small a space. This trend will change eventually, even though it will be too late to avoid further aggravation of the present societal problems of compressing people into concrete high-rise buildings.

In order to be better prepared for the needs of greater natural resources and to protect these resources in our rural areas for those who need and expect their use in the future, I am introducing a bill to implement the act of 1962 which created the resource conservation and development program.

This bill simply provides for a proportionate method of sharing the expense in carrying out the developmental and constructional phases of those programs in which the entire Nation is benefited of up to a maximum of \$50,000 per project.

This bill passed the Senate, and passed the House committee, but too late for final action in the previous Congress.

Most of these programs have a multiple-use concept so that jobs, recreation, and conservation goals are accomplished simultaneously. I ask for early consideration and passage of this program which is largely originated, developed, and managed by local elected residents.

PRESENTATION OF A BRONZE
SCULPTURE, HEAD OF LIBERTY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DOWNING. Mr. Speaker, on January 16, 1969, I was privileged to attend the presentation of a bronze sculpture, Head of Liberty, to the Department of the Navy. In simple ceremonies at the Pentagon the Chief of Naval Operations, Adm. Thomas H. Moorer, accepted this magnificent gift from its creator, Oskar III, J. W. F. Hansen, the internationally renowned sculptor, author, scientist, and theologian.

Admiral Moorer presented the following letter to Mr. Hansen:

DEAR MR. HANSEN: In recognition of your most generous gift of the sculptured bronze head of Liberty, I would like to extend the deep appreciation of the Department of the Navy.

In the history of our infant Republic, the influence of seapower proved decisive at Yorktown. Thus, it is appropriate that the United States Navy should become the guardian of your Liberty. I can assure you that she will be displayed proudly, and defended with honor by the Navy.

This great work of art is an eloquent expression of your patriotism and of your devotion to the ideals upon which this Nation was founded. We in the Navy share that devotion, and it is my hope that the United States Navy will ever be worthy of the honor you have bestowed upon us.

Sincerely,

THOMAS H. MOORER,
Admiral, U.S. Navy.

This ceremony was arranged following acceptance of Mr. Hansen's generosity by the Honorable Paul R. Ignatius, Secretary of the Navy:

DEAR MR. HANSEN: The Chief of Naval Operations has advised me of your most generous offer to present to the U.S.S. *Enterprise* the bronze sculptured head which you created as the advance study for the granite sculpture of Liberty at Yorktown, Virginia.

On behalf of the Navy and the U.S.S. *Enterprise*, I am honored to accept this distinguished work, offered as it is in the spirit of patriotism and dedication to country.

A representative of my office will contact you in the very near future to arrange the details of a presentation ceremony appropriate to this significant occasion.

With my warmest best wishes,

Sincerely,

PAUL R. IGNATIUS,
Secretary of the Navy.

The Head of Liberty was created by Oskar Hansen as his own advance study for the granite sculpture that he executed for placement atop the monument at Yorktown, Va., memorializing the alliance and victory which in 1781 guaranteed liberty and independence for our Republic. The heroic size sculpture, valued at \$35,000, is but the latest in an unending stream of services which Mr. Hansen has rendered his adopted land. He served in the U.S. Army, entering as a private and rising to the rank of major. His notable work as a sculptor adorn Hoover Dam and his carving of a stallion head in the gem collection of the Smithsonian Institution.

EXTENSIONS OF REMARKS

As a young man, Oskar left a ship and swam ashore to this country. His life has been as exemplary as that of any native-born American, and his contributions to liberty place him in a select group of patriots who continue to struggle to guarantee this precious right to all of us.

ROBBING THE POOR—PART 2

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ASHBROOK. Mr. Speaker, the New York Times of January 12 carried an extensive article on the abuses and excesses in the antipoverty program in the New York City area, the first part of which appears in the CONGRESSIONAL RECORD of January 27. As explained in part one, the Human Resources Administration (HRA) was created in 1966 to simplify and better control the various antipoverty and welfare services in New York City. In the intervening 27 months the HRA has not fared too well; in fact, according to the Times account, multiple investigations of the antipoverty program "are disclosing chronic corruption and administrative chaos." One assistant district attorney was quoted as saying that—

It's so bad that it will take 10 years to find out what's really been going on inside the Human Resources Administration.

Fortunately, there have been indications in the recent past from advocates of the "government-is-the-all-wise-mother-hen" theory that our social ills can be cured by the allotment of huge sums of taxpayers' dollars. More and more there is the realization that the private sector and individual initiative must be included in any full-scale program of rectification. Increased efforts on the part of the business world and labor are becoming evident as the emphasis on government recedes.

The experience of the HRA in New York City, repeated in varying degrees in other areas, should serve as a warning that government-sponsored panaceas should be viewed with a healthy and objective suspicion.

I insert at this point the second part of "Millions in City Poverty Funds Lost by Fraud and Inefficiency," which appeared in the Sunday edition of the New York Times on January 12, 1969:

ROBBING THE POOR—PART TWO

FRAUDULENT CHECKS SENT TO SWISS BANK

The four fraudulent H.R.A. checks that found their way into a Swiss bank were dated Oct. 9, 1968—the same day that the Rev. H. Carl McCall, then an H.R.A. deputy administrator, told a meeting of Federal and city investigators about new fiscal controls that had been devised to keep antipoverty money from illegally draining out of the agency into private pockets.

Seemingly undisturbed by scores of Federal and city investigators looking into agency books and records, someone—investigators do not yet know who—stole seven blank checks from the back of a brand new H.R.A. check-book.

January 28, 1969

RESULTS OF THE INQUIRY

All the checks bore the stamped signature, in faded black ink, of Mitchell I. Ginsberg, the H.R.A. administrator. The stamp was either stolen or duplicated.

Three of the checks are still missing, but had the plan to convert the four checks worked out as planned, the H.R.A.'s Manpower and Career Development Agency (from whose checkbook the checks were torn) would have been out precisely \$1,017,615.01.

What investigation by The Times and the District Attorney into the Swiss bank caper shows is this:

Sometime last November, the four checks were made out—on two different typewriters—jointly to the city's Department of Finance and a concern called Pagliuca Associates. Both names appear as the payees on all the checks and were separated by three asterisks, a slash mark and three more asterisks.

The checks—for \$340,063.38; for \$105,366.60; for \$108,005.59 and \$466,179.24—were then mailed or personally carried to Europe, where they were deposited for collection to the private account of one George Jose Mendoza Muller in the Zurich office of the Banque Populaire Suisse, a relatively small institution with no affiliation to an American bank.

Bank officials interviewed by The New York Times in Switzerland say that the checks arrived there simultaneously and that, because of the large amounts involved, they were immediately suspected. Thus, though the checks were accepted for collection purposes, no money was paid out for them.

The Swiss bankers refuse to disclose anything more about the checks, and therefore the identity by Mr. Mendoza Muller remains a mystery.

DISPUTE ABOUT DISCOVERY

Nothing was seen of these checks in New York until two days before Christmas, when all four turned up at the Chase Manhattan Bank for payment.

There is some dispute about who first spotted the checks as frauds. The Banque Populaire maintains that it cabled Chase Manhattan immediately after the attempt to deposit them was made in Zurich. Chase Manhattan, however, says that the Swiss routinely forwarded the checks for collection and that it was Chase's people who ordered payment stopped on them.

In any case, neither bank seems to have paid out any money on them and the city lost nothing in the transactions. It is not known, however, if the persons who wrote the checks sold them at a discount to intermediaries or attempted to cash them on their own.

The police in Zurich say they are looking for two men who apparently tried to make the deposit at the Banque Populaire office.

After Chase Manhattan stopped the checks, M. Hogan's office was notified by the bank and began an investigation.

One of the questions being studied by the district attorney is whether similar forged checks were cashed before the four recent ones. Chase Manhattan says it is starting its own investigation into past records and is also alert for possible new checks turning up.

HEAVILY USED ROUTE

It is clear that some degree of sophistication was involved in the attempted check-cashing coup. The Swiss bank route is one that has been heavily traveled by big-time swindlers. The Mafia, too, has used the cloak of absolute secrecy, guaranteed by Swiss law, that shields depositors in Swiss banks from any scrutiny by the Federal Bureau of Investigation and the Treasury Department.

One lead checked out by Mr. Hogan's staff was the name of the second payee—Angel Pagliuca of Pagliuca Associates. He turned out to be an elderly Argentinian of little

means and many debts who maintained a tiny office at 80 Wall Street which he used to "watch over my investments."

Mr. Pagliuca has disclaimed any knowledge of the checks and maintains that his name was used without his permission. The District Attorney's office has made no move.

The two former officials of the Human Resources Administration and the present official under investigation have not been identified by the District Attorney's office. Although New York Times reporters originally uncovered some of the reported details of their activities, names are not being published pending further investigation.

Informants have said that the three officials received kickbacks—or helped others to receive kickbacks—on the millions of dollars in contracts that are awarded each year to local antipoverty agencies in New York City.

No indictments have been prepared against the suspects. Assistant District Attorney Jeffrey M. Atlas, who is handling the case for Mr. Hogan's office under the direction of Leonard Newman, chief of the Frauds Bureau, declined last night to comment.

THE "DURHAM MOB" ENTERS THE PICTURE

The most extensive conspiracy that investigators believe they have discovered within the Human Resources Administration is the so-called "Durham Mob," a group of flamboyant young men who grew up together in the Negro poverty of Durham, N.C., came to New York to be together again in H.R.A. and, according to the investigators, conspired to steal at least \$1.75-million and possibly much more.

According to sources within the District Attorney's office and other investigatory agencies, the alleged conspiracy may have been discovered only because one young man happened to park a rented car in a bus stop on West 42d Street last Aug. 26.

The policeman ticketing the car that night saw—from a notice previously sent out by the rental company—that the car was overdue, and when he looked into it he found a briefcase that contained 105 Youth Corps checks.

The four men who returned to the car—Charles Clinton, payroll director of the corps, and three men who worked under him, Sidney Hall, Wakefield Thompson and Oscar Williams—were charged with grand larceny.

The four men had come North from Durham. Coy D. Smith, formerly the Youth Corps' chief fiscal officer and also from Durham, was arrested with them.

Mr. Smith, who had been considered one of H.R.A.'s brightest young men, is a former auditor-investigator on the staff of State Attorney General Louis J. Lefkowitz, a former cost analyst for The New York Herald Tribune and the holder of a master's degree in accounting.

None of the men, whose ages range from 23 to 30, have been indicted, but investigators have assembled a picture of their life style.

"They're the black Lavender Hill mob starring in 'Hot Millions,'" said one man who knows them.

The investigators believe they are linked to the systematic, massive looting of Youth Corps checks during the first nine months of 1968.

The mob, according to investigation records, was formally organized one night in September, 1967, at a meeting of eight to 10 people in a Harlem apartment.

During that meeting, plans were made to defeat the computers that printed out some 6,000 corps checks 42 weeks a year and 40,000 checks during the 10 weeks of summer.

The plans completed and the assignments made, one informant relates, a young man leaped on a chair and shouted: "What do we want?"

"Money!" the others shouted back.

"How are we going to get it?"

"Steal!"

If the District Attorney's office is right, the mob did just that taking a minimum of \$750,000 between last January and June and at least \$1-million more during the summer.

Their reported operation involved creating an army of fictitious Youth Corps members, identified by false Social Security numbers, which would produce a \$38.80 weekly paycheck when fed into the right computer at the right time. Many of the make-believe teen-agers "worked" at job sites that never existed.

For example, if the computers were fed the code FA-12, and 102 numbers that looked like Social Security numbers, they produced 102 checks each week for summer workers clearing up vacant lots under the sponsorship of Haryou-Act, the community corporation serving Harlem.

The computers, of course, could not know that there were no workers, no vacant lots and no one at Haryou-Act who knew anything about the matter.

EXPENSIVE PARTIES

There was only one unidentified young man picking up 102 checks each week and taking them to two-day-long parties in expensive apartments, where the revelers would endorse the checks and fill out time cards for the following week's haul.

Perhaps 30 persons were involved in the operation, about the number of young men and women who might drift in and out of the party action in a garish Riverdale apartment with a living room dominated by a long leather-cushioned bar under a monogrammed canopy.

"They lived," said a man who was there. "Flashy cars, flashier women—if they had been born white they might be running the country. Beautiful people."

PAYMENTS NOT MADE ON SOCIAL SECURITY

Last summer the Federal Government discovered serious irregularities in H.R.A.'s payment, or nonpayment, of Social Security taxes on paychecks to Youth Corps enrollees.

In a memorandum dated Aug. 20, 1968—from Sidney L. Pollock, the Federal Government's audit manager for the New York region, to the Labor Department's regional manpower administrator, Mr. Whitsett, the following explanation of the apparent fraud was given:

"It was disclosed to us by an official of the Social Security Administration that in one quarter alone the Form No. 941 filed by NYC (Neighborhood Youth Corps) lists 8,000 impossible Social Security numbers.

LIFE STYLE DEPICTED

"The Forms No. 941 were filed only two quarters, from the dates that the contracts (with the Department of Labor) were consummated. The Social Security Administration made repeated attempts to obtain voluntary compliance by the NYC to file delinquent Forms No. 941 and to submit corrective Social Security numbers in the forms previously submitted but without any success.

"These requests were completely ignored. No adequate accounting was made of NYC FICA tax and it appears there is substantial liability to the U.S. Government for unpaid FICA taxes.

"The Department of Investigations (the city's) is presently engaged in determining the extent of such liability."

CHECKS WERE INTERCEPTED BY AGENCY OFFICIAL

The "interception" of Federal checks was discovered by the Labor Department last April and Mr. Ginsberg received another in a series of complaining letters from Mr. Whitsett.

"In violation of contractual agreements," Mr. Whitsett wrote, "copies forwarded by the Department of Labor were intercepted prior to delivery to the Office of the Controller of the City of New York and were deposited

directly in the Neighborhood Youth Corps bank account by staff."

The interceptor, according to a department report, was Irving Roberts, an H.R.A. fiscal officer. Asked yesterday why he had circumvented Controller Mario A. Fracacchino, who normally disburses Federal money, Mr. Roberts answered: "I have been instructed by my superiors not to talk about this to reporters."

Federal auditors said that Mr. Roberts intercepted a total of \$6,022,299 between Nov. 20, 1967, and April 1, 1968.

"In violation of law and (Labor Department) regulations," the auditors reported, "overtime salaries were paid in cash to New York City employees. Tabulating-machine operators employed by the City of New York Social Services Agency are frequently used by the Neighborhood Youth Corps on an overtime basis.

"Irving Roberts paid these persons in cash by first drawing an NYC check to himself, cashing it and paying the people involved. These amounts have never been reported to the Internal Revenue Service for proper reporting and payment of taxes, nor have they been entered to the payroll records."

A "REAL-ESTATE" DEAL THAT FELL THROUGH

The attempt to convert the \$52,000 check—drawn as in the case of the Swiss bank checks against the account of the H.R.A.'s Manpower and Career Development Agency—apparently began in Las Vegas, Nev., in early December.

The story of that stolen check comes from a Los Angeles real-estate broker, Allen C. Woodard, who was interviewed at his office early last week. It goes this way:

Mr. Woodard and his wife visited Las Vegas's Castaways Motel for a vacation on Dec. 4 and 5, and he met several strangers at the bar there.

Eventually Mr. Woodard said, they told him they had a friend who was looking for a house in Los Angeles, and promised to see that the two got together.

The man's name, Mr. Woodard said, was Saul Belinsky—"a charming man, who was very distinguished and had a slight British accent."

MET AT A HOTEL

Mr. Woodard says he was told to meet Mr. Belinsky at a hotel—the name of which Mr. Woodard no longer remembers—on a street called Hillcrest Drive in Los Angeles. "He came out to the car as I drove up," Mr. Woodard said. "I guess he recognized me because I was the only black face around."

The two then went to the house Mr. Woodard was trying to sell, which was not far away, at 4266 Hillcrest Drive. Mr. Belinsky was immediately interested in buying, according to Mr. Woodard, and after brief negotiations, Mr. Woodard says, he asked \$50,000 in cash for the house.

Mr. Belinsky signed over to Mr. Woodard the \$52,000 check, which bore signature stamp of Mr. Ginsberg, the H.R.A. director.

Mr. Woodard said Mr. Belinsky gave him a telephone number at which he could be reached, and under his signature wrote a California driver's license number for purposes of identification.

Apparently anxious to close the sale, Mr. Belinsky called Mr. Woodard by telephone often. "I couldn't call him," said Mr. Woodard, "because the number he gave me wasn't right. And the address he gave me doesn't exist."

Mr. Woodard said that after a week of waiting, because of a hitch in the title search, Mr. Belinsky telephoned him and told him to call off the sale and get the money back, in cash.

Mr. Woodard then called the escrow company only to find that the New York District Attorney had advised one of its officers that the check was a forgery.

"When Bellinsky called back," said Mr. Woodard, "I told him his check was no good and that the deal was really off. What he said was, 'Okay, we'll do business another time.'"

That, said Mr. Woodard, was the last he has heard of Mr. Bellinsky. A subsequent investigation by the New York and Los Angeles district attorneys' offices revealed that the California license number did not exist, and that the phone number that was not Mr. Bellinsky's, actually was the private line of Mary Tyler Moore, the actress, who of course, knew nothing of the affair.

H.R.A. OFFERED PLAN TO SAFEGUARD FUNDS

The Human Resources Administration informed Federal officials last Aug. 19 of a plan to "safeguard Youth Corps funds from the thievery that had plagued the corps for two summers.

The two H.R.A. officers credited with developing the plan were Mrs. Helvyn Lewis, the agency's chief fiscal officer, and Charles Clinton, chief payroll officer of the corps. Within a month, both Mrs. Lewis and Mr. Clinton had been arrested on charges of grand larceny. Mrs. Lewis was accused of having embezzled \$22,000 and Mr. Clinton was held because of his involvement with his friends from Durham.

Mrs. Lewis on Aug. 19 reported to the Labor Department the procedures that had been developed to correct "procedural difficulties" in H.R.A.

"Your statement, 'Disbursements have been made without proper documentation,' was in some cases in the past correct," she wrote in answer to earlier letters of inquiry in May and August.

"But," she continued, "based on a memorandum sent to your office by Mr. Charles Clinton you can see that safeguards have been improved, strengthened and are operating on a current basis."

PIERRE ELLIOTT TRUDEAU, OF CANADA

HON. JOHN R. RARICK OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, ever since the leak from the Canadian Prime Minister's Cabinet that he had decided to recognize and grant full diplomatic recognition to the Communist dictatorship of Red China, the international liberal establishment has been hard at it to repolish Trudeau's image and rehabilitate their "boy."

But Trudeau shocked all pro-Canadians who believe in individual liberty under God when, in London, he confessed he found "true communism" a fine thing in a better world or in a religious community.

Mr. Speaker, I include clippings from the Ottawa Citizen for January 13, Vers Demain from May-June 1968, an excerpt from the Whig-Standard of April 10, 1968, and the London Free Press for December 7, 1965, as part of my remarks, so that our colleagues can determine the caliber of a man who rules our Canadian neighbors.

[From the Ottawa (Canada) Citizen, Jan. 13, 1969]

PIERRE ADMIRES "TRUE COMMUNISM"

(By John Walker)

LONDON.—As he prepared for the second week at the Commonwealth conference,

Prime Minister Trudeau held one of his question-and-answer sessions with some 600 Canadians who are studying here. It was held in the Westminster Theatre, run by the Moral Rearmament Association whose Christmas morality play—pantomime—Give a Dog a Bone, is still playing.

The students didn't have much in the way of tough bones to hand Mr. Trudeau and therefore he just munched happily away, producing little that was new in the process.

He admitted that an intellectual couldn't remain so after becoming a politician because the latter couldn't support absolute truths.

TRUE COMMUNISM

He confessed that he didn't believe in direct democracy in which workers, in effect, told their bosses what to do, and that under existing conditions he was a capitalist rather than a socialist.

But he agreed that "in theory" he agreed with the socialist view of "from each according to his resources, to each according to his needs," but he added, "not in practice."

He found "true Communism" a fine thing in a better world or in a religious community, and admired people who could each give their best and take only what they need—an unworkable ideal at present, he said.

"If we could all be saints, we'd have it, but we ain't."

On most everything else, including capital gains taxes, Mr. Trudeau admitted that he hadn't made up his mind yet, but that, like foreign policy, was under study.

He seemed to give a hint that diplomatic relationship with the Vatican would be high on his agenda in Rome next Thursday, when he said that both the reviews on relations with China and Rome have been completed and await cabinet decision. He reminded his audience that he was getting "no word from the Holy Ghost" on the conclusions of his foreign policy study, but he said he wasn't "taking orders from Washington, Moscow or Rome."

DON'T COME BACK

A number of questioners tried politely to get him to outline his policy on poverty and housing, but he kept bringing them back to the difficulties of federal action in provincial fields. And he told one persistent student (Don Carmichael of Ottawa), respecting the provincial role, "If you don't admit that, don't come back to Canada."

"Don't laugh. These are facts," he told Carmichael. The federal government had loaned almost \$1,000,000,000 for housing.

"For whom, the middle and upper classes?" asked Carmichael.

When Trudeau said money was spent for slum removal, Carmichael said the prime minister had not answered his question.

Trudeau said Ottawa had no authority to pass laws about housing. "These are facts and don't laugh," he repeated somewhat irritably. "Don't ask me to solve problems that are under provincial jurisdiction."

He told the students, in particular those in science, that he was glad they could study abroad where there were better facilities. "Instead of developing a second-rate nuclear science department in some pipsqueak university" back home.

During the weekend, he continued discussions with Ottawa over the Canadian delegation now en route to the French educational conference in Kinshasa, Congo. Because of last-minute concern about the actual attitude of the Quebec representatives in the delegation led by New Brunswick Premier Louis Robichaud, the prime minister's personal secretary, Marc Lalonde, has suddenly joined the delegation as a trouble-shooter. His officials are still crossing their fingers and hoping there won't be another Gabon incident.

SCATTERED HISSES

There were a few scattered hisses at one or two of Trudeau's replies Sunday but the

main dissenter, apart from Carmichael, was a baby in arms who began crying loudly. Its mother had to leave with the baby.

Trudeau said at one point that "we do have to put up with some bums in the Liberal party."

He added that some of the bums were beaten in the June 25 election, implying that some were elected. He did not identify any of them.

Trudeau also said the provinces are not showing any desire to co-operate with Ottawa financially.

They were telling their people that they would have to raise taxes because they could not get any more money out of the federal government.

If Ottawa had to turn over 80 per cent, say, of its revenues to the provinces, it would lose control of the economy and this could be dangerous.

Trudeau said he hopes that foreign policy reviews by officials will be completed in the spring. These reviews were completed in the areas of China, the Vatican and Latin America and were ready for cabinet discussion.

The NATO review would not be ready until mid spring.

After the reviews, there would be a government white paper and parliamentary debate on it before decisions were taken by the government.

Trudeau said the government is trying to provoke public debate by having one minister say one thing and another something else. Foreign and defense policy had never been hammered out like this before.

Trudeau said he does not know whether Canada will do more for NATO or less.

Trudeau is expected to speak today at the Commonwealth prime minister's conference resumes after a weekend break and takes up the agenda item on world economic problems.

[From Vers Demain, May-June 1968]

ELLIOTT-TRUDEAU, A PRO-SOVIET, PRO-CASTRO, PRO-MAO WANTS TO TURN CANADA INTO A SOCIALIST COUNTRY LIKE CHINA—THE LIBERAL PARTY DISGRACES ITSELF BY ELECTING HIM ITS LEADER—HE WAS BEGGOTTEN BY THE BEAST OF PROPAGANDA—HIS BILLS ARE INSPIRED BY THE BEAST OF SOBOLEW—CANADIAN VOTERS SHOULD NOT VOTE FOR TRUDEAU'S PARTY

(By Louis Even)

On last April 6th, the federal Liberal Party in its Congress in Ottawa elected a new leader, Pierre Elliott-Trudeau. That is, the Liberal Congress rather allowed an alien to succeed Lester Pearson as the head of the Party and the Prime Minister of Canada—at least until the general election on next June 25th.

An alien to the Liberal Party, we dare to assert. Indeed all Pierre Elliott-Trudeau's background demonstrates that he springs from a political school entirely alien to the one of the Liberal Party as known up to now. Trudeau is an overmuch leftist who courted communism much more than any Canadian-bred way of thinking politics.

An infiltrated man of recent date in the Party, he was catapulted to its first rank, not because he well served the Party, but due to the favours of the mass media that serve subversion and corruption in their effort to ruin the traditional and Christian values of Canada.

In 1963, Trudeau called the Liberals "idiots." Now, just five years afterwards he has become the leader of those "idiots," which is a proof that he was not completely wrong in giving them that name. The theoretically more socialist New Democratic Party would have given him no opportunity to take office in Ottawa: Trudeau thought it more efficient to use the "idiots" to reach that aim. And he succeeded.

Pierre Elliott-Trudeau came into view for the first time in 1940. Canada was at war. That year Trudeau is expelled from the Canadian Officer Training Corps for his lack

of discipline. The revolutionist was already budding.

But not a bomb-revolutionist with a knife between his teeth: this is for the tools, for the arms of the revolution, not for the brains. And Pierre Elliott-Trudeau classes himself "a brain." In 1945, he is admitted to Harvard University, a gelatine meat-broth for leftist intellectuals who poison the United States.

In 1947, to perfect his formation, he goes to the London School of Economics, an establishment that was liberally financed by leftist donors like Ernest Casell, in order to shape socialist experts qualified for key positions in the governments of every country of the world, especially the anglo-saxon world including Canada. Pierre Elliott-Trudeau met there the famous marxist teacher Harold Laski, who was, Trudeau says, "the most stimulating, the most powerful influence" he ever encountered.

Back again in Canada, in Montreal in 1951, Trudeau starts the publication "Cit  Libre," his first mattcock-stroke against the christian structure of the Province of Quebec. Free City—the Quebec he dreams of, liberated from any sacerdotal ascendancy, with its labour unions, schools and public institutions untied from any kind of bond with any particular confession of faith. Who were Pierre Elliott-Trudeau's partners in that pulling down through writing? Gerard Pelletier, from the first issue, then many full-bred "Reds": professor Raymond Boyer, who was convicted of espionage for the Soviets in the trial of the Gouzenko affair; Stanley Eyerson, well-known theoretician of the Canadian Communist Party, editor of the "Marxist Review"; Pierre Gelinas, of the staff of the communist paper "Combat," Quebec director of the Agit-Prop (agitation and propaganda) of the Communist Party.

In 1952, Pierre Elliott-Trudeau led to an economic conference in Moscow a delegation of so-called businessmen, which proved to be a delegation of Canadian Communists. The pro-Soviet articles he published when back in Canada caused him to be called a Communist in "Le Droit" (Ottawa) and in "L'Action Catholique" (Quebec City).

In 1953, he was denied admittance to the United States as "inadmissible" person, no doubt because his communist connections were no more questionable.

In 1955, Pierre Elliott-Trudeau tried to create in Quebec a unit front of all leftist groups. But Trudeau was thought to be an overmuch leftist, even by the CCF Party of that time (now New Democratic Party). Now, the same man the leftist Party believe an over-leftist, was to be greeted by the Liberal Party ten years afterwards, to such a pass that he became its leader.

In the meantime, Trudeau was to show again the bottom of his red character. In 1960, he led a Communist delegation to Peking, this time, where he took part in the celebration of the Red victory over huge continental China.

When communist Castro installed himself at the top of Cuban Government, Trudeau wanted to render homage to the new dictator in a way that would call attention. He leaves the shore of the United States in a canoe, he rows earnestly towards Cuba. Yet before he can pass through the limit of American waters, he is arrested by a coast-guard of Key West and deported again to Canada.

In 1961, the marxist and socialist leaders of the New Democratic Party published the handbook "Social Purpose for Canada", that was to be the Mein Kampf of the socialist N.D.P. A chapter of that handbook was signed Pierre Elliott-Trudeau. There he praises red China leader Mao Tse-tung, as follows:

"Indeed the experience of that superb strategist, Mao Tse-tung, might lead us to conclude that in a vast and heterogeneous country, the possibility of establishing so-

cialist strongholds in certain regions is the very best thing."

Trudeau is not a separatist. Neither we are. But not for the same reason. We want to be at home in a large and free country, from ocean to ocean. Trudeau wants a great socialist country, and he thinks the easier way to that end is to place a socialist party into office in Ottawa. In his chapter entitled "The Practice and Theory of Federalism", he wrote on page 373 (English edition):

"Federalism must be welcomed as a valuable tool which permits dynamic parties to plant socialist governments in certain provinces, in which the seed of radicalism can slowly spread."

He wrote "the seed of radicalism". A radical, this is what Trudeau is, an ultra, a radical revolutionist intellectual.

In 1962, due to pushing made by leftist students whose ardour he was keeping alive in an underhand way, Trudeau obtained a position as professor in Montreal University. In a short time the University became a bastion for Castro-Communism.

1965—thus only three years ago—was the year Trudeau decided to join the Liberal Party—one would better say he decided to use the Liberal Party to propel himself to a political position that would enable him to mould Canada in the Castro-Mao-fashion, at all events in the fashion he had in mind since some fifteen years.

And then was the star-making-machine set to exalt the troika: Trudeau, Pelletier, Marchand, as rejuvenating the Liberal Party. They were supposed to accelerate the course of progress—red progress, of course. The three were elected to sit in the House of Commons.

Just a few weeks after the opening of the new Parliament, Pearson named Trudeau his parliamentary Secretary, though he was a new-born in the Party. In 1967, he was named to Justice, an important Department.

The communists of Canada and of the whole world rejoiced a lot in that fulgurating ascent of one of theirs: in that high political position, he would be able to do much for them in Canada.

Marxist professor Kenneth McNaught, the founder of the communist Committee for the Freedom of Cuba, made no mistake when he declared with a feeling of triumph:

"Trudeau's political fate will likely be the political fate of Canada."

Which meant: If Communism is delighted to see a Trudeau entering into the Canadian Government, it can hope to see Canada under a communist regime in the near future. How come that supposedly sensible Liberals elected their leader a man who should rather have been thrown out of the Party as a fatal danger?

Hardly is he named to the Department of Justice, Trudeau's dream is to make his department a tool for the socialist planification of Canada. Indeed an official statement from himself in the Toronto Star, April 25th 1967, says:

"Justice should be regarded more and more as a department planning for the society of tomorrow, not merely the government's legal adviser."

Such a conception of the Department of Justice could be suitable to a minister in a communist country, but surely not to a minister of the Canadian Government.

And this is not all. It is with a Sodomitic stench that Pierre Elliott-Trudeau chaired the federal liberal leadership. To the Chamber indeed he had presented his "omnibus" bill, two points of which should put a shameful mark on Trudeau, and would bring the same disgrace on Canada if they were passed. One legalizes homosexuality. The other widens ground for abortion, thus legalizing murder of innocent human beings.

This is Trudeau. Trudeau branded with the mark of the Beast. Will he receive opportunity to mark with the same sign the

legislation of Canada? Let saint Michael preserve us from that calamity, even if to do so, he must draw his sword as he did in History, in order to protect peoples he loves from decaying and from Satan's rule!

The day after the Convention which elected Trudeau leader of the Party, one of the Quebec delegates to that Convention remarked: "This was not a congress like the other ones. One was feeling that an affair all prepared in advance was dominating the freedom of the votes".

For sure, Sir, if Trudeau is branded with the mark of the Beast, the Beast of Sodom, he is also the one the Beast of Propaganda elected. And the mass propaganda made by the big newspaper, by radio and television, is in service of Hell itself, in spite of the few programs of better form inserted from time to time in order to catch in the flood uncautious listeners and spectators who are snatched, hooked, lured, and thus brain-conditioned. The invisible and yet dominating "something" that you felt in the voting hall, was the spirit of the Beast of Propaganda, the very spirit of Satan.

Furthermore delegates in staunch attendance on the Beast were present there, and they were not allowed to let him fall.

Just before the Convention, a young woman in Vancouver had sent letters to some of the delegates. She civilly asked the delegates to make themselves sure, before they vote for Trudeau, whether he really broke with Communism. Or else she would feel her duty to be very cautious in her support to the Liberal Party. Nine days afterwards, just after the Convention, Anthony Malcolm, a Quebec delegate, member of a prominent legal firm in Montreal, gave a personal answer to that woman in Vancouver. Here is an excerpt of that letter of abuse and threat:

"Fortunately, the new provisions of the Criminal Code will clear our minds of such vile and bigoted ranting. You and your ilk, madam, would better serve your country in another one. To conclude, madam, may I suggest you to pay the greatest care to any indiscretion of your own past that will doubtlessly be scrutinized in the near future. Govern yourself accordingly."

Speech of the Police-State, language of the communist dictatorships. Is that a hint of what we can expect from a Trudeau government?

By choosing Trudeau as its chief, the Liberal Party disgraced itself to such a pass that it lost its identity. It is no more the Liberal Party: it is a tool in the hands of an infiltrated person whose background vindicates the most baleful omens for the near future of Canada.

[From the Whig-Standard, Apr. 10, 1968]

PIERRE E. TRUDEAU, PRIME MINISTER TO BE:
WHO HE IS AND WHAT HE THINKS
(By James A. Stewart)

(EDITOR'S NOTE.—This brief biography of Pierre Elliott Trudeau, Canada's prime minister designate, was written by the Montreal Star's James A. Stewart, and is published by The Whig-Standard today through the permission of The Montreal Star.)

OTTAWA.—Pierre Elliott Trudeau is the new Liberal leader. In a few days he'll be prime minister of Canada. It still sounds slightly fantastic, slightly miraculous, but Trudeau and the people who helped him make it don't believe in miracles. He may be the political marvel of the age, but they want him to be loved for his brains alone. Even before he made it, they were saying: Hard work, yes, talent, yes; magic, no.

So please forget those images of Trudeau a go-go, immersed in electric sound and light, dancing and rocking like those young moderns in the TV beer commercial; judoka Pierre, bare-footed, brown-belted, casually flooring his opponents for the Liberal leadership; scuba-diver Pierre, gliding through the

greeny undersea world while Paul Martin side-strokes across the Chateau Laurier pool.

Put aside the visions of Trudeau in his high-powered Mercedes, speeding towards 24 Sussex Drive as luscious, long-haired maidens draped on the chassis dispense flowers and copies of the Bill of Rights; cool, tough Professor Trudeau, chastising the unruly separatists; Pierre the mod, mod worldling, the paragon of bachelorhood, the incandescent Liberal.

As in Toronto, when delegates mobbed him, climbed chairs and tables to see him, risked being trampled to touch the hem of his leather coat.

Excited Delegate: "It's just like Diefenbaker in 1958."

Trudeau (aside): "What a gruesome thought."

Maybe so. But strong political leaders—the good and the bad ones—do kindle the emotions. If Trudeau had not done that he would not be at the very top of the ladder today.

Not everybody, of course, buys the Trudeau product.

Laval law student: "Trudeau should be arrested for impersonating a French Canadian." Because he is a defender of federalism, some expect him to be hard on Quebec. He asked those who believe this not to vote for him.

Ralph Cowan: "No man living can lead me into the paths of bestiality and buggery . . . I'm trying to prevent a New Democrat and the author of a bill to legalize homosexuality and abortion from becoming the Liberal prime minister of Canada."

Because Trudeau has a libertarian approach to law, he may be accused of being a libertine. His attitude is simplicity itself—that the state has no place in the nation's bedrooms.

Others say Trudeau is arrogant and intractable. Premier Johnson said that if Trudeau became prime minister it could lead to the breakup of Canada. Many Quebecers consider him a reactionary on constitutional reform. His life and writings show little sympathy with the art of compromise.

The bafflement, of course, stems from the fact that even to many Liberals Trudeau is a spirit materialized out of nowhere.

They were only vaguely aware, if at all, of his long apprenticeship as an involved intellectual in Quebec where he developed his fundamental views of democratic institutions, human rights, federalism, and helped launch the Quiet Revolution.

They do know that Trudeau became a Liberal one day in 1965, was elected almost the next day, appointed parliamentary secretary to Prime Minister Pearson immediately, and justice minister a year later.

As justice minister, Trudeau inherited work on criminal code amendments that others had started, but he carried it forward. He remained at centre stage most of the year with a divorce reform bill, and as chief federal strategist in the continuing debate on constitutional amendment.

Energy Minister Pepin called Trudeau "the man of the hour."

"The liberalization of our laws and the federal constitutional policy are basically Prime Minister Pearson's policies," says Pepin. "But Pierre has substantially contributed to their development, and now, as Mr. Pearson steps down, these changes are in the spotlight with Pierre as their champion."

There was also Trudeau's personal appeal. Here was a genuine intellectual, world traveler and athlete, equally at ease in French and English, fluent in Spanish, who can and does quote Plato at cabinet meetings.

Here was a man who had fought Duplessis with words and deeds, and is now fighting

separatists with the same weapons. Here was a wealthy bachelor, a free spirit who drives a fast car, plays moderately good piano, and wears expensive clothes. But comfortable, casual clothes.

John Diefenbaker: "The gentleman should be more considerate of the house, dressed as he is most improperly . . ." Trudeau remains a distinctive dresser, though he has made a few concessions to the sartorial norms of parliament. He hasn't worn sandals or an ascot tie in the commons recently.

Before he became a minister he was able to read widely in politics, law, sociology, the main publications in English and French, as well as the three or four major books in these fields each year.

He was never an avid reader of fiction, aside from some poetry from time to time.

But now he reads mainly departmental material. His work as minister takes practically all his time. He hasn't even time for thorough study of other government documents, such as economic council reviews, or the Watkins report on foreign ownership.

His staff feeds him press clippings, summaries, documents. He doesn't read newspapers regularly, rarely watches television. Naturally he gets insufficient sleep. This may have cost him one vote—the Lethbridge woman who said she would switch her vote from Trudeau after noting, suspiciously, "He has bags under his eyes."

His athletic program has suffered too. Trudeau is still trim and muscular (five feet ten, 160 pounds). But for the past year he's had to neglect the judo workouts that earned him the brown belt. He swims as often as he can in the hotel pool, gets an occasional ski weekend, and still does some scuba-diving (during a two-week Christmas holiday in Tahiti).

Trudeau likes parties and the company of women, and is good-naturedly weary of answering question about why he is still a bachelor.

"No, I've got nothing against marriage," he says. "I've got nothing against romantic interests either, and I don't mind saying I've had some now and then."

He had some mixed feelings about the boom that propelled him into contention for the prime ministry.

"On the other hand I'm a bit amused. It was so sudden, as the girl said. 'I'm also quite pleased, a bit thrilled that people should take that interest, not in me, because I haven't changed in the past few years, but I think it's proof that they share a certain conception of politics which I have, that they are identifying with those views of politics and have the same concept of the good society.'"

Trudeau has been developing those views for the past 20 years. It's as though he has been in training all his life for the work he now undertakes.

Until 1965, Trudeau was allied with socialist parties in Quebec. As recently as 1963, when Lester Pearson decided Canada should accept nuclear warheads, Trudeau called the Liberals idiots, and spoke of "the anti-democratic reflexes of the spineless Liberal herd."

Trudeau didn't think the Liberals would take him into the party, but they did. The Liberals set out to recruit a strong team in Quebec in 1965. They wanted labor leader Jean Marchand but Marchand, apparently on the advice of Rene Levesque, would not come in alone.

The delicate negotiations that followed led to the election of three brand new Liberals—Marchand, the distinguished editor Gerard Pelletier, and Trudeau, who was then lecturing at the University of Montreal.

They offered the Liberals talent, prestige, and a reforming spirit. The Liberals offered them power—a chance to influence at the highest level the crucial work to be done for federalism and the French Canadian community.

Quebec New Democrats felt they had been betrayed by these three new Liberals. "A political party is not an end, but a means," wrote Trudeau and Pelletier in an explanatory article in *Le Devoir* during the 1965 campaign.

"We are pursuing the same objectives and adhering to the same political ideas we have been exposing for so long in *Cite Libre*: a constitutionalism respectful of the rights of persons and groups; a democracy based on social progress; a federalism which reconciles a strong central authority with autonomous and progressive provinces, and a politics open to the left."

In the past they had defended the autonomy of Duplessis on tax-sharing, university grants and opting out. But now Quebec was strong and the central authority had been weakened. If that continued there could be damaging results to the Canadian union.

"Power always finds takers," they wrote. "If honest men don't take it, the rabble will."

In the forward to a recently-published book of his essays, called *Federalism and the French Canadians*, Trudeau wrote:

"It is not necessary to seek another constant in my thought than opposition to the conventional wisdom . . . My political action, or my thought, inasmuch as I've had any, is described in a couple of words: Be a counterbalance."

In 1964, Trudeau and five other Quebec intellectuals published a manifesto.

"Democratic rule must be maintained at all cost," they said. "It is a matter which we will not compromise . . . The truly democratic traditions have few roots in Canada where Indians, Metis, Orientals, Doukhobors, Hutnerites and dissidents of all kinds have been victimized one after the other by the intolerance of the majority."

Trudeau has written elsewhere that if the two main ethnic and linguistic groups in Canada would collaborate "at the hub of a truly pluralistic state, Canada could become the envied seat of a form of federalism that belongs to tomorrow's world."

Quebec nationalism, in this context, is as untimely, sterile and retrograde as any other form of nationalism. Trudeau advocates equality for French Canadians, but not for French Canadians as Quebecers. In terms of powers, Quebec must be a province like the others. In terms of rights, the French Canadian must be equal to the English Canadian.

The special status or associate statehood is not a valid federal concept and would only lead to destruction of federalism.

Trudeau writes that "the whole citizenry must be made to feel that it is only within the framework of the federal state that their language, culture, institutions, sacred traditions and standard of living can be protected from external and internal strife."

He is unimpressed by arguments that Canada needs a new constitution. That would retard change rather than advance it. An enormous amount of power is being transferred to provincial governments by social and economic forces "without the necessity of amending a single comma of the constitution."

Some Quebecers, twenty years behind the times as usual, are now demanding a new constitution "and preparing to charge the centralizing dragon just when it has stopped breathing fire."

What is required now, says Trudeau, is not constitutional change "but a more systematic recourse to consultation and agreements between the federal and provincial authorities."

Trudeau would not leave the protection of civil or language rights to any single legislature. He wants a charter of human rights, entrenched in the constitution, to guarantee fundamental civil liberties and fundamental language and education rights across the country.

If this is done, for example, French language and education rights are guaranteed throughout Canada, Trudeau thinks the problem of division of powers between federal and provincial governments becomes a political struggle in simple, functional terms.

"We may not succeed," he says, "but I would rather try than let the country break up because the rest of Canada says to Quebec, no, you must stay in your French ghetto. Then I will pack my bags and I will go and live in the ghetto myself."

Trudeau's ideas plainly dominated the federal approach at the federal-provincial conference on the constitution in February. The federal government agreed to the total constitutional review that is now beginning, and Trudeau went along, but reluctantly.

He considers constitutional reform to be one of the least pressing of all the institutional changes he would like to see made in Canada.

"Let's not confuse French Canadian rights with the desires of a provincial government to build a little empire," he told a meeting of Montreal Liberals before the constitutional conference.

Reporter: "What would you say if wicked tongues point out that you've appointed two Anglophones to your task force on the constitution?"

Trudeau: "I'd say 'merde!'"

His attitude seems to reflect a kind of frustration, or a love-hate relationship with Quebec. He wants to shock, to goad his fellow Quebecers into full participation in the modern world. It galls him to see them fall into narrow nationalism, wasting their substance on symbols, isolating themselves, willing themselves the dirty end of the economic stick.

Some Quebecers who once fought beside him, like Rene Levesque, now call him a Negro king for the English, even though he's been propounding his ideas for 15 years.

"They're the ones who've changed their spots," says Trudeau angrily. "The difference is that I always say the same thing while they got discouraged and found themselves unable to compete with the English. I don't believe in a rocking-chair Quebec . . . I believe that if we want to be in this country we should fight just as everybody else does."

Trudeau doesn't tailor his views on Quebec in order to be popular, and they certainly aren't popular with any of the provincial political parties. He is as far from the Lesage Liberals on constitutional matters as he is from Daniel Johnson's National Union. One of his tasks in the next few years will be to build a strong federal organization in Quebec based on the Liberal party's faith in confederation.

He'll have to do this in opposition to the National Union and to many provincial Liberals. His opponents won't mind reviving some carefully selected comments from the considerable body of Trudeau writings.

In 1964, for example, he wrote an attack on separatism in which he referred to Quebecers as "this backward little people." In the same article he described separatism as a counter-revolution, "the work of a powerless little bourgeois minority afraid of being left behind by the 20th century revolution."

More recently he wounded his fellow patriots with his remarks that Quebec should not be given a whit more power until it does something about the "lousy French" spoken in the province.

He bluntly lectures Quebec governments to use the powers they have. Quebec has

had authority over education for 100 years, he says, but it took them 196 years to appoint a minister of education.

His schoolmates remember him as a top of the class student, a first-rate athlete, who even then showed the traits of restlessness, perversity and anti-authoritarianism.

Pierre Elliott Trudeau was born in Montreal on October 18, 1921, first child of Charles Emile Trudeau, businessman and lawyer, and of the former Grace Elliott, a Canadian of Scottish origin. A younger brother, Charles, is now an architect who lives in St. Saver. A sister, Suzette, is the wife of Montreal dentist Dr. Pierre Rouleau.

Emile Trudeau, who died in 1935, left a sizeable fortune from his commercial enterprises, which included the Champlain oil service stations and an amusement park.

The money, invested in blue chip stock and Laurentian property, made Pierre a wealthy man, a millionaire.

There is nothing ostentatious about him though. Friends say he is a very careful man with a dollar, and in spite of his good physical reflexes, can be easily out-reached for the luncheon tab.

Trudeau is a devoted son who frequently visits his mother in the big home in Outremont, though for several years he has had his own apartment in Montreal. Her mother tongue is English, but she is thoroughly bilingual.

French and English were interchangeable languages in the Trudeau home, and Pierre himself began emphasizing one of his given names, Elliott, as the mark of his bicultural heritage.

He told a magazine writer in 1962 that he began using "Pierre Elliott Trudeau" when he went to Montreal's Jean-de-Bebreux College. He said he did it "partly to vex the nationalists."

After his law degree, Trudeau decided to study economics. He says he had "no choice" but to go to an English school. He chose Harvard, getting a master of arts there, then it was l'École des Sciences Politiques in Paris in 1946, and then the London School of Economics.

"I had no idea how far behind we were in Quebec," he said afterwards. "I thought it was enough to have a little Latin and Greek to get by . . . I could practise law in Quebec, but I had been given no inkling of the philosophy of law. I hadn't even read the writing of the great jurists. At Harvard, and even more so later, I realized how much we were missing in Quebec."

After the postgraduate work, he set out from London on a motorcycle, pack on back, to see the world. He was arrested in Jerusalem as an Israeli spy, saw street fights in Rangoon during the Burma civil war, crossed Cambodia and Viet Nam with an army convoy during the Indo-China war. He was arrested again crossing the Indian-Pakistan frontier after Pakistan became independent. He was in Shanghai when Mao Tse-tung's forces were sweeping towards the city and taking over China.

The trip didn't do anything to weaken Trudeau's convictions about the evils of nationalism. He came back to Canada determined to examine political institutions from the inside.

He plunged into several things at once. He joined the privy council office in Ottawa in 1949, working on constitutional and economic matters for Prime Minister St. Laurent.

In 1950 he and Pelletier and a few others dedicated to reforming Quebec politics launched the celebrated magazine, *Cite Libre*, Trudeau also became more involved in the labor movement in which Pelletier was active.

"The ideas we were advancing then might

seem like truisms today," says Trudeau. "Separation of church and state, electoral reform, reform of the educational system. But they were not then, at least not in Quebec."

Trudeau gave up the Ottawa work after two years, though he found it fascinating, to open a law office in Montreal and concentrate on *Cite Libre*.

The magazine became a powerful, controversial voice, and a stream of pungent, provocative articles flowed from Trudeau's hand.

Trudeau also provided legal services for unions and union members, sometimes without charge, gave them technical advice, and wrote about the asbestos strike and other symptoms of the low state of labor relations in the province. He was a founding member of the Montreal Civil Liberties Union, and later a director of the Canadian Peace Research Institute.

In 1956 Trudeau made a stab at direct political action, helping to form "reassemblement"—a union of all left-wing elements in the province in an attempt to unite against Duplessis.

Trudeau lost much of his interest in the organization when it agreed to accept militant OCFers but not militant Liberals. The movement was overtaken by events. The OCF waned. The Liberals waxed. Duplessis died, and the Lesage Liberals came to power in 1960.

Throughout this period of political activity, Trudeau made periodic trips abroad. As he says, he tried to go to all the forbidden places.

In 1952 he was in Moscow attending an economic conference. There, apprehended for throwing snowballs at Stalin's statue, he was excused when he explained that it was his custom, in Ottawa, to throw snowballs at statues of Canadian prime ministers.

In 1957 he was a delegate to a Commonwealth conference in Pakistan. In 1960 he was picked up by a fishing vessel off Key West, Florida, as he tried to reach Cuba in a small boat. Later that year, with a group of Canadians, including author Jacques Hebert, he visited China.

Trudeau's travels, his socialist bent, his anti-authoritarianism, his work in the labor movement, got him plenty of attention in Duplessis' Quebec. He was accused of being a Communist, a traitor to his race and his language, of selling out to *les anglais*. Church elements branded him an atheist and an anti-Christ. Four times he was offered a professorship at the University of Montreal, and four times the offer was withdrawn, without explanation, after he had accepted. He finally made it to the university faculty in 1961.

All this got him briefly black-listed by U.S. immigration authorities in the mid-fifties. He recently told how he had been able to "whiten" himself quickly and without difficulty when the authorities look at his case more carefully.

Now this man, who always pricked against authority, has attained the highest authority in the land for himself. Trudeau's life and times so far show little capacity for doing what a Canadian prime minister has to do most of the time—compromise and build consensus.

Trudeau has been able to fit quite comfortably into nearly all of the Liberal government's present policies. Politics as the art of the possible seems quite as challenging to him as the intellectual engagement of the political critic.

Quite suddenly, Trudeau is at the top. He has his hands on all the major controls. The Liberal party has taken a gamble on Canada's future. Obviously it is a gamble that could pay off abundantly.

The question now is, where does Canada go from here, and how does Trudeau make it happen?

[From the London (Ontario) Free Press, Dec. 7, 1968]

TRUDEAU: ANOTHER CASTRO?

(Editor's Note.—More and more, Canadians are getting a clearer insight into the real Pierre Trudeau, elected Canada's Prime Minister last June 25.

(Item: While Canadian forces will remain at full strength in Europe for the coming year, Trudeau is all for pulling them out of NATO in the face of threats from the Soviet Union.

(Item: Trudeau believes that the threat of a U.S. civil war spilling over into Canada is greater than the menace posed from behind the Iron Curtain.

(Item: Trudeau is all for self-confessed U.S. revolutionaries (Black Power advocates Stokely Carmichael and Yippie leader Jerry Rubin) being admitted to Canada to attend the Red-tinted Hemispheric Conference in Montreal.

(In view of the above, an article ("Trudeau: Swinging (Red) Minister") in the Nov. 15 issue of Life Lines, an American publication, takes on considerable interest for Canadians. Below, it is reproduced in full.)

Time Magazine describes Pierre Elliot Trudeau as "a swinging Prime Minister" who would have been, in some people's opinion, a better husband for Jackie than Aristotle Onassis.

Better yet, hope he is a CIA agent parading as Canada's Communist-loving Prime Minister.

These thoughts erupt after one reads the charges raised by Igor Gouzenko, the Soviet cipher clerk who defected in 1946 and helped smash a Russian spy ring in the United States and Canada. Fred Rose, a member of the Canadian Parliament, was convicted of espionage as a result of Gouzenko's change of political heart.

It is Gouzenko's feeling that Trudeau is a late model Castro. He feels that Trudeau's passionate affair with socialism-communism makes Castro's look like an adolescent flirtation. Trudeau is communism's secret weapon, the swinging intellectual, according to Gouzenko. As if to make the Russian's case look better, Time heaps upon Gouzenko's pile of evidence the phrase "a swinging Prime Minister."

Indeed, Gouzenko's evidence is staggering. It is also supplemented by the digging of that thorough-going columnist, Father Daniel Lyons, S.J. His investigative conclusions on Trudeau agree with Gouzenko's. Comparing the two accounts, both of which have common facts, plus incidents and associations unmentioned by the other writer, one wonders if both of these Trudeau critics could be wrong.

Trudeau's past is a swirl of Red associations in which spies come and go with cocktail party grace. Trudeau has met and has been conquered by the charisms of Mao Tse-tung. There is even a romantic chapter of derring-do in which Trudeau tried to row a boat to Cuba from a Florida Key during the Bay of Pigs fiasco. The U.S. Coast Guard fished him out of the sea on suspicion of spying. His leap from an obscure government post with the help of former Prime Minister Lester Pearson a super socialist, himself—was meteoric. Trudeau's aid and comfort to an underling pal of Alger Hiss who moved in such circles as a Washington Communist study group seem to have been taken from the Fabian Handbook of infiltration, permeation and subversion.

To top it off, Trudeau is a product of that socialist scholar factory known as Harvard, and was refused entry into the United States in 1953 after attending an economic conference in Moscow.

The implications, nay the warning, from Gouzenko is plain: Fidel has Cuba; can Trudeau transform Canada into an anti-American Cuba on the northern border of the United States?

Before Trudeau was elected Prime Minister amid an emotional, heavily-financed campaign, Gouzenko warned:

"Because the Canadian and U.S. press, radio and television largely ignored the past activities and writings of Trudeau, the public is not aware of a real possibility that on the 25th of June, 1968, the next Prime Minister of Canada might be a self-admitted radical socialist, and Canada might, with ever increasing pace, turn into a second Cuba. The situation is already pregnant with a multiple threat to Canadian freedom."

Trudeau was elected to Parliament in 1965. Before this he was a professor at the University of Montreal and had founded a radical Left magazine. Cite Libre, Gouzenko says Trudeau "is careful not to call himself a Communist, but as a matter of record he was once barred from the United States as a Communist." Gouzenko backs this contention with a quote from the Toronto Daily Star of Feb. 6, 1968: "In another revelation, he admitted he was once black-listed by U.S. immigration authorities because they suspected he was a Communist."

Shortly after Trudeau was elected to Parliament, Prime Minister Pearson named him Parliamentary Secretary, then Minister of Justice.

It was no surprise when Pearson supported Trudeau in the leadership race that was to fill Pearson's post as Prime Minister. The press, radio and television gave Trudeau what Gouzenko describes as "unprecedented publicity, building him up as an intellectual, ignoring the fact that many of his so-called new ideas were borrowed from Lenin and Mao."

Pearson's background is well-known. Gouzenko says, recalling that Elizabeth Bentley testified under oath that Pearson was giving a Soviet spy ring information. The Russian quotes the Star again, from its April 15, 1967 issue:

"Miss Bentley identified Dr. Norman and Mr. Pearson—and a third Canadian official whose name has never appeared publicly—as sources of information for her spy ring. Her testimony has never been made public but a good deal of it has been leaked to friendly segments of the U.S. press. The Scripps-Howard newspapers obtained a complete transcript but plans to publish this were killed, reportedly as the result of a personal intervention by John Foster Dulles, then the Republican designate for secretary of state."

Gouzenko says he believes Elizabeth Bentley was telling the truth. "The Chief of the F.B.I., as a matter of fact, confirmed the validity and authenticity of her testimony." There were several other episodes which revealed the sympathies of Pearson. One development was on November 20th, 1967. Pearson gave a top Canadian civil servant, Robert Bryce, a \$5,000 award in recognition of his "outstanding service."

Gouzenko bristles at this, and well he should if his conclusions follow. He says "Robert Bryce was known to belong together with some other Canadians and Americans to a pro-Left study group in Washington where he served. He also was known to be a close friend of Alger Hiss."

"This information is alone not enough to charge a man, but is an alarm signal which any statesman whose interest of state security is at heart should never overlook."

"Yet this man was not only allowed to remain in the Canadian civil service, but was promoted to a position of tremendous influence in Government policies, and of having access to practically every Government secret."

Below is the part of Section II, Chapter 5

(Recruiting Methods) from the Royal Commission Report of 1946, pages 47-48:

"A good illustration of the ease with which the Director in Moscow was able to obtain espionage agents from the secret membership of the Canadian Communist Party in selected Canadian organizations is provided by the Research Group consisting of Halperin, Durnford Smith and Mazerall . . . within a short period of time what had been merely a political discussion group, made up of Canadian scientists as members of a Canadian political party, was transformed on instructions from Moscow into an active espionage organization working against Canada on behalf of a foreign power. It is particularly startling that none of the initiative for this transformation was supplied by the three scientists themselves."

An interesting episode directly concerning Canadian-Soviet relations is cited by Gouzenko.

A few days after that \$5,000 award was announced, it became known that Robert Bryce, as Deputy Minister of Finance, ordered the cancellation of the International Service of the CBC, supposedly on an economy drive. This program was beamed to the people behind the Iron Curtain.

Gouzenko says "This is precisely what the Soviet government wanted; to cut off the last outlet of democracy so that an enslaved people behind the Iron Curtain would lose the opportunity to hear the voice of freedom."

The ex-Soviet cypher clerk was not alone in his suspicions. Dennis Braithwaite, Toronto columnist, wrote:

"I cannot bring myself to believe that the Government's proposal to scrap the CBC's International Service (IS)—Canada's short-wave radio voice—is based, as stated, on considerations of economy. The corporation's annual budget is in the neighborhood of \$150 million; scrapping it would reportedly save about \$3.8 million, a mere trifle . . . How can the International Service now be considered redundant when only last year the Government's white paper on broadcasting recommended that it be granted more funds in order to expand its services?"

"Please," Gouzenko asks, "consider the following:

"Trudeau attended the Communist sponsored economic conference in Moscow in 1952, and on his return wrote pro-Soviet articles.

"He went to China twice, was received there personally by Mao, and on his return wrote, together with another man, a book, glorifying Mao, praising the Communist regime in China, condemning the Nationalist government in Taiwan, and condemning the United States actions toward China.

"He wrote passionate articles against U.S. action in Korea echoing Communist propaganda.

"Trudeau writes articles condemning the U.S. action in Viet Nam. These articles have been as violent as anything found in Communist publications.

"Pearson was quoted as saying that he never met Trudeau before the latter was elected to Parliament in 1965. Yet, in Week-end magazine one learns that Trudeau worked for more than two years in the Privy Council in Ottawa as an economic adviser. He obtained this position with the help of Robert Bryce who was the Clerk of Privy Council at that time. It is hard to believe that Pearson failed to see Trudeau there. It appears that Pearson makes special effort to emphasize that he never met Trudeau before," Gouzenko charges.

Even more revealing is the book Trudeau wrote in 1961 entitled The Practice and Theory of Federalism. It reveals Trudeau as a potential Castro advocating the changing of Canada into a radical socialist state. The Communist program of power seizure is

openly Trudeau's program, according to Gouzenko.

The Bay of Pigs adventure of Trudeau was not his "only suspicious episode," Gouzenko says.

"Trudeau travelled across the border of Cambodia and Viet Nam at the height of the Indochinese war. He was arrested crossing the India-Pakistan line.

"He was arrested in Jerusalem. Later he admitted that he was poking around.

"Trudeau was accused by some Quebec newspapers in 1962 after his return from Moscow, where he attended a Communist sponsored economic conference, of having received secret directives from the Kremlin.

"Trudeau threatened to cripple the United States war effort by stopping the sale of nickel to the U.S."

Gouzenko believes Trudeau is a contemporary mixture of Castro and Kim Philby, the Soviet spy who did immeasurable damage to Western security.

"If British authorities back in the 30's had paid attention to the fact known at that time that Kim Philby was leftist during his student days at Cambridge, and had blocked Philby's entry into British Intelligence Service, then the monstrous damage that Philby as a Soviet spy inflicted to freedom would have been prevented."

Below, from Maclean's magazine dated April, 1968, is a Philby statement:

"As I look over Moscow from my study window I can see the solid foundations of the future I glimpsed at Cambridge." It was then, in the early 1930's, that he and many of his contemporaries espoused either socialism or communism.

It is interesting to compare Philby's words with those of Trudeau who remembered his student days as a turning point of his political make-up. Two statements from Maclean's dated February 24, 1962, quote Trudeau: "I had no idea until I got to Harvard how far behind we were," he explains, and his voice has a tinge of rancor.

"At Harvard, and later even more so, my eyes were opened to what we'd been missing in Quebec, and I didn't like what I saw."

THE BEGINNING OF THE COLD WAR

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, my constituent, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and Peace, recently had an article published in the Central Europe Journal entitled "The Beginning of the Cold War" which I am sure will be of interest to all readers of the CONGRESSIONAL RECORD.

The article referred to is submitted herewith:

THE BEGINNING OF THE COLD WAR

(By Julius Epstein, affiliated with the Hoover Institution on War, Revolution and Peace of Stanford University, Stanford, California.)

Twenty-three years after the events, the American Department of State has just published Volume IV (Europe) in the series "Foreign Relations of the United States, Diplomatic Papers, 1945." The Volume, 1386 pages strong, contains some political dynamite. It deals with Albania, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Hungary, Iceland and Italy. The main part, 137 pages, is devoted to US-Czecho-

slovakia relations covering the time from January 11 to December 14, 1945. It will take a long time for the historian to evaluate the documents collected in this volume and to establish obvious omissions of certain documents.

The purpose of this article can only be to give a brief résumé supported by quotations from the documents as printed in the State Department's collection. There is no doubt in my mind that certain documents are of great importance, not only for the historian but for the politician and statesman as well. They shed new light upon certain events, and conclusions drawn from them and may serve as new guidelines for political action. They are especially interesting in the light of the present Soviet occupation of Czechoslovakia. The problem involved is basically the same: The Soviets' fear that Czechoslovakia may eventually turn to the West, and their resulting fear to leave Czechoslovak territories.

The first document presented, carries the date of January 11, 1945. It is a memorandum by the Division of Central European Affairs within the Department of State. No individual authors are mentioned. The document deserves interest in two respects: it shows the boundless optimism prevailing in the Department of State, as to the relations between the U.S. and Great Britain with Czechoslovakia on the one hand and the Soviet Union on the other. A rather astounding lack of imagination permeates the whole document. Secondly, the document is the first in the collection which mentions the coming mass expulsion of the Sudeten Germans as the "one question which will require decision by the British, Soviet and American Governments."

THE DESIRE TO EXPEL ALL UNDESIRABLE SUDETEN GERMANS

The text of the document follows:

"The Czechoslovak Government's relations with the British and Soviet Governments are excellent, and present no problems. Czechoslovak-American relations (reviewed in Annex I) remain excellent, as they have been in the past.

"The United States, Great Britain and the USSR all favor restoration of independent Czechoslovakia with substantially its 1937 frontiers. Although we favor restoring Ruthenia to Czechoslovakia we would not oppose its incorporation in the USSR if the Soviet and Czechoslovak Governments should decide this in agreement. Czechoslovakia is not expected to present any problems for American post-war policies concerning it (detailed in Annex II).

"We have no question to raise about Czechoslovakia now; nor have Great Britain or the USSR, as far as we know.

"The Czechoslovak Government itself however has raised one question which will require decision by the British, Soviet and American Governments: It has informed them of its desire to expel to Germany all undesirable Sudeten Germans (Possibly two million) in the expectation that the three occupying powers will facilitate the resettlement of these persons within Germany, without any change in the Czech-German 1937 frontier. The State Department is preparing a note in reply expressing sympathy with the Czechoslovak concern about the Sudeten Germans, but opposing any unilateral action to move them until an orderly solution can be worked out in agreement between the Governments of Czechoslovakia and the occupying powers responsible for the maintenance of order for military security in Germany. The Big Three may wish to forestall precipitate action by reaching agreement along the lines of the separate memorandum on "Treatment of Germany", the last section of which deals with the broader question of the transfer of Germans from Poland, East

Prussia and other areas as well as Czechoslovakia, who might altogether number near ten million."

On April 22, 1945, the American Ambassador to Great Britain, John G. Winant, telegraphed to the American Secretary of State, Stettinius, and reported a conversation with the British Secretary of State for Foreign Affairs, Anthony Eden. In this conversation, Eden had raised the question of the liberation of Prague and the desirability of Prague's liberation by American troops. This view as expressed by Eden, was, of course, Churchill's idea that the Americans and the British should liberate the Balkan countries as well as Czechoslovakia in order to forestall Soviet occupation. The British view was strongly opposed by the White House and especially by General Eisenhower.

LONDON,

April 22, 1945.

Before Eden left he talked to me about our advancing Army into Czechoslovakia and the possible liberation of Prague. He told me that he would forward me a note which the Foreign Office has sent me since his departure. In substance it reads as follows, stating that it expresses his considered view:

He feels that if it were possible from the military aspect it would be most desirable politically for Prague to be liberated by the United States Army. Apart from the obvious advantage of the Western Allies contributing to the liberation of Czechoslovakia the occupation of the protectorate or a part of it by the United States forces would enable your authorities and our own to get a footing in the country and establish our missions there as soon as a link-up with the Russians takes place and the way is opened as no doubt it would be not long afterwards for the Czechoslovak Government to return to their capital. It is true that practical difficulties might perhaps arise out of the hitherto unforeseen meeting of the United States and Soviet forces in this theater and out of the absence of any liberation agreement between your Government or ours on the one hand and the Czechoslovak Government on the other such as was concluded some time ago by the Soviet Government. Nevertheless, Mr. Eden feels that the advantage to be gained is considerable and would be glad to know whether your Government shares his view.

Mr. Eden is aware that there may be operational difficulties which would prevent the United States Army advancing fast enough to participate in the liberation of Prague. He was anxious, however, that I should put these views to you as representing his own estimate of the political aspect of the matter.

WINANT.

A few days later, British Foreign Minister Eden handed the American Secretary of State Stettinius, in San Francisco a top secret memorandum which again pressed the point that the Americans should liberate Prague and not the Soviets. The document whose spiritual author is, of course, Churchill, is of special importance because of its highly interesting and correct prediction that, "if the western Allies play no significant part in Czechoslovakia's liberation that country may go the way of Yugoslavia."

It is also of historical interest that the American Secretary of State, Stettinius, expressed his own reaction to the British ideas as "favorable." Eisenhower was stronger than the chief of the Department of State; his intention to leave Prague to the Soviets prevailed. General Patton was forbidden to send his tank from Pilsen to Prague only 50 miles to the East. Eisenhower fell for the myth of Hitler's "National Redoubt" in Western Austria and Southern Bavaria, allegedly a tremendously fortified "fortress". It was, nothing but one of Goebbel's propaganda lies. The Document reads as follows:

SAN FRANCISCO,
April 28, 1945.

THE SECRETARY OF STATE TO THE ACTING
SECRETARY OF STATE:

Eden has just handed me a top secret memorandum reading as follows:

"Shortly before leaving for Washington Sir Alexander Cadogan wrote to Mr. Winant pointing out the great political advantages which would result if United States troops could press forward into Czechoslovakia and liberate Prague. The letter asked whether the United States Government agreed with this view, it is understood that the Ambassador passed on this enquiry to the State Department but has had no reply.

His Majesty's Ambassador to the Czechoslovak Government has informed His Majesty's Government that the Czechoslovak Ministers are of course delighted at the arrival of United States troops at their borders and say that the Czechoslovak Communists are correspondingly depressed.

In our view the liberation of Prague and as much as possible of the territory of western Czechoslovakia by United States troops might make the whole difference to the post war situation in Czechoslovakia and might well influence that in nearby countries. On the other hand, if the western Allies play no significant part in Czechoslovakia's liberation that country may go the way of Yugoslavia.

General Eisenhower has informed the Prime Minister that his main effort is against the southern redoubt. The Prime Minister is, however, unaware whether General Eisenhower has been apprized of the significance of Prague.

The British Chiefs of Staff have been asked to draw the attention of the United States Chiefs of Staff to this matter."

My reaction to the foregoing suggestion from the political standpoint is favorable. You may wish to discuss the matter with the United States Joint Chiefs of Staff, as regards the military and political aspects of the question.

E. R. STETTINIUS.

BENES: GERMANS SHALL BE DEPORTED
IMMEDIATELY

Since there was no satisfactory reaction from the Americans, Churchill decided to approach President Truman, in a telegram from London, dated 30 April, 1945, he entrusted the President:

"There can be little doubt that the liberation of Prague and as much as possible of the territory of western Czechoslovakia by your forces might make the whole difference to the post-war situation in Czechoslovakia, and might well influence that in nearby countries. On the other hand, if the western Allies play no significant part in Czechoslovakian liberation, that country will go the way of Yugoslavia.

"Of course, such a move by Eisenhower must not interfere with his main operations against the Germans, but I think the highly important political considerations mentioned above should be brought to his attention. The British Chiefs of Staff have, therefore, on my instruction, asked the United States Chiefs of Staff to agree to the dispatch of a message to Eisenhower in order that he should take advantage of any suitable opportunity that may arise to advance into Czechoslovakia. I hope this will have your approval."

After Prague was liberated by General Vlasov's troops and the shooting had stopped, the Soviet Red Army occupied Prague on May 9, 1945. On May 11, the American Ambassador in France informed the Secretary of State (Stettinius) that it would have been a "comparatively simple matter" to liberate Prague. He also informed Stettinius of a heretofore unknown fact, that the German High Command had "strongly urged" the American forces to conquer Prague. Ambassador Caffery's telegram to Stettinius reads as follows:

PARIS,
May 11, 1945.

The excellent suggestion made by [to] the President in the Department's memo of May 5th was outstripped by the rapid tempo of military developments.

I discussed this matter informally with the Chief of Staff SHAEF who has also been informed of the contents of the Department's 1935, May 8, 7 p.m. Chief of Staff informed me that it could have been a comparatively simple matter for the US Third Army to have penetrated deeply into Czechoslovakia and to have taken Prague. In fact German High Command strongly urged that USA forces should undertake such a mission and the opposition to the forces apparently would have been insignificant. In the absence of a directive however General Eisenhower's strategy laid emphasis on facilitating the occupation of southern Germany and western Austria thus paving the way for the longer term occupation. (Murphy)

CAFFERY.

On June 5, 1945, a telegram from the U.S. Ambassador to France (Caffery) to the Secretary of State relates a report written by Mr. Alfred W. Killeforth, American Charge d'Affaires in Prague. Killeforth reports a conversation with President Benes in Paris during which Benes had told Killeforth that he (Benes) would be able to hold the support of the Czech people, "provided the Germans remaining in Czechoslovakia are deported almost immediately." As Benes added, "this measure was urgent and important to get the country back on its feet, as with the removal of the Germans he hoped that it would also terminate the Russian and American military occupation."

SOVIET TROOPS DISTRIBUTED THROUGHOUT
CZECHOSLOVAKIA

The same telegram contains an interesting observation about the Soviets' behavior in Czechoslovakia:

"While the Red Army was greeted enthusiastically as liberators by the Czech people, its popularity has waned rapidly because of its policy of living off the country and its general licentious conduct. The Russian Army is under relaxed discipline and the average soldier is anxious to return home. Even the Russian Ambassador admitted this to me. The American forces are more popular in their occupied zone because they are well behaved and live mainly from their own supplies.

"President Benes told me that he greatly desires American forces to remain for the present and considers it important that their eventual withdrawal be synchronized with that of the Russian forces although he desires to see both forces leave as soon as possible. This viewpoint is shared by all Czechs except the ardent Communists. It is exceedingly important not only from the Czech viewpoint but from American prestige, to withdraw our troops at exactly the same time as the Russians."

On July 6, 1945, the American Charge d'Affaires in Prague (Killeforth) sent a telegram to the Secretary of State in which he interpreted the Czechs' feeling about the American failure to liberate Prague. He wired:

"People of Prague for instance firmly believe failure of American troops to liberate Prague when they were only 20 mile distant was done upon 'orders' of Moscow, which had to be obeyed, although Soviet troops were over 100 miles distant thereby delaying the city's liberation by many days." The document continues:

"Czechs' resistance to Soviet pressure, now on the increase in all respects, will be greatly weakened by American unilateral withdrawal with serious decline of western influence. The 'eastern' communists will profit by it at the expense of Benes' authority and the non-Communist parties.

While nothing is said publicly, this problem is an important issue and the American answer is awaited with great impatience. Madam Benes told me that her husband's present insomnia can be cured the minute I am able to give her husband the "right answer."

On August 25, 1945 the American Ambassador to Czechoslovakia, Steinhardt wired the Secretary of State a report on a luncheon he had with the Czech foreign minister, Jan Masaryk in which he said:

"At luncheon yesterday with Masaryk he informed me that there are still 320,000 Soviet troops distributed throughout Czechoslovakia notwithstanding Stalin's personal assurance that all Soviet forces would be withdrawn by July 30 other than 'eight or nine' divisions along Czechoslovak German frontiers. He said he was considering sending Svoboda, Minister of War, to Moscow to remind Stalin of his promise but that he would prefer Fierlinger go if he could be persuaded to do so."

When the Americans decided to withdraw a large part of their troops from Czechoslovakia ahead of any Soviet withdrawal, Steinhardt sent another telegram to the Secretary of State (August 31, 1945) in which he did not mince any words about this unjustified "abrupt" reversal of American policy, "in violation of a promise". The text of this telegram follows:

THE SUDDEN WITHDRAWAL OF AMERICAN FORCES

"General Harmon, Commander of the American Forces in Czechoslovakia, has informed me in the strictest confidence that of his 3 divisions 2 are being taken out of Czechoslovakia within the next 10 days and that although it was intended until 2 or 3 days ago to replace these forces, he has now been informed that they will not be replaced. He also told me that it is his understanding that Supreme Headquarters is recommending to the War Dept. that all American troops be withdrawn from Czechoslovakia and that no replacements be sent. He gave it as his opinion that Supreme Headquarters is proposing to the War Dept. that all American forces be removed from Czechoslovakia by the first of November.

"The sudden withdrawal of all American forces from Czechoslovakia at this time while the Russians continue to maintain large forces in the country in violation of their promise to withdraw would constitute an abrupt reversal of our policy and would be regarded by all of the members of the Czechoslovak Govt including the President who desires a simultaneous withdrawal of American and Russian forces as an abandonment by the US of Czechoslovakia to further Russian influence.

"STEINHARDT."

And again on September 4, 1945, the Ambassador warned the Department of State against the withdrawal of all American troops before the Soviets had withdrawn their troops:

"The withdrawal of all American forces to the Bavarian-Czechoslovak border would probably result in an official or unofficial Russian infiltration into the evacuated American zone in Czechoslovakia with the resultant wholesale 'requisitioning' by individual Russian troops of cattle, and food, seizure of machinery, equipment, household and personal effects as 'war booty' attacks on individuals and various other depredations such as are all too common in the present Russian occupied zone.

"The withdrawal of all American forces would cause the Czechoslovakians to feel that they had been morally as well as physically abandoned by the Americans at the very time they are beginning to show signs of courage in standing up to Russians. This might well prove to be a determining factor as between the moderates and the Com-

munists in the forthcoming Czechoslovak parliamentary elections.

"STEINHARDT."

Another document of considerable importance is the telegram *Steinhardt* sent on September 14, 1945 to the American Acting Secretary of State then *Dean Acheson*. I quote from it the following parts:

CZECHOSLOVAK GUARDS FIRED OVER SOVIET HEADS

"I have had a talk this afternoon with President Benes to ascertain whether Czechoslovak Government would be willing at this time to request U.S. and Soviet Government to effect a simultaneous withdrawal of their forces.

"President gave me in strict confidence following detailed account of his efforts to have Soviets withdraw their forces from Czechoslovakia.

"Benes said he had sent Svoboda Minister of National Defense and Clementis State Secretary for Foreign Affairs to Vienna a week ago to see Marshall Koniev to:

"(1) Complain of behavior of Soviet troops in Czechoslovakia;

"(2) Remind Koniev of Stalin's promise made about 2 months ago that not more than 8 Soviet divisions would remain in Czechoslovakia after July 20 and that these divisions would be withdrawn to Northern Czechoslovak frontier, and to ask him to reconcile recent Soviet request for food and supplies for over 300,000 men with Stalin's promise. President said he had instructed Svoboda to inform Koniev that amount of food and supplies requested would not be furnished. Inform Koniev that Czechoslovak Government would not permit the Soviet military authorities to requisition the very large amount of sugar they had demanded. The President informed me that when he had learned of the large quantity of sugar Soviet military authorities proposed to requisition he had (without consulting Cabinet) instructed the Czechoslovak military authorities to occupy the refineries and resist by force if necessary any attempt by the Soviets to requisition the sugar. Had said Soviet soldiers had attempted to seize the sugar but when Czechoslovak guards fired over their heads they retired. He specifically requested that this incident be not disclosed.

"(4) Protest at the continued entry into Czechoslovakia from Germany and Austria of considerable numbers of Soviet troops and to warn Koniev that if this practice continued and these troops continued to requisition at will there would be 'conflict'.

"(5) Complain of the large garrisons, hospitals and other establishments the Soviet military authorities continue to maintain outside of Praha, Brno, and Bratislava and to request that they be withdrawn at once.

"The President said that although Svoboda and Clementis had been coolly received by Koniev, after a full discussion of the grievances presented by them Koniev had promised to reduce Soviet forces in Czechoslovakia to eight divisions, to stop deprivations by Soviet troops from Germany and Austria and to withdraw garrisons and other establishments outside of Praha Brno and Bratislava. He had also agreed to the creation of mixed Czechoslovak Soviet units to deal on the spot summarily with irregular requisition, attacks on civilians (including many murders) and other transgressions.

"The President said he attributed Koniev's promise to remove the causes of complaint to the fact that shortly before Svoboda and Clementis left for Vienna he had instructed the Czechoslovak Minister in Moscow to insist on seeing Stalin and to recite the same grievances. Stalin had remarked "I understand the situation, there will not be tranquility before we leave completely."

"This document reveals a fantastic parallel in 1945 to the present Soviet occupation of Czechoslovakia. In both cases Svoboda, today's President of the Czechoslovak Republic, tried to induce the Soviets to leave

Czechoslovak territory. He was more successful in 1945 than in 1968.

The same document, reports that President Benes urged the United States to employ "widest publicity" in the U.S. if the Soviets do not withdraw simultaneously with the Americans. The passage reads:

"President remarked that if Soviets then failed to propose a plan to withdraw their forces he favored widest publicity in United States of our endeavor without success to arrange that all Allied forces be withdrawn simultaneously."

BUT THE SOVIETS REFUSE TO WITHDRAW

Acheson again dealt with the problem of withdrawal of Soviet troops in his telegram of September 28, 1945 to the American Secretary of State who was at that time in London. *Acheson* suggested that the Secretary should send a memorandum to President *Truman* in which the Secretary of State should suggest a stern message from the President to Stalin. *Acheson's* telegram to the American Secretary of State deserves special attention in the light of the present events in Czechoslovakia. It reads:

"With reference to plan for withdrawal of U.S. forces from Zecho I propose with your approval to submit to the White House the following memorandum and proposed message from the President to Stalin.

"The text of the memorandum from the President is as follows: 'I recommend that the attached message to Stalin respecting the withdrawal of American and Soviet forces from Czechoslovakia be sent to you.'

"The War Department states that the plans for the reduction of the number of occupation troops in Europe require the complete withdrawal of American forces from Czechoslovakia by November 15, 1945. At the present time there is stationed in Czechoslovakia the equivalent of two divisions, which is considered by the War Department to be the number necessary to police the border between the American and Soviet forces, General Eisenhower has estimated that 300,000 Soviet troops are stationed in Czechoslovakia and that the Soviet Government intends to increase this garrison to 500,000 during the coming winter. It is our understanding that the Russians forces live off the land, and furthermore, the Soviet Government has asked the Czechoslovak Government to provide the necessary supplies to accommodate this force.

"American troops have been retained in Czechoslovakia at the request of the Department of State in the hope that a simultaneous and complete withdrawal of both Soviet and American forces might be effected. The efforts of President Benes to have the Soviet forces withdrawn have not been successful and the Soviet promise to reduce their garrison in Czechoslovakia to eight divisions by July of this year has not been carried out.

"The proposed message to Stalin was suggested by President Benes to Ambassador *Steinhardt* as the most effective means to accomplish a Soviet withdrawal, since the Czechoslovak appeals to Soviet military authorities have not obtained results. I consider that a unilateral withdrawal on our part without attempting to obtain similar action by the Soviets would be detrimental to the democratic and moderate elements in Czechoslovakia. Consequently, we should consider giving full publicity to our efforts if the Soviets refuse to withdraw or if they agree to withdraw but utilize familiar delaying tactics to keep their forces in Czechoslovakia after our withdrawal."

The attached proposed message from *Truman* to *Stalin* was sent by the President, November 2, 1945, and read as follows:

"As you know, ever since the time when the late President *Wilson* intimately associated himself with the liberation of Zecho from Habsburg rule my country has followed with deep and sympathetic interest the struggle of the Zecho people for national independence

and economic security. We have always admired the diligence displayed by the Zecho state in constructing democratic institutions and in contributing to the peaceful international life in the European family of states.

"In the last days of the war, the American army crossed the western frontier of Zecho in pursuit of our common enemy and advanced to a line north of Pizen, while the Red armies of the Soviet Union and the east, entered the city of Praha. The armies of the Soviet Union and the United States thus carried out the liberation of Zecho. Since the close of hostilities, the armed forces of our two countries have remained on Zecho territory in order to assist the Zecho people in the elimination of the remnants of the Nazi troops. The continued presence of Allied troops, however, is proving to be a great drain on Zecho economic resources and is delaying the normal recovery and rehabilitation of this Allied state which remained longer under Nazi domination than any other member of the United Nations. I therefore desire to withdraw the American forces from Zecho territory by December 1, 1945. In the absence of a similar intention on the part of the Soviet Govt, there will still remain in Zecho a large number of Red Army soldiers. I should, therefore like to propose to you that the Red army be withdrawn simultaneously with our forces.

"Since there is no longer any necessity to protect the Zecho people against any Nazi depredations, and since the presence of our troops undoubtedly constitutes a drain on their economy, I also feel that the American forces should be withdrawn as soon as practicable in order to permit the Zecho people to reap the full benefits of the assistance being given them by the United Nations Relief and Rehabilitation Administration and other agencies. By the simultaneous withdrawal of both Soviet and American forces from Zecho, the American people would be assured that the drain on Zecho resources had ceased.

"I hope that you can give consideration to my proposal and that, in withdrawing our forces simultaneously, we can announce to the world our intention of removing any obstacle which delays the recovery of Zecho state."

On November 9, 1945, President *Truman* received the following message from *Stalin*:

"Your proposal concerning the withdrawal of the armies during November can only be welcomed particularly since it fully accords with the Soviet plans for demobilization and withdrawal of armies. Consequently, it may be considered that the withdrawal of the Soviet and American armies from Czechoslovakia will be completed by the first of December."

LIMITS FOR COAL DUST IN MINES URGED

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PERKINS. Mr. Speaker, those of us who represent districts in which coal mining is conducted long have sought legislation to combat a lung disease which causes more deaths among miners than are caused by underground explosions. This disease is known as pneumoconiosis or "black lung."

I am glad that, after 16 years of study, the Federal Government has recommended standards to reduce the spread of this disease. Several Members of this House have joined in introducing legis-

lation which would write those standards into law. I hope the House will give prompt approval to that proposal.

A well-rounded explanation of this problem is contained in the January 17 issue of the Anthracite Tri-State News. Having received permission, I insert this article in the RECORD:

LIMITS FOR COAL DUST IN MINES URGED—PNEUMOCOINOSIS CAUSES MORE DEATHS THAN MINE MISHAPS

WASHINGTON.—After 16 years of study, the government recommended today the first Federal standard to reduce coal dust which causes an incurable lung disease blamed for more miners' deaths than accidents are.

Charles C. Johnson Jr., of the Department of Health, Education and Welfare, acknowledged that a "U.S. standard was long overdue" to combat the disease known among miners as "black lung."

The United States is the only major coal-producing country that doesn't have a government standard for keeping down coal dust, the department said in a statement.

Johnson said at least 100,000 miners in the country run the risk of getting the disease and that the Federal standard could significantly reduce the danger. He had no figures on those actually afflicted with black lung now.

Under present law, the Federal Government has no power to enforce the recommended standard. A department spokesman said it would be up to Interior Department to ask Congress to provide such authority.

The department's recommended standard is set at not more than three milligrams of respirable coal dust a cubic meter of air as measured by the Mining Research Establish instruments.

Studies completed by HEW's Public Health Service in 1964 found that almost 10 per cent of the active soft-coal miners and 20 per cent of the former miners in the Appalachian area show X-ray evidence of the disease. A final report on that study is expected soon.

Johnson, chief of HEW's new Consumer Protection and Environmental Health Service, said in an interview that "the findings have not been suppressed. They have appeared in a number of journals."

In 1952, a survey by the health service found an "alarmingly high" rate of chronic chest disease among soft-coal miners in the country.

The disease, officially called pneumoconiosis, breaks down the tissue of the lungs as the coal dust becomes lodged in them. In advanced stages, the victim becomes increasingly short of breath and finally dies of heart failure, pneumonia or suffocation.

Officials say there are no statistics on how many of the miners who get low-grade cases of the disease progress to the fatal stages.

While mining accidents have been killing several hundred men a year in the United States recently, black lung is listed officially as the primary cause of deaths for about 1,000 coal miners each year in Pennsylvania alone. And the deaths of about 1,000 more miners in the state year list black lung as a secondary cause.

Officials have no nationwide figures on the annual deaths from black lung. But Dr. Lorin Kerr of the United Mine Workers Welfare Retirement Fund says there is no question that black lung causes more deaths than accidents.

Most surveys of the disease have been conducted among soft-coal miners, but studies among hard-coal miners have indicated comparable rates of black lung.

The Federal standard applies to both soft and hard coal mines.

A knowledgeable Federal source said "there just hasn't been any push for this" until recently, and that top officials in HEW have shown little interest in the matter because "there were too many other higher priorities."

PRIVATE INVOLVEMENT IN URBAN PROBLEMS

HON. FLORENCE P. DWYER

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. DWYER. Mr. Speaker, harsh experience has taught us that government alone—though it has a huge responsibility—cannot solve the urban crisis. The character, complexity, and extent of our urban problems requires the committed and understanding participation of the private sector, business, labor, voluntary organizations, and individual concerned citizens.

For many months now, I have been searching for examples of private participation in this area, especially on the part of business which possesses such great potential—examples which will illustrate the need and demonstrate the performance and which can serve as useful information to our colleagues and possible guides for further action.

Among the many such examples I have found, certainly the involvement of the Chase Manhattan Bank of New York City has been an outstanding one, in terms of the depth of its commitment, the extent of its activities, the strength of its leadership, and the imagination which it brings to this important work.

A recent Public Affairs Bulletin issued by Chase Manhattan, entitled "What You Can Do About the Urban Crisis," serves the twofold purpose of revealing a little of what one financial institution is doing and inspiring others to do likewise. When this publication, which is only one of many examples of the bank's urban activities, is seen in the context of the bank's official statement of policy regarding its urban responsibilities—as reflected in the letter to stockholders included in its 1967 annual report—the measure of Chase Manhattan's total involvement is great indeed.

I include, for the information of our colleagues, Mr. Speaker, both the bulletin and the excerpt from the annual report:

[From the Chase Manhattan Bank Public Affairs Bulletin, Dec. 30, 1968]

WHAT YOU CAN DO ABOUT THE URBAN CRISIS
The plight of our cities and of the people who live in them no longer needs any documentation. Our eyes, our ears, our noses, our nerves tell us more eloquently than any statistics that our cities are in deep trouble.

There is no single solution, and certainly no simple one. "This is such a mixture of physical, financial and psychological questions as to confound the best minds we have," said President Johnson.

But there is something each of us can do, and the joint efforts of enough concerned citizens hold out the best hope for conquering the ills of our cities. "We have an ample supply of handwringers," says John Gardner, head of the Urban Coalition. "We are in very short supply of people willing to lend a hand."

VOLUNTEERS ALL

Virtually everything we know today as social services—children's shelters, home nursing, family service agencies, halfway houses, clinics, welfare agencies—were pioneered by volunteer citizens who became concerned about neglected human needs in their communities and took steps to help. Now, in this

time of change and turbulence, volunteers are needed more than ever. "Volunteers bring a sense of commitment and interest," says Ruth Hagy Brod, director of the Volunteer Coordinating Council in New York. "They improve the quality of city services because they're not callous, and in a highly alienated society, when someone does something for someone else without pay, it's a sign you really care."

Across the nation an army of volunteers—thousands of your fellow citizens—are devoting time, energy, ingenuity and initiative to urban ills. Why not join the "army"? Recruits are desperately needed and the opportunity for service lies right at hand.

A MAJORITY OF ONE

You don't need an elaborate organization or large bankroll to launch your own community aid project. Your own wits, energy and dedication are enough.

For instance, you can collect and distribute clothing, books, food and other items in short supply among the urban poor.

You can use the free resources of the city's playgrounds, parks, museums or libraries to sponsor recreational or cultural projects.

You can form a committee to write letters, prepare data and consult with elected officials on pressing urban problems.

The list is endless, and thousands of your fellow citizens have shown the way. For example—

On New York's Lower East Side, Humberto Aponte, an insurance claims adjuster who was born on a poor farm in Puerto Rico, runs a one-man housing clinic in his spare time. Armed with only a battered typewriter, he battles for his neighbors who often lack the knowledge and resources to fight back against slum landlords.

First in Hartford, and then in New York, 27-year-old Ned Coll created an organization called the Revitalization Corps which functions as a kind of non-governmental domestic Peace Corps through a variety of grass-roots programs. Coll's "Operation Suburbia," for example, placed 100 city children from Hartford and New York in suburban homes for several weeks last summer. Other projects include tutoring and campaigning for better schools—all on \$5,000 a year, privately raised.

In Harlem, Miss Cora T. Walker, who for years has been telling her neighbors: "Quit complaining about problems. Do something about them!," launched a \$5 per share supermarket last spring. Called the Harlem River Consumers Cooperative, Inc., it provides jobs for 80 Harlem men and women and lower prices for housewives on shopping day. Seventeen teenagers traveled from door to door to sell shares in the cooperative.

IN UNION THERE IS STRENGTH

If your inclination is to "join" rather than act on your own, there are innumerable organizations and groups that will welcome your participation. Let's look at what some of them already are accomplishing in various parts of the country on major aspects of the urban crisis.

Education

A good education is the greatest single weapon for combating the cycle of poverty, despair and disorder that festers in so many of our cities. The education problem, as we all know, is beset by conflicting pressures. Yet in scores of communities, heartening results have been achieved by groups who found that there were practical steps they could take right in their neighborhoods.

In Bridgeport, Connecticut, the School Volunteer Association, made up of some 375 black and white volunteers, tutors children with reading problems. The school superintendent calls the volunteers' work "an academic tender-loving-care that you couldn't buy."

In another typical community, women volunteers of a Stay-in-School Committee have

been encouraging high school dropouts to return to school by establishing personal contact to get at the basis of each youngster's problem. With the help of church, service and community groups, they find dropouts part-time jobs and help them maintain their morale and keep their school and job performances up.

In New York City, a group of 70 young businessmen has set up an organization called SEO—Sponsors for Educational Opportunity, Inc. SEO searches for ghetto boys and girls with top potential and helps them get into the better colleges and universities. The SEO members entertain the students in their homes, build up a personal relationship, look into family problems and seek scholarships and summer jobs. Most of the 150 students SEO has selected for sponsorship are already in college. Says Harold Davis, whom SEO helped to win a scholarship to Wesleyan: "Ninety-nine per cent of the boys I grew up with are dead, in jail or on drugs—it's a miracle I'm alive."

Jobs

A job often makes the difference between becoming a useful citizen with a sense of hope and responsibility, or a public charge and possibly a criminal. James Rudd, leader of a group of 50 businessmen in Hempstead, New York, who banded together to help local youths find jobs, says: "There were plenty of Negro kids in this community who felt that they could become leaders by having the guts to stand up and throw a brick. I wanted to channel this energy into getting jobs instead."

In Indianapolis, a Voluntary Advisory Corps (VAC) has been helping unemployed persons overcome obstacles that have prevented them from finding and keeping a job. The only special skill required of a VAC volunteer is that he be a successful breadwinner—a person with a job who pays his bills and deals with his employers and fellow workers successfully month in and month out. The VAC volunteer meets with a job-seeker, usually referred by an employer who has been unable to offer him a job. In a series of sessions, the volunteer advises the job-seeker about how and where to apply for a job within his capabilities, how to prepare for interviews and fill out the necessary forms and how to bring out his positive factors that will appeal to an employer.

Sometimes just a bit of community encouragement is all that is needed to generate effective self-help programs. In Washington, D.C., a group of teenagers, given such encouragement, banded together as "The Working Magnificents" and sent out flyers that said:

"What jobs have you found for these industrious young men in your neighborhood? They can rake leaves, paint your porch floor, clean up your yard, shellac your inside floors, clean out your basement, wash and polish your car, get rid of your rats and roaches, and do any other such jobs..."

Crime

The President's Riot Commission last spring drew a collective profile of the "counter-rioters"—after interviewing many ghetto residents who worked to prevent the riots. The report stressed that "the counter-rioter's actions and attitudes reflected his substantially greater stake in the social system." In other words, the key is: a stake in the community.

A number of volunteer groups throughout the country have sought to apply that message. In Indianapolis, a group of women started modestly, seeking to curb crime, persuade dropouts to return to school and obtain a new light on one dark street.

Thousands of women in the community have joined the campaign. They have helped keep scores of children in school, gotten hundreds of new street lights and established

a "court-watchers" program to keep tabs on the efficiency of the courts. They have also begun a "one-woman-one-child" program in which one woman helps to solve the problems of one disturbed child, whether he needs a new sweater, help with his schoolwork or a job for his unemployed father.

An incident in Chicago recently gave eloquent testimony to the value of such programs. A 16-year-old hefted a fist-sized rock in his hand, then suddenly thrust it toward Lucy Lewis, a city anti-poverty worker. "Here," he told her, "I've got something for you. You kept me so busy I never had a chance to throw it."

HOW DO YOU START?

Chase Volunteers for Community Action (CVCA) has been created to help Chase staff members who want to do voluntary work on community problems in their spare time. It acts as liaison with various private and public groups and agencies that are seeking volunteer help.

Through CVCA you can take youngsters for a boat ride around the city, or to a museum, to a ball game or the circus; help out in child care centers; tutor children in remedial reading or other subjects; teach them to paint, sew or make handcrafted articles in workshops; or counsel adults on job difficulties, family finances or other problems.

To get started in these and various other activities and projects, telephone CVCA on Extension 4314.

Many Chase officers are working to assist economic development in disadvantaged areas—through Bank programs, the Inter-racial Council for Business Opportunity, the Bedford-Stuyvesant Restoration Corporation, the New York Coalition and other groups. Volunteers provide managerial assistance to minority-group clients who want to start their own businesses and who need advice about financing, credit, marketing and other problems; or who already have their own businesses, but have run into difficulties.

"GREATER, BETTER, AND MORE BEAUTIFUL . . ."

In the Golden Age of Ancient Greece, every young Athenian as he came of age took this oath of citizenship:

"Thus in all these ways, we will transmit this City not less but greater, better and more beautiful than it was transmitted to us."

Perhaps we should all take our own version of that oath.

[Excerpts from the Chase Manhattan Bank NA, Annual Report 1967]

TO THE STOCKHOLDERS

We believe it is fitting that the cover of the Annual Report for 1967 should merge New York's "other" skyline with the traditional one. The foreground suggests the tenements of Harlem. Seen beyond are the towering skyscrapers of Wall Street. Together, the two skylines illustrate New York's majesty as well as the menace of her slums. Throughout 1967 your bank labored to narrow the distance—in a figurative sense—between these two disparate ways of life. And, in a quite literal way, Chase Manhattan was dedicated to uplifting the standard of living in the low-income areas of New York.

As a leading commercial bank, Chase Manhattan's major contribution is to put money to work in a creative and productive way and thereby contribute to economic growth and progress in the city, the state, the country and, indeed, the world.

In addition, Chase is concentrating its efforts in three major categories: first, in providing jobs, training and opportunities for advancement; second, in channeling funds into specific projects aimed at improving the quality of life for the less fortunate, and third, in sharing the bank's technical and managerial talent with organizations working to accelerate the economic advancement of disadvantaged groups.

This responsibility to our social environment is intimately intertwined with our economic responsibility to our stockholders. We cannot, we believe, justify your faith in us simply by earning a profit today. We must also be certain that we are securing a place for tomorrow.

With this in mind, the bank supported a variety of projects designed to foster an environment conducive to long-term economic growth. Some of these are shown on pages 22 and 23.

In addition, we have been devoting an increasing amount of time to examining ways in which we can give more effective expression to our policy of equal opportunity. The fact is that in recent years we have not been able to find enough qualified people to fill our job openings. Thus our only alternative is to try to upgrade the labor force on which we and other New York City businesses must draw.

We have recruited directly in such areas as Harlem and Bedford-Stuyvesant. Once staff members are on the job, every effort is made to see that they have the fullest opportunity to realize their potential.

A complete range of formal and on-the-job training programs is available to all members of the staff for upgrading skills and facilitating personal advancement. More than 3,000 staff members benefited from over 50 centralized training programs and thousands more participated in decentralized training within their own units. In addition, 1,300 staffers took advantage last fall of the bank's Education Plan, under which tuition is refunded to staffers who satisfactorily complete approved courses in colleges, universities and the American Institute of Banking.

Chase Manhattan's need for skilled staff is underlined by the bank's increasing complexity and by our continuing growth. We processed 526 million checks, about 6% more than the year before, and transferred or registered over 22 million stock certificates, a rise of 21%. Our loans and mortgages climbed to \$10.4 billion, a gain of 3.7% over 1966, and our deposits were \$15.8 billion, a gain of 14.6%.

During 1967, our gross revenues were higher, largely reflecting our increased volume of loans, as well as services for which fees are charged. Although Chase Manhattan took the lead in reducing the prime rate to 5½% in January 1967, this rate returned to 6% in November when money market conditions warranted. On average the return on loans was higher for 1967 than the year before.

At the same time, our largest single expense item—interest payments to others—stabilized. Interest payments totaled \$283 million, up less than one percent, in contrast to a 4% increase during 1966.

Because of greater activity throughout the bank and of our larger earning assets, our net operating earnings rose to more than \$105 million, a gain of 7% over 1966.

The future growth and prosperity of the bank depends, of course, not only on our corporate efforts but on the performance of our national economy. And when we focus on the national outlook for the next year or so, we find cause for concern.

One major problem is the continuing balance-of-payments deficit, which last year ran between \$3.5 and \$4 billion. The government's program of restrictions on most U.S. investments abroad announced on New Year's Day will not solve this problem in the long run. It is a step backward from the freedom of trade and payments that supports the growth of the U.S. and world economies, rich and poor nations alike. Such controls can hurt us competitively in world markets and harm the balance-of-payments picture more than they can help if they are continued over a long period of time.

ARMY RESERVE RACISM—BY THE NUMBERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, the orders from the Department of the Army, cut 5 days before the new administration took office, call for racism by the numbers.

Can you imagine an army ordering a percentage of its troops to be selected not because of qualifications but on color alone?

And a list of all personnel are ordered to be kept by grade and percentage of Negroes in the unit.

With all the reports, tests, and percentages one wonders if the Army will ever have time to train or fight? There was a time when it was sufficient to submit a morning report to keep track of the men.

Let us hope the new President abides by his commitment to reduce the draft by making the professional military service more attractive. If so, he will need to abolish such trivial social discipline and emancipate the military.

A man is either a soldier or he is not. Forced race mixing in off-base housing, schools, and the like will never appeal to the professional soldier.

Mr. Speaker, under unanimous consent I submit the article of the Department of the Army for January 15, 1969, for inclusion in the CONGRESSIONAL RECORD, as follows:

DEPARTMENT OF THE ARMY, HEAD-
QUARTERS, 122d U.S. ARMY RE-
SERVE COMMAND.

Fort Chaffee, Ark., January 15, 1969.

Subject: US Army Reserve FY 1969 Strength Authorization.

1. Reference:

- a. DA Message 892186, dated 1 January 1969 from CAR.
- b. AR 135-91.
- c. AR 11-35.

2. DA Message 892186 (reference 1a above) is quoted verbatim herein for immediate implementation by all USAR Troop Program Units and USAR Schools within this command:

"Unclas DA 892186 From CAR Sgd TAG.

"Subj: US Army Reserve FY 1969 Strength Authorization.

"Reference: a. MSG DA 862673, dtd 4 May 1968.

"b. AR 135-91.

"c. AR 11-35.

"1. Application of PL 90-500 to the US Army Reserve less units on Active Duty results in a world-wide annual average strength requirement of 254,295 for FY 1969. The 31 October 1968 assigned strength was 243,308.

"2. In order to attain the annual average strength of 254,295 for FY 1969 strength authorization for units of U.S. Army Reserve is programmed for 264,000 to be attained by Feb. 1969 and maintained pending further instructions. The anticipated return of mobilized Army Reserve units during FY 1970 will provide for annual average strength greater than FY 1969 authorizations; therefore, this action will also tend to reduce strength fluctuations in FY 1970.

To ensure attainment of the required FY 1969 average annual strength, a 4% overstrength is authorized for each unit above that authorized in RCTB-68, including those

units authorized 100% TOE. Fractions will be rounded to the nearer whole number (5-1).

"4. Of the 4% overstrength, 3% will be enlisted from the normal REP waiting lists, prior service personnel and other sources.

"5. Of the 4% overstrength, 1% will be enlisted from a special list consisting of Negro applicants and designed to increase Negro participation in the U.S. Army Reserve units without regard to enlistments from the regular waiting list. Negro personnel currently on the regular waiting lists who so desire may be placed on the special waiting list along with new applicants. The overstrength will be managed by the chain of command in order to ensure full utilization with emphasis on those units lowest in Negro participation.

"4. Special waiting lists referred to in paragraph 5, quoted message, if not already in existence, will be immediately established and Negro personnel on the normal (or regular) REP waiting lists will be contacted and invited to authorize their name to be changed from the normal (or regular) REP waiting lists to the special waiting lists and, if otherwise eligible and qualified for immediate enlistment personnel will be enlisted from the special waiting lists where the unit is below the 104% and have less than 1% Negro strength in the unit as of this date. When the 1% strength figure has been reached with Negro personnel those on the normal (or regular) waiting lists will be enlisted."

8. A current report of Negro personnel strength assigned to each unit of this command will be submitted to this headquarters by not later than 24 January 1969. The report will be by number of grade and the percentage of Negro personnel of the strength of the unit. Units will submit reports DIRECT to this headquarters, ATTN: AKGOA-AA, and furnish their next higher command an information copy of the report.

9. This headquarters stands ready to assist unit commanders in any way possible in their recruiting efforts. The Command Recruiting Officer and NCO will visit the major and intermediate headquarters of the command during the next forty five (45) days to assist and advise the unit recruiting personnel and unit commanders in their recruiting efforts. The visits will be scheduled on the week-ends when the unit has a scheduled training assembly. Recruiting personnel of major and intermediate headquarters may be requested to visit their subordinate units. Man-day spaces will be made available for the visits if requested to do so.

10. As has been stated time and again in correspondence from this headquarters on this subject, recruiting to attain and maintain authorized strengths is a command responsibility of the individual unit commander. This headquarters expects and insists that unit commanders at all levels of this command discharge this responsibility with no less zeal than the other responsibilities of command.

For the commander:

EVERETT NUGENT,
Maj, GS, USAR, Acty Asst AG.

LETTER TO CHAIRMAN KOSYGIN
REQUESTING RELEASE OF RU-
DOLF HESS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and

Peace, at Stanford University in my district, recently wrote to Chairman Alexei Kosygin, of the U.S.S.R., suggesting that he consider the release of the sole surviving war criminal imprisoned in Spandau.

Since Rudolf Hess' release has been requested by the Governments of the United States, Great Britain, and France, and has been blocked by the Soviet Union, Mr. Epstein's letter raises an interesting question.

I submit it herewith in the belief that it will be of interest to all readers of the CONGRESSIONAL RECORD:

THE HOOVER INSTITUTION ON WAR,

REVOLUTION, AND PEACE,

October 29, 1968.

Chairman ALEXEI KOSYGIN,
The Kremlin,
Moscow, U.S.S.R.

DEAR Mr. KOSYGIN: I am writing to you in behalf of Rudolf Hess, the last and only prisoner in Spandau.

The Governments of the United States, Great Britain and France have repeatedly demanded his release. The Government of the Soviet Union is the only obstacle to this humanitarian act. Why? The Soviet Government has never publicly stated its reasons for insisting that Rudolf Hess should die in Spandau.

As you know the International Military Tribunal at Nuremberg had acquitted Rudolf Hess of war crimes and crimes against humanity. He was sentenced to a life term of imprisonment for the preparation and carrying out of "aggressive war."

Rudolph Hess is 74 years old. He has been a prisoner for 28 years!

Innumerable people have publicly declared that Rudolf Hess should no longer be kept in prison. This opinion is in accordance with "socialist" as well as "non-socialist" humanitarianism.

Among those advocating his release was Sir Winston Churchill and Hess' prosecutor at Nuremberg, Sir Hartley Shawcross.

To mention just a few of the illustrious people who want Hess released, I mention the following: Professor Hahn, Professor Heisenberg, Martin Niemöller, Andre Francois-Poncet, Sefton Delmer, Jean Anouilh, Bishop Lile, Ernest Juenger, Francis Noel-Baker, Lord Robertson of Oakridge, House of Lords, England, Lord Russel of Liverpool, House of Lords, England, Bishop of Woolwich, England, Archduke Otto von Hapsburg.

There are just a few of the 800 people of all creeds and political standing who have signed a public appeal for the release of Rudolf Hess. 1968 has been declared by the United Nations as "Human Rights Year!"

May I respectfully suggest, Sir, that you reconsider the Soviet Government's point of view in the light of true humanitarianism?

With the expression of my highest esteem, I remain, Sir,

Faithfully yours,

JULIUS EPSTEIN.

CEDAR GROVE POST OFFICE RE-
CEIVES CITATION OF MERIT FOR
BEAUTIFICATION PROGRAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RODINO. Mr. Speaker, it is with great pleasure and pride that I call to the attention of my colleagues the award of a "Citation of Merit" to the Cedar Grove, N.J., Post Office for its outstanding beautification accomplishments. Un-

der the direction of Postmaster James De Maio the Post Office of the Township of Cedar Grove has achieved a notable record of efficient and courteous service. But beyond this, the post office has moved to create a more beautiful environment. The Verona-Cedar Grove Times of January 23 has an excellent editorial describing the post office's contribution to enhancing the beauty of the community, and I ask that it be included in the Record at this point. As the editorial states, "Esthetics is a virtue," but unfortunately it is one not

much exercised. So it is with distinct gratification that I hail the efforts of Postmaster De Maio and this signal recognition of the Cedar Grove Post Office's efforts:

POST OFFICE HONORED

Esthetics is a virtue of the Cedar Grove Post Office as well as efficient and courteous service and the facility under the Postmastership of James De Maio is to be congratulated for having been chosen for a "Citation of Merit" award recognizing the efforts which have been made to support the natural beauty program of President Johnson and Mrs. Johnson.

The citation was made after a rigid inspection by postal authorities from regional headquarters. They took note of added shrubbery, flower boxes placed in attractive places and rose bushes supplied from the Garden of the Patriots, Cape Coral, Florida.

Not only has the landscaping made the Post Office building attractive. It has enhanced the area surrounding the township's municipal building which for a long time has received the attention of the Cedar Grove Garden Club also. The efforts of Mr. De Maio and his fellow-workers as well as of the civic organization should encourage others in the area to make Cedar Grove even more attractive.

HOUSE OF REPRESENTATIVES—Wednesday, January 29, 1969

The House met at 12 o'clock noon. The Very Reverend Stephen Blak, pastor, St. Vladimir Ukrainian Orthodox Cathedral, Philadelphia, Pa., offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, we beseech Thee to look with favor upon our great country—the United States of America. Thou hast made us great among the nations of the earth. Let us not forget that this place and power have come of Thee, and we have them as a trust to use in Thy service. We implore Thee, O Lord, instill us with brotherly love, bring order, unity, and understanding. Guard and keep in good health our esteemed President, the Members of the Congress, and all those to whom has been committed the government of this Nation.

O Merciful God, on the 51st anniversary of the proclamation of the independence of the Ukrainian National Republic, we commend to Thy gracious care the enslaved Ukrainian people, and pray, O Lord, that Ukraine once again become free from this atheistic communistic oppressor and modern slavery.

O Heavenly Father, help the Ukrainian people in their heroic fight against tyranny, symbolized and practiced by the Red empire. Help all the oppressed nations to become free, as well. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

TRIBUTE TO THE LATE HONORABLE JESSE PAINE WOLCOTT

(Mr. HARVEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, it is with profound regret and great sadness to formally notify my colleagues that former Congressman Jesse Paine Wolcott passed away yesterday—Tuesday, January 28, 1969, in Bethesda, Md., at the age of 75. Jesse would have celebrated his 76th birthday in a few weeks on March 3.

There are many, many Members in this Chamber who can speak more knowingly and personally of Jesse Wolcott and the 26 years that he served as a Mem-

ber of the U.S. House of Representatives, representing the old Seventh District of Michigan, from 1931 to 1957.

It was my privilege to meet Jesse for the first time shortly after my arrival in Washington back in 1961. Jesse was then a director of the Federal Deposit Insurance Corporation and appeared before our House Committee on Banking and Currency, on which I served at the time.

From the more senior members of the committee I quickly learned of Jesse's fine reputation and the high esteem in which he was held by all. Then, in 1964, Michigan's congressional districts underwent a great change. As luck would have it, I fortunately ended up with most of the counties of Jesse's old Seventh District. This included, as now, Jesse's home county of St. Clair.

Thus, through my service on the Banking and Currency Committee, my Michigan background and acquisition of much of the old Seventh District, my friendship with Jesse and his lovely wife, Grace, prospered. A friendship my wife, June, and I cherished and shall always remember with great fondness and affection.

We shall always recall with great delight an overseas trip with Grace and Jesse a few years ago. It was a wonderful time made so enjoyable by the witty and sparkling personality possessed by Jesse.

As we pause to pay tribute to Jesse today, I think it is important to cite at the outset that this man devoted over 45 years of his life to public service.

Imagine the impact this fine gentleman has left in helping to chart our Nation's future when he first arrived in Washington on March 4, 1931, to take the oath as a Member of Congress for his first term in the 72d Congress.

In 26 years, he served on such committees as Territories, Banking and Currency, Revision of the Laws, Roads, Special Committee on Postwar Economic Policy and Planning, Joint Committee on the Economic Report, and Special Committee To Investigate Tax Exempt Foundations.

It is of special honor to point out that Jesse Paine Wolcott was chairman of the House Committee on Banking and Currency both in the 80th Congress—1947-48—and 83d Congress—1953-54. Under his chairmanship the following bills were passed: the Mortgage Insurance Act of 1947; the Consumer Credit

Controls Act of 1947; the Rent Control Acts of 1947, 1948, and 1953; the Veterans Housing Act of 1948; and the Housing Acts of 1953 and 1954. I am certain that the present chairman of the Banking and Currency Committee, the Honorable WRIGHT PATMAN, can well recall Jesse's contributions to that committee over the years.

I think that I shall always recall with particular fondness a special trip that Jesse made to Capitol Hill back in September 1963. I needed help as I knew that I would be campaigning for reelection in a new district in 1964. Much of that new district would be Jesse's old territory from which he had voluntarily retired from Congress in 1957.

Puffing on his cigar, another of his trademarks over the years, Jesse predicted, "You won't have any difficulty, Jim. They are friendly, outgoing people in the Seventh District. It is just a question of getting acquainted." He lent his fullest support in my behalf.

In our small talk, I asked Jesse what he felt was the biggest change in the Federal Government over the last 35 years. In a wink he stated bluntly and concisely—"It's bigger." In talking about everyone depending on the Federal Government to solve their problems, Jesse added, "They should stay at home."

I have fond, warm memories of this man—little in stature, but so big and tall in greatness and in heart. He shall always rank with the very best who have served our country so well for so long.

And serve his country and his fellow man he did with distinction. There are 17 lines in the "Biographical Directory of the American Congress, 1774-1961" on Jesse Paine Wolcott. A book could be written on each line.

Consider his birth and childhood in Gardner, Worcester County, Mass., where he attended elementary and high schools. Then his attendance at Detroit, Mich., Technical Institute and graduation in 1915 from the Detroit College of Law, Detroit, Mich.

He was admitted to the bar the same year and commenced practice in Detroit. He answered the call to serve his country during the First World War and did so with distinction as a second lieutenant in a machinegun company overseas as a part of the 26th Infantry, 1st Division, 1917-19.

After the war, Jesse returned to Michigan and settled in Port Huron, some 50