

## EXTENSIONS OF REMARKS

## PRESIDENTIAL PRESSURE

## HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. HALL. Mr. Speaker, President Nixon's urgent concern with the inequities and uncertainties of our present draft laws has led him to a forceful stand on this issue, a stand which is receiving favorable reactions from citizens, young and old, throughout the Nation.

The President has publicly supported change in the draft laws since early in his presidential campaign. Now he has outlined plans for reform and has made it plain that, if the Congress should fail to approve his proposals this year, he will change the present unfair system by executive order. Clearly, this is another example of the President's willingness to back up his words with actions, and to follow through on promises he has made to the American people. It further aligns the original legislative intent of the amendments to the Selective Training and Service Act of July 1967.

I commend to the attention of my colleagues an editorial on this subject, from the September 22 Washington Star:

## PRESIDENTIAL PRESSURE

President Nixon's tactical approach to the Democratic Congress—up to the present—has been to stand aside, to avoid stirring up the congressional natives and to hope that all goes well with the Republican administration's program.

The politics of aloofness has produced one of the most relaxed congresses in recent history. Now, it appears, those halcyon waters between the White House and the Hill may start churning.

The issue is the major revision of existing draft laws—a goal that Nixon set for himself during the early days of his campaign for the presidency, and one he still clearly considers a top domestic priority. He has made it obvious that he is prepared to push, pull, cajole, threaten and twist arms to get a new draft law out of Congress.

The President unveiled the politics of pressure at the same time he announced the suspension of the draft call for November and December. And he added an electrical charge to his congressional prod by suggesting that, unless the legislators move quickly, the executive branch will undertake to revamp the system within the existing framework.

It can be argued that the President delayed too long in sending the draft legislation to Congress, and that he waited too long to see what the congressional reaction would be. But that does not change the fact that draft revision is needed now.

The draft cut is no solution. It is a temporary expedient that may serve to cool campus unrest, in some slight measure, this fall. The real need is for a random selection system that makes every eligible man subject to the draft for one year of his life. The need is to abolish the present cumbersome law, with its patent inequities that make every man vulnerable to the draft for seven uncertain years.

The administration has said that the minimum requirement is the amendment of the present law to strike out one sentence: The stipulation that the lottery system will not be used. All other changes can be made by

executive order. Congress should give priority to the request.

The draft law should be changed in order to remove one justified cause for dissatisfaction and unrest among the youth. It should be changed because a measurable reduction in anti-war and anti-draft violence could have a beneficial effect on the progress of the Paris talks. But, most important of all, the present draft system should be changed because it is wrong.

SECRETARY OF TRANSPORTATION  
JOHN A. VOLPE DEFINES AVIATION PROBLEMS IN ADDRESS TO NATIONAL BUSINESS AIRCRAFT ASSOCIATION

## HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 24, 1969

Mr. RANDOLPH. Mr. President, in recent years more and more businesses have discovered the advantages of including aircraft among their equipment. They have determined that the advantages of quick, convenient transportation in their own airplanes are of great benefit.

With this growth in the use of aircraft has come a growth in the National Business Aircraft Association which this week is holding its 22d annual convention in Washington.

It was my pleasure to serve as toastmaster last night at the convention banquet, attended by more than 650 men and women. At that time B. Owen Mayfield of Hercules, Inc., retired as president of the association. He introduced E. E. Dunsworth, of Trunkline Gas Co., who moved from vice president to the presidency. Elected the new vice president was John B. Bean, of International Milling Co. James F. Coleman, of Ziff Davis Publishing Co., was named to the board of directors, and Norman L. Mitchell, of the Minneapolis Star and Tribune, was chosen treasurer. Also on the program was James E. Hanretta, of Page Airways, chairman of the association's Washington Arrangements Committee.

Secretary of Transportation John A. Volpe discussed with candor the pressing problems facing American aviation and related forms of transportation.

I ask unanimous consent that excerpts from Secretary Volpe's address be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

## EXCERPTS OF REMARKS PROPOSED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE, BEFORE THE NATIONAL BUSINESS AIRCRAFT ASSOCIATION

There is a feeling among some aviation people that their growth problem is unique and that, therefore, they should receive special assistance.

Gentlemen, the same pattern of tremendous growth and imbalance is common to our whole transportation system. The number of

automobiles in America is increasing by well over 10,000 every day—automobile usage is increasing by 40 percent every eight years.

The railroads are now carrying about 750 billion ton miles of freight. In five years, that figure will jump to one trillion ton miles.

Our commercial airlines are adding thousands of new passengers every day. In your own field—there are 150 new planes added to the fleet every week; total general aviation hours are increasing by 4,000 a day.

On the ground, in public transportation, the situation is reversed. In recent years, 235 bus and transit companies have gone out of business. In the past 25 years, transit fares have tripled and during the same period, passenger totals have declined by two-thirds. Yet, public transit is the sole means of transportation for many Americans. Half of our minority group households have no car. More than two-thirds of households with incomes of less than \$2,000 a year are without an automobile. We are, consequently, determined to help mass transit.

And these transportation problems must be seen against our changing population patterns. The total number of Americans increases 180,000 a month.

These are the kinds of challenges I am dealing with every day. If you think you have problems, then . . . welcome to the club. The point is that meeting these transportation needs is going to place tremendous demands on limited resources.

The aviation crisis can be defined in a few words. Our aviation facilities—both in the air and on the ground—are simply not keeping pace with the production of aircraft or the demand for air service.

Our Federal Aviation Administration's air traffic control system consists of more than 4,000 field installations. These range from the 400 man en-route air traffic control centers with complete radar coverage down to unmanned, simple radio beacons. It goes without saying that the operation and maintenance of these facilities is a sizable financial undertaking. We have determined, for example, that the cost to the government of one average IFR (Instrument Flight Rules) flight by an airliner or executive jet from Boston to New York—185 miles—is about \$54.

Such a flight from Los Angeles to New York costs the government about \$114.

Even a VFR (Visual Flight Rules) flight involving only tower and FSS (Flight Service Station) facilities has a cost that can be allocated to the taxpayers. A short VFR flight from, say, Tulsa to Wichita—130 miles—costs the government about \$12.

These are expensive services, but more importantly, they are special services—services which are of immediate benefit only to aviation and the passengers who travel in planes. Now it is the policy of this administration that those who derive direct and immediate benefit from government services should help pay for those services. There is nothing new about this idea. In general terms, our social security program is based on this idea. And, of course, it is the basis of the very successful highway trust fund created during the administration of the late President Eisenhower. These highway user charges in the form of Federal gasoline taxes have given our Nation the greatest highway system in the world.

There may be a lesson in the history of the highway fund that applies to the aviation industry. I had the honor of being the first Federal Highway Administrator. I remember that some of the opposition we had came from the automobile and highway industries. Those early opponents, however, are now the strongest supporters of the

highway program. I foresee the distinct possibility that our aviation user charge proposals will go through the same cycle.

I also want to emphasize that we are not asking aviation to pay the complete costs of the services provided them. The nonflying general taxpayer will still be paying a share—no question about it. If the President's legislation is approved by the Congress, and we are optimistic about its chances, the revenues from general aviation in the first two-year period would come to around \$113 million. During this period, however, general aviation could be utilizing airways services that cost as much as \$600-million. During the same period, an additional \$50-million would be spent for general aviation airports and part of an additional \$320-million would be spent on reliever airports. During the ten-year span of the program, in fact, total revenues from the user charge will still be \$2.5 billion short of the Government's aviation costs.

You get some idea of the size of the program from our personnel requirements. We shall require 2,000 additional controllers every year for the next ten years. We shall have to recruit an additional 800 men every year just for the installation and maintenance of nav aids.

Let me make another very important point. We have drawn up our user charges on the basis of usage of our facilities. These allocation figures, however, are not final. They are not locked-in. We are aware that allocating airport and airways costs is a highly complicated and lengthy process.

A key section of this Bill calls for the implementation of a two-year study to determine what share of airport and airways expenses should be allocated to each segment of aviation. Let me add that you members of the National Business Aircraft Association will participate with us in this study—as will representatives from other sectors of aviation.

We want the best and most exact information we can get. And on the basis of this study, we shall, if necessary, make appropriate adjustments in the tax levels.

We already have a pretty good indication of the usage of our facilities by general aviation.

Last year, for example, the total of air carrier aircraft contacted by our FAA Flight Service Stations was about 700,000. Total for general aviation—nearly 8-million.

Total air carrier itinerant operations at airports with FAA towers last year—10 million. For general aviation—22-million.

Our FAA towers also recorded an additional 19-million local operations for general aviation. And our FAA centers handled some 3-million general aviation aircraft. There is no question that general aviation is a major user of our airways facilities.

The details of the President's plan are well known. Our Bill calls for increasing airline passenger ticket tax from five to eight percent. We would also impose a new tax of \$3 on passenger tickets for most international flights beginning in the United States and for flights to Alaska and Hawaii. The program also calls for five percent tax on air freight waybills.

Concerning general aviation—we propose to eliminate the two cent per gallon refund on gasoline and substitute instead a flat nine cents a gallon tax on all fuels used by general aviation.

The funds derived from these user charges will be placed in a designated account. Those funds will be available only for airway and airport improvement and expansion. This is legislation designed to cope with a near-emergency situation.

I hope that as you consider our program, you will accept at least one basic truth. And that is, that if our proposed user charge legislation falls to be enacted, the projected growth of American aviation is simply not

going to take place. We will become second rate faster than it takes to say "cleared for takeoff."

I am fully aware, through working with the President and his staff on this Bill—and from other meetings—that we are firmly committed to a sound budget. That is the byword of this administration. And—candidly—there is not enough "stretch" in that budget to pay for the major expenses that will come with the expansion of airport-airway facilities.

I am confident that this Nation will get the statesmanship it has come to expect from the aviation community. After all, yours is an industry—especially in general aviation—that has justly earned a reputation for leadership, clear-thinking, and solid responsibility.

There is a very real danger, however, that "maverick" segments of aviation, pursuing immediate interests, could hinder passage of this Bill. And if those who oppose this Bill should win their battle, I am afraid all of us together would lose our war.

This is "must" legislation. I solicit your support, because there is more than just aviation involved here. All transportation—including air travel—means freedom. Restrict the mobility of a people and you restrict freedom of choice. Freeze the mobility of a society and you hinder growth.

On the other hand, enlarge and improve the mobility of a people and you increase the diversity and the quantity of social and economic opportunities. Provide better transportation for a Nation and you contribute to its growth.

I want to provide better transportation. I want to see all forms of transportation expand and grow—I want to see our economy expand and grow. I want to see more jobs. I want to see more people being able to afford the things they need and want.

This is why we need your support. Together, we can help this Nation maintain its pre-eminence in aviation. Together, we can prevent that all-too-real threat of being "second-rate." Together, we can develop, expand, and efficiently utilize our rapidly shrinking airspace, a precious natural resource.

#### CONSUMER PRODUCT INFORMATION

**HON. BENJAMIN S. ROSENTHAL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROSENTHAL. Mr. Speaker, it is quite clear that the consumer is on the move. Unfortunately, the Federal Government remains far behind.

In June and July 1967, the House Government Operations' Special Consumer Inquiry, of which I am chairman, held hearings on consumer product information in the possession of the Federal Government. Those hearings offered convincing evidence that Federal departments and agencies possess vast amounts of consumer product information, which, if made available to the public, would prove extremely valuable.

That view was reinforced last week when Ralph Nader released a report of the Task Force on Product Test Information, commissioned by President Johnson's consumer adviser, Betty Furness. As stated by Mr. Nader, this Task Force report is the "most encouraging policy document in the consumer affairs area

prepared by the previous administration."

My bill to establish a high-level consumer protection agency in the Federal Government provides for the release of this Federal consumer information. I offer for inclusion in the RECORD the Nader letter to Mr. Herbert Klein, Director of Communications in the present administration, and a copy of the report itself:

SEPTEMBER 20, 1969.

Mr. HERBERT KLEIN,  
Director of Communications,  
The White House,  
Washington, D.C.

DEAR Mr. KLEIN: One of the most important domestic information policies which your Office can help establish deals with freeing the multiple sources of information which could assist consumers in their purchasing decisions, counter much deceptive or false advertising, and improve overall the efficiency of the market system. As you know, federal agencies have resisted in past years the disclosure of brand and nonbrand information developed in the course of procurement or other governmental testing functions.

A dramatic change began to occur within the federal establishment in the latter half of 1968 over the refinement and release to the public of brand and other product information accumulated by various agencies with this same public's funds. The Veterans Administration indicated it would release brand information from future tests on products such as hearing aids and wheel chairs. The Federal Trade Commission was in full swing in its disclosure of nicotine levels by brand of cigarette. But above all, the most optimistic evidence was contained in the still restricted "Report of the Task Force on Product Test Information," (dated December 9, 1968) requested by the White House under the Johnson Administration. I consider this Report the most encouraging policy document in the consumer affairs area prepared by the previous Administration. A flavor of its contents, which will now be released, suggests how bright was the promise in December and how dim the follow-through since that date.

The Task Force surveyed six agencies—the General Services Administration, the Department of Defense, the National Bureau of Standards, the Veterans Administration and the Departments of Agriculture and Health, Education and Welfare. These agencies perform the bulk of government product testing. One of them, HEW, announced through Secretary Cohen that it would initiate a broad, new program for releasing product information regarding the "cost, safety, merit or comparative value of goods and services." The Department of Defense, the Task Force noted, "may possibly be able to release some brand information relating to drugs;" GSA could release 98 product types including tests of anti-freeze, flashlights and hand files and HEW might be able to disclose tests of contraceptive devices and drugs. Perhaps most remarkable was the Task Force's report that the Commerce Department—"and specifically the National Bureau of Standards—is enthusiastic about taking on the program, believing that during the first year general information on perhaps a dozen products (including paints, roofing materials, floor coverings, and textiles) could be prepared for release." "As to nonbrand product information," the Task Force continued, "since GSA tests a great many unbranded or specially branded products that consumers use in other branded forms, it possesses large amounts of general information about consumer products. Of the Federal specifications and standards used in the procurement of items for government agencies, GSA estimates that approximately 900 pertain to items of possible use to the general public. Except for clothing,

this generic information includes almost the entire range of products purchased by the average family." At the present time only the manufacturer of the specific product tested is informed of the results of the tests. The Task Force noted that the Army possesses "considerable information" on drugs and added that "a substantial portion of the drugs sold through commercial pharmacies do not meet the exacting specifications set by the Army. The Task Force strongly believes that every effort should be made to include some of this information within any release program."

A strong reminder of the forces working against disclosure is contained in the Report's mention of the Department of Agriculture's research program in household appliances that was discontinued without explanation in 1965. "Tests were conducted regularly on commercial refrigerators, stoves, water heaters, irons, washers and dryers for the purpose of evaluating performance in use," said the Report; "much brand data were amassed, but department policy precluded reference to brand names in Departmental releases."

The Task Force recommended, in a draft Presidential memorandum, that the President request that "all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released." The draft memorandum suggested by the Task Force would name the President's Committee on Consumer Interests to serve as coordinator of the program on the following timetable—all federal agencies would report to the Task Force by April 1, 1969 on what they can release to the public, and by July 1, 1969 "on the steps they have taken to carry out the directions" in the proposed memorandum by the President, and by August 1, 1969 the Committee would report to the President on its findings and recommendations.

Since the present Administration took office, the recommendations of the Task Force on Product Test Information have either been ignored or actively opposed. Led by the Bureau of the Budget and a highly unsympathetic Presidential staff, this incipient breakthrough in consumer autonomy has been squelched as a practical matter. Lip service attention remains in Mrs. Virginia Knauer's office, but even in that last repository of consumer concern, there is little anticipation that anything will be done. Of course none of the timetables suggested in the Report have been met and the entire operation is on the shelf. It is important to note that the Task Force's recommendations center on assisting the consumer to help himself in the marketplace, with little need for added government manpower and funds. Perhaps an indication of how hostile modern industry is to an efficiently functioning market system and an intelligent consumer body that the recommendations contained in the Task Force Report are strongly opposed by industry and commerce. During the past decade, this is the reaction to any governmental official or member of Congress who proposed such disclosure. The auto industry, for example, has wielded strong representations to keep the National Highway Safety Bureau from releasing the results of compliance testing of automobiles, even though motorists have a right to know at what levels their seat belts tear out or their fuel tanks rupture or what vehicles fail to meet the government's safety standards (by the Bureau's own admission between 15 and 20 percent of the vehicles or equipment tested failed one or more standards.)

Enough has been said to etch the outlines of a massive and long on-going suppression of government information relating to consumer products, and thereby to consumer

protection. I ask you to address your energies and influence in these directions so as to expedite and assist those now weak forces in government who wish such disclosure to be accomplished on an ever more refined and efficient scale.

I look forward to your thoughts and recommendations on this matter affecting 200 million American consumers.

Sincerely yours,

RALPH NADER.

REPORT OF THE TASK FORCE ON PRODUCT TEST INFORMATION

SUMMARY OF TASK FORCE FINDINGS AND RECOMMENDATIONS

The Task Force was requested to assess various programs for making more fully available the knowledge the government has gained about consumer products in the course of its procurement activities. We have found two classes of possibly useful information in the government's possession:

Detailed factual data on the properties and performance characteristics of brandname consumer products.

General information about qualities to look for in numerous classes of products.

At the present time, the amount of brand information in the government's possession that could be helpful to consumers is very small—less than many task force members had anticipated. But even this modest store, none of which is currently released, could be made available to consumers. Of nonbrand information, much more exists. Some is disseminated now, but broader release of existing information could be profitably undertaken at very little cost.

Recognizing these facts, Secretary Cohen has announced in the last few weeks that HEW will initiate a broad, new program for releasing product information regarding the "cost, safety, merit or comparative value of goods and services." The Veterans Administration has likewise announced that it will release brand information from future tests on products used in treating veterans or purchased for distribution to them. The VA proposal is a milestone, because it has been taken by an agency whose function is not primarily to protect or inform the general public.

We believe that a release policy regarding brand and generic information merits adoption on a government-wide basis. We have framed a recommendation that provides flexibility for the agencies and safeguards for both the agencies and for the manufacturers whose products are covered. All agencies participating in the Task Force—including the procurement agencies most affected by it—concur in our recommendation with the safeguards proposed.

Specifically, we recommend that the President issue a memorandum to all federal agencies and departments requesting:

That all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released.

That departments and agencies conducting tests on consumer products participate in a pilot program for releasing such information. Participating agencies will select the products about which information is released. Before release:

Test results will be reviewed by the releasing agency for accuracy, reliability, objectivity, and meaningfulness; among the factors the agency will consider are the size of the sample tested and the uniformity of test methods employed.

Trade secrets and other proprietary information will be excluded from materials.

Information will be accompanied by explanations of test methods and by appropriate statements on the limitations of application.

When the information arises from tests for purposes of procurement, suppliers in the selected product industries will be informed prior to testing that test results will be subject to release.

That the Department of Commerce, through the National Bureau of Standards, take a lead role in certain important areas of consumer information programming. Specifically, it will:

Convert selected government specifications and other generic product information into forms useful to consumers.

Seek to develop techniques for describing product characteristics in terms understandable and useful to consumers.

Work with manufacturers to encourage labelling that is of maximum informativeness to consumers.

That agencies include in all materials released a statement to the effect that the government does not endorse particular products and that, while advertising of released information is permissible, any implication that the government does endorse any product will be considered false and misleading.

The President's Committee on Consumer Interests will serve as coordinator of the program set forth in this Memorandum. All agencies will extend the maximum possible cooperation to the Committee:

All federal agencies, including those participating in the release program, will report to the Task Force by April 1, 1969, on the results of their surveys of existing product information, on their studies of the appropriate additional roles they can perform in serving the consumer's needs for information, and on such other questions as the Committee may ask.

All agencies participating in the product test information release program will report to the Task Force by July 1, 1969, on the steps they have taken to carry out the directions in this memorandum, on the results to date of their programs, and on such other questions as the Committee may ask.

The Committee will report to the President by August 1, 1969, on their findings and on their recommendations for further actions in the area.

We have attached as Appendix F a draft of a possible Presidential memorandum incorporating our recommendation.

As to brand information, the General Services Administration is the agency other than VA that would be most directly affected by the adoption of the recommended policy. A number of the products tested by it for Qualified Products Lists—now covering products of 98 types—would become subject to release. Examples of products GSA anticipates that it would cover in the first year are anti-freeze, flashlights, and hand files. The Department of Defense may possibly be able to release some brand information relating to drugs. HEW is also uncertain, but contraceptive devices and drugs are among products it might cover. It must be stressed, however, that the total number of products about which the government now has brand information is extremely small and that meaningful brand information is lacking about whole classes of products of critical importance to consumers—including, for example, home appliances and clothing.

Regarding general product information, we recommend that a recent Commerce Department request for \$100,000 in its 1970 budget for the kind of generic product information program outlined above, be revived, despite preliminary Budget Bureau disapproval. Commerce—and specifically the National Bureau of Standards—is enthusiastic about taking on the program, believing that during the first year general information on perhaps a dozen products (including paints, roofing materials, floor coverings, and textiles) could be prepared for release.

We have formed our recommendations to respond to the consumers' increasing need for reliable product information and believe

that right now is a particularly auspicious time for implementing such a program. Consumer groups have been calling loudly for increased information. Bills have been introduced into recent Congresses, and are almost certain to be introduced again, to establish new agencies to disseminate such information. Indeed legislation has recently been enacted that bears directly on the product test information issue.

The new Freedom of Information section of the Administrative Procedure Act (5 U.S.C. Section 552) establishes broadened rights of access to government information. A court may hold that such rights extend to the very kinds of brand information we are considering here.<sup>1</sup> Consumers Union is now suing the Veterans Administration under this section for the results by brand of tests on commercial hearing aids.

The government's resistance to the Consumers Union demand has already been criticized as contrary to the Administration's record as a champion of consumer rights. (See editorial, Wall Street Journal, August 21, 1968.) The adoption of a new federal policy such as that proposed here would be an important reaffirmation of the Administration's position.

#### I. BENEFITS TO ECONOMY AND CONSUMERS FROM IMPROVED PRODUCT INFORMATION

The Task Force was requested to "assess the possible benefits to consumers and to the economy as a whole that might flow from the adoption of various release policies."

As a starting point, it is apparently true that the consuming public rarely has sufficient information to make fully rational decisions about the products they purchase. A bewildering variety of goods are available and many are of a level of mechanical and technical complexity far beyond their individual talents to assess. Few independent sources of product information exist.

Advertising greatly compounds the consumers' difficulties. Though advertising and promotion provide economic benefits to society by informing the public of the existence of useful products, there is a strong tendency for promotional efforts to go beyond mere information. Most ads for the general consumer provide little information of real usefulness—relying on glamour, catchy jingles, lush music and other distracting stimuli.

These problems cannot be easily overcome. Placing direct limitations on advertising expenses would be of questionable economic value, even if they were politically feasible.

For this reason, programs to increase consumer knowledge and sophistication, however slow their effect may be, are among the few available techniques for minimizing the effects of product differentiation. If the consumer can make informed judgments about product characteristics, producers will be forced to respond with price competition and with products that meet the claims made for them. From this, the consumer benefits are obvious—as are the benefits to the economy.

Of course, the degree of impact that any particular program for informing consumers will have is highly speculative. Even if information is released, getting it to consumers in a form easily used by them presents serious obstacles. If a generalization is possible, however, it seems likely that the more specific the data conveyed the more useful it will be to the consumer. Data by brand—if reliable and fresh—will be more useful (and more easily remembered) than broad recommendations as to what to look for in products. In our search for recommendations,

<sup>1</sup>If such a holding is reached, changes in the proposal here will be required. The Department of Justice does not anticipate any final court resolution of this issue within the next year.

the Task Force has thus sought data of maximum possible specificity and utility.

#### II. EXISTING GOVERNMENT INFORMATION ABOUT CONSUMER PRODUCTS AND PRESENT POLICIES REGARDING RELEASE

As an initial step in our study, we have sought to survey the amount and character of product information currently held in key Federal agencies. We have not been able to survey all agencies, but six agencies with consumer product information have participated. Three—General Services Administration, Department of Defense and the National Bureau of Standards—perform the great bulk of government product testing. The others—the Veterans Administration and Departments of Agriculture and Health, Education and Welfare—also conduct product tests and have, in addition, special experience with consumer interests and programs. All six prepared answers to a questionnaire prepared for Task Force use.

The Task Force found less brand information of usefulness to consumers than might have been expected—though enough to justify adoption of a limited federal program for release. We found a substantially greater quantity of nonbrand product information which could, at relatively low cost, be translated into a form easily used by consumers.

##### General Services Administration

Most of the product information GSA gathers is of little relevance to the general consumer. Many products purchased by GSA are not needed or used by individual buyers. Many others have been specially tailored by suppliers to meet government specifications and are simply not available to the non-government consumer.

GSA does, however, gather brand information in two contexts that might be relevant to consumers.

The first arises in connection with the establishment of Qualified Products Lists. For many products, GSA establishes not merely a specification but also a "Qualified Products List" of brand products meeting the specification. Federal agencies are authorized to accept bids from the manufacturers of those products listed. All known manufacturers are invited to participate in QPL testing. Qualified Products Lists are publicly available now, as are the specifications, but a reader cannot tell whether the absence from the list of any given brand is due to its having failed to meet the specification. Nor can a consumer tell among those products listed which performed better with regard to any specific quality. GSA does, however, have available to it the data lying behind the listings.

There are 98 products for which Qualified Products Lists have been promulgated. They include a few products of great relevance to consumers such as antifreeze and storage batteries (as well as many products of less relevance such as pneumatic riveters and electric blasting caps): Current QPL products are set forth in Appendix A. We have marked those which GSA believes might be suitable for a release program.

The second body of brand name data is produced at an earlier stage of procurement in the development of new specifications and test methods. GSA gave instances of this kind of testing in its answers to the Task Force questionnaire:

"For example, as a result of a number of requests by Government agencies for waivers to allow the procurement of commercial paint in lieu of the specification paint, GSA ran comparative tests of a number of brand names of well known commercial paints with the paints furnished under GSA specifications. This kind of testing is a one-time test and is limited in scope to the products of a few well known paint manufacturers. Another example is the tire testing program under which GSA purchased tires of various types and material from different manufacturers for testing to develop performance requirements for incorporation in the Fed-

eral specification. This test program did not include tires of all manufacturers nor all types available to the consumer. The selection was limited to tires of the level of original equipment or better to assist us in establishing one grade level which would meet the various operational requirements of Government agencies."

GSA believes that none of the brand data developed in this section type of testing is of sufficient reliability as to any given brand to justify release.

As to nonbrand product information, since GSA tests a great many unbranded or specially branded products that consumers use in other branded forms, it possesses large amounts of general information about consumer products. Of the Federal specifications and standards used in the procurement of items for government agencies, GSA estimates that approximately 900 pertain to items of possible use to the general public. Except for clothing, this generic information includes almost the entire range of products purchased by the average family.

Unfortunately, as set forth in the language of specifications, the information is of little use to the average consumer. GSA believes, however, that "many of the specifications are susceptible to conversion for layman use by technically qualified personnel." The list of possibly usable specifications is set forth in Appendix B. An example of a specification converted into layman's language is attached as Appendix C. Even more refining is possible to make the information fully usable.

GSA releases no information of a brand or nonbrand variety, apart from the specifications and QPL's. Only the manufacturer of the specific product tested is informed of the results of tests. The current nonrelease policy is set forth in GSA Orders FSS P 2900.5 and FSS P 4445.1, Supply Operations Handbook, Chapter 4.

##### Department of Defense

In response to a Task Force question about DOD testing of brand name products that are available to individual or corporate buyers, DOD responded that it does "for all practical purposes none." One possible exception is drugs, about which the Army possesses considerable information. A substantial portion of the drugs sold through commercial pharmacies do not meet the exacting specifications set by the Army. The Task Force strongly believes that every effort should be made to include some of this information within any release program.

DOD possesses a larger body of relevant nonbrand information. As stated by the department in its reply to the Task Force questionnaire:

"Both the Army and the Defense Supply Agency are involved in testing of consumer type supplies furnished to the Military Services. For the purpose of this discussion we are limiting the commodities to clothing and textiles (including shoes), subsistence and drugs, pharmaceuticals and biologics. It must be pointed out that these commodities may not be identical with those marketed in civilian sector because the items may be procured in accordance with specifications which reflect military characteristics."

The Department has a general policy that the public be given "free access to all information which does not qualify for protection under security directives or other criteria established by law." (DOD Directive 5400.7 and Armed Services Procurement Regulations 1-329-3). Pursuant to this policy, generic product information is published from time to time in reports and in papers written for scientific journals. At the same time, however, it has been a firm DOD policy "not to release information on a specific contractor [or his products] to a competitor or the public at large." Thus the Department's "free access" policy is somewhat less than total.

*National Bureau of Standards*

"The National Bureau of Standards is not a procurement agency. It occasionally performs tests on brand products for the benefit of other agencies. (The hearing aid tests it conducted for VA are a typical example.) It does a wider range of product research in developing new testing methods.

In the course of these activities, it accumulates significant amounts of product information, "some of it by brand." A list of consumer products for which it has brand and nonbrand data is set forth in Appendix D.

NBS generally leaves to the agency for which it has conducted tests the decision whether the test data are to be released. It publishes no brand data itself. Even as to general product information, there is a published Commerce Department policy explicitly prohibiting release. (Procedures and Reports Manual of the National Bureau of Standards.)

*Department of Agriculture*

Brand information comes to the Department of Agriculture primarily through its administration of the inspection and grading program on fresh meat and poultry. Little is gathered of direct usefulness to consumers, since most fresh meat products are sold to the public unlabelled as to the packer. Even as to the few major differentiated meat products like bacon and hot dogs, there is practically no comparative information of any value to consumers.

Until 1965, the Department conducted a small research program in household appliances through its Agricultural Research Service. Tests were conducted regularly on commercial refrigerators, stoves, water heaters, irons, washers and dryers for the purpose of evaluating performance-in-use. Much brand data were amassed, but department policy precluded reference to brand names in Departmental releases. Beginning in FY 1966, Congress discontinued support of the research altogether. The reasons for discontinuance were not fully clear, though questions had frequently been raised about the appropriateness of using Agriculture's funds for this type of research. It was also claimed that by 1965 independent testing groups were providing adequate information on commercial appliances.

The information distributed by Agriculture about appliances was almost entirely in the form of general guides about qualities to look for and what to expect. This kind of general product information remains an important function of the Department of Agriculture: The Department provides day-to-day information on foods in bountiful supply, how to buy, how to cook and how to serve them. Newspapers, restaurants, supermarket chains—as well as some consumers—are all users of this information. New approaches are being developed to reach more consumers, particularly in low income areas.<sup>2</sup> In addition, standards have been set for several hundred fresh food items.

*Department of Health, Education, and Welfare*

In a statement before the Federal Trade Commission on November 25, 1968, Secretary Cohen announced a new position for his Department on the release of product information:

"The results of government-sponsored research that are relevant to consumer choice should be available to the consumer. This is true whether the information relates to cost, safety, merit, or comparative value of goods or services. Moreover, information should not be limited to product information

<sup>2</sup> Techniques being tried include: illustrated recipes; graphic presentation of buying hints about the four food groups needed for a healthy diet; colorful pictures and slides; and a coloring book for children.

in the traditional sense, but should include the comparative value of such things as insurance policies and educational systems.

"In keeping with this policy, I have directed that a survey be made of recent or current research projects in HEW to focus on this issue and make sure that the agency does not fail to disseminate the results of research that could be useful to the consumer.

"Research results will be published as they become available. In addition, to make sure that this information and any other HEW information of value to the consumer gets to people in language that they can understand, we will publish it periodically in the consumer-oriented newsletter of the Office of Consumer Services."

HEW has reported to the Task Force that the surveys of agency information mentioned by the Secretary are just beginning to come in. For this reason, they are unable to state at this time any products on which they can with certainty release brand or generic information. They are hoping to be able to release information about drugs, birth control devices and educational materials and services.

Prior to the recent statement, HEW had no departmentwide policy regarding the release of information. Little, if any, comparative brand data has apparently been released in recent years. A small amount of generic information has from time to time been published in booklet form.

*Veterans' Administration*

The Veterans Administration develops brand information in the process of establishing Qualified Products Lists. QPL's are currently in force for five products: surgical instruments, hypodermic needles, syringes bandages and hospital beds. Brand tests are also conducted on hearing aids, wheel chairs, and artificial limb component parts. VA believes that much of this information could be valuable to consumers, though hearing aids and wheel chairs seem to be the only products of high consumer interest.

As to general product information, VA believes it has very little. It states that "reasonable information could conceivably be developed on such products as drugs and those for which we have developed qualified products lists." General information on prosthetics and sensory aids is published in VA's Bulletin of Prosthetic Research, available through the Superintendent of Documents.

Until very recently, VA released no brand data whatsoever. Earlier this year it denied a request by Consumers Union under the Freedom of Information Act for the results of its tests on hearing aids. Consumers Union has now brought suit in a Federal District Court in New York. Since the initiation of the suit, VA has announced a new policy, placing its suppliers on notice that hereafter it reserves the right to release the results of tests on their products. The VA policy statement taking this landmark step is set forth in Appendix E.

## III. TASK FORCE RECOMMENDATIONS

The Task Force proposes a new government-wide policy for releasing consumer product data. We recommend its implementation through executive action—specifically a Presidential memorandum—because new legislation is not needed to make a beginning and because action by the President now can be an important reaffirmation of this Administration's interest in the consumer. The discussion below is in six parts, following the format of the proposed Presidential Memorandum, which we have set forth in a rough draft form as Appendix F.

*A. General request to all agencies**The Proposal*

*That all federal departments and agencies review existing programs to determine what*

*information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released.*

*Discussion*

Taken together with Part D below, requiring the agencies to report to the President's Committee on Consumer Interests, this section is intended to complete the function that time and manpower prevented us from performing: that is, a thorough survey of product information in the government's possession. A program review can also serve—if taken with the right spirit—as an opportunity for agencies to rethink the role they can play in serving the public. We are aware of the Bureau of the Budget's reluctance to require agencies to conduct studies. We believe, however, that the survey we propose will require little time. We also believe that applying some part of the Presidential action to all agencies is a way of indicating the importance attached to it.

For the review to be effective, the Committee on Consumer Interests will have to ask the agencies specific questions and prod them to answer respectively. The Committee should consider the information problem in its broadest form and develop longer range attacks on the problem that we were able to treat in depth here.

*B. Restricted program for releasing brand data**The Proposal*

That departments and agencies conducting tests on consumer products participate in a pilot program for releasing such information. Participating agencies will select the products about which information is released. Before release:

Test results will be reviewed by the releasing agency for accuracy, reliability, objectivity, and meaningfulness; among the factors the agency will consider are the size of the sample tested and the uniformity of test methods employed.

Trade secrets and other proprietary information will be excluded from materials. Information will be accompanied by explanations of test methods and by appropriate statements on the limitations of application.

When the information arises from tests for purposes of procurement, suppliers in the selected product industries will be informed prior to testing that test results will be subject to release.

If adopted, the policy change would have the following likely effects during its first year: VA would release test information on hearing aids and a few other products. GSA would release comparable information on several of its QPL products; at this time, GSA anticipates that antifreeze, flashlights, and hand files would be among the initial products covered. Possibly, DOD would be able to release some drug information. HEW is uncertain as yet what it would release, but believes some consumer products can be covered.

*The Reasons Behind the Proposal*

As discussed above, our survey of information in the hands of government agencies has revealed varying levels of conceivably useful brand data—very little, if any, at Agriculture and National Bureau of Standards, little at Defense a little more at Veterans Administration, and a greater amount (though unclear how much greater) at General Services Administration, and a wholly uncertain amount at Health, Education and Welfare.

The finding that brand information existed was, however, the beginning, not the end, of our analysis. Many doubts were raised as to the reliability of existing information, the fairness to manufacturers in releasing it, and the political feasibility of release.

Brand data, did however, have one great attraction to us as a subject for release: by being specific, it could be of maximum possi-

ble usefulness to consumers. Given the woeful state of consumer knowledge, information serving as meaningful guides appeared highly desirable. Accordingly, after reviewing VA's and HEW's new policies for release and the FTC's experience with comparative brand data on nicotine and tar content in cigarettes, we have framed a proposal for a government-wide release program—one with safeguards to protect to the maximum possible extent against the release of misleading or inaccurate information. The proposal above is the product of our efforts.

Because it is critical in evaluating our proposal to understand the dangers and pitfalls that have been pointed out, we have set them forth here in some detail, along with specific reference to the safeguards we have devised to protect against them:

1. **Incompleteness of Data:** The General Services Administration has pointed out that, as to most products, it does not conduct tests on the full range of available brands. Many quality levels, wholly acceptable to the general consumer, are excluded from their testing. Moreover, many corporations, for a variety of sound business reasons, simply do not participate in procurement programs. Any program of release might, GSA believes, cause unjust injury to products not included. It is uncertain the degree to which this danger can be avoided through warnings issued with the information when released. (The provisos to our proposed release policy permitting releasing agencies to select the products dealt with, requiring them to review the data for reliability and meaningfulness, and requiring them to issue warnings about limitations of application, are responsive to this fear.)

2. **Raw data can be misleading:** The Department of Defense has pointed out that many raw data are misleading. Raw data may, for example, indicate minor degrees of difference among products that are much less important than the consumer might be led to believe. Statistical terms are easily misunderstood. Even though it is probable that most brand information would reach the consumer through intermediaries such as Consumers Union, it is unclear to what extent the possibly misleading impressions would be avoided. There is also the danger that manufacturers in their advertising would make more of the differences than is justified. (Again, see provisos permitting selectivity in release and requiring review for meaningfulness. See also prohibition below against advertising implying government endorsement.)

3. **Staleness of data:** Several agencies have expressed the fear that by the time test data become publicly disseminated, product changes will have rendered the tests out of date. Both manufacturers and consumers could be thus injured. It is clear that any program for release will have to employ data of the maximum possible freshness. (Again, see proviso permitting selectivity in release and requiring review for reliability and meaningfulness.)

4. **Nonuniformity of testing:** Much testing of products to determine conformity with GSA specifications is conducted in the manufacturer's own plant under GSA scrutiny. Manufacturers applying varying test methods and varying sizes of samples. As to these products, comparative test results are likely to be particularly misleading. In addition, the supplier pays the cost of testing. GSA believes this fact increases the unfairness of release. (Again, see provisos permitting selectivity in release and requiring review for meaningfulness.)

5. **Danger of Disclosure of Proprietary Information.** Government suppliers occasionally furnish procurement agencies with closely guarded proprietary information about their products. Grave doubts exist whether manufacturers possessing such secrets would participate in procurement

programs if proprietary information were subject to release. Indeed, there is already a specific provision of the federal criminal code prohibiting government employees from revealing trade secrets coming to them in the course of their official duties. (See 18 U.S.C. Section 1905.) (See proviso to our proposal expressly prohibiting release of trade secrets.)

6. **Manufacturers may refuse to participate in procurement and testing programs:** Because of the various dangers of misuse and misinterpretation discussed above, fears have been expressed that a program for releasing brand information will result in some manufacturers becoming unwilling to participate in procurement programs at all. The National Bureau of Standards shares this fear and is even more fearful of impairing the close working relationship it has with manufacturers in devising new test methods. The extent to which the fears of nonparticipation or noncooperation are justified cannot be measured. Unfortunately, the problem is circular to a degree: If suppliers are aware that the government is afraid of non-participation, they may be more likely to threaten it. The danger of nonparticipation is nevertheless real and we have had to take it into account in framing our recommendations. (The proviso permitting selectivity should be helpful here. More importantly, the proposal includes a reporting provision to assess agency experience after about six to eight months. The policy could then, if necessary, be abandoned or modified in the light of experience.)

7. **Manufacturers may participate in testing with no intent to participate in procurement:** GSA believes that nonparticipation is less likely than its opposite, over-participation: that manufacturers who have not previously participated in procurement programs (and have no intent of entering competitive bids) will want to have their goods tested for advertising reasons. Even though suppliers pay for the testing, GSA's procurement tasks would become more cumbersome. (Again see, as a partial safeguard, provisos for selectivity and review after six months.)

8. **Political Dangers:** In 1952-53, the National Bureau of Standards came under heavy Congressional fire after releasing a statement that no battery additive they had tested—including one particular named additive—was capable of extending a battery's life (the principal function the additives were said to perform). Though the NBS findings proved substantially correct, NBS was labelled as an enemy of small business. This experience urges great caution in developing a brand-release program. Nevertheless, two important facts distinguish today's situation from that in 1953. First, there are now several members of Congress who will applaud and support a government program to disseminate product information. Senator Hart and Representative Rosenthal have already, for example, introduced legislation to accomplish much the same end as we propose. And, second, the new Freedom-of-Information Act provides a shield through its establishment of a broad federal policy favoring public access to government data.

#### C. *The role of the National Bureau of Standards*

##### The Proposal

That the Department of Commerce, through the National Bureau of Standards, take a lead role in certain important areas of consumer information programming. Specifically, it will:

Convert selected government specifications and other generic product information into forms useful to consumers.

Seek to develop techniques for describing product characteristics in terms understandable and useful to consumers.

Work with manufacturers to encourage la-

bellling that is of maximum informativeness to consumers.

#### Reasons

The Task Force was in unanimous agreement that a broader program for disseminating nonbrand information was justified and desirable. Each of the participating procurement agencies, with the exception of VA,<sup>3</sup> stated that it perceived no problems of unfairness to manufacturers that might flow from such a program. All believed that the government possesses substantial quantities of generic information that might, if properly handled, be highly useful to consumers in making product choices.

Some general product information is already prepared for dissemination to consumers. The programs of VA and Agriculture are discussed above. We have made two recommendations to build on these existing programs. First, we have included a general injunction to all agencies to consider the role they can play in providing information to consumers. This recommendation is discussed above. Second, we recommend that the NBS now take affirmative steps to develop and release product information, principally through the conversion of specifications into forms useful to consumers. We have centered the program in a single agency for reasons of efficiency. We have selected NBS because of its special technical skills and because it performs work for and with all of the federal procurement agencies.

Dr. Allen V. Astin, a deputy on the Task Force and Director of the Bureau, is eager to under take such a program—indeed had already proposed it. The Department of Commerce had made a request for \$100,000 in the Department's proposed 1970 budget to undertake it. We have discussed budget considerations below.

If our recommendation is adopted, Dr. Astin intends to assign 4 or 5 staff personnel to work exclusively on this project. He believes that within a year they could prepare materials on about a dozen consumer products, including paints, roofing materials, floor coverings, and textiles.

A major problem for any product information program will be the development of means for effectively communicating information to consumers. Thus, we have also recommended that the NBS focus particular attention on developing new techniques for describing product characteristics in terms understandable to consumers. The Department of Defense and other agencies have repeatedly pointed out to the Task Force that there is a grave need for research to develop useful performance standards for consumers and terminology to convey information to them. With the funds here recommended, NBS will be able to make only the smallest beginnings in this area. In terms of making a long-run contribution to consumer autonomy, this may be the most important area for government effort.

We have also recommended NBS efforts to encourage manufacturers to label their products more informatively. The materials NBS will release on consumer products will provide consumers with important questions to ask, but salesmen are not the optimum desirable sources of answers. More informative

<sup>3</sup> VA, though endorsing a pilot program in the Bureau of Standards, raised the following warning: Such a program [of releasing nonbrand product information] might well damage industry and mislead the public, particularly where accepted industry standards do not exist. In the absence of accepted industry standards, judgment is necessarily subjective as to what factors are controlling, and in the case of the Government, based on the needs of the Government. The needs of an individual consumer are not necessarily those of a Government agency as other factors may be considered controlling.

labeling is desirable and several members of the Task Force believe that voluntary cooperation is possible. Special efforts might be focused initially on manufacturers of the types of products covered in NBS releases.

Consideration should also be given to long-range techniques for securing more effective labeling. A legislative program for encouraging all firms in an industry to reveal more about their products has been initiated on a voluntary basis in Great Britain as the "Tel Tag" program. Legislative sponsored by Representative Rosenthal in the last Congress would introduce a similar voluntary program in the United States (H. R. 17097, 90th Cong., 2nd Sess.). Experience with an NBS program may indicate that Administration backing for such legislation is called for.

#### D. Limitation on advertising

##### The Proposal

That agencies include in all materials released a statement to the effect that the government does not endorse particular products and that, while advertising of released information is permissible, any implication that the government does endorse any product will be considered false and misleading.

##### Reasons

All agencies represented on the Task Force agree that the Federal government must not endorse specific products—or even specific kinds of product (e.g., frost-free refrigerators). And, of course, participating agencies should avoid using value-loaded terms in the materials they release. To the maximum extent possible, materials should be descriptive, not prescriptive. No matter how much care the government exercises, however, manufacturers may still use and abuse the information in their advertising.

The Task Force recommends against attempting to prohibit all advertising of released information. In the first place, truthful advertising of government data would be difficult to prevent. The releasing agency could, it is true, threaten offending suppliers with disqualification from participation in procurement (as GSA has implicitly done in forbidding those on Qualified Products Lists from advertising the fact), but such a threat would not affect nonparticipant manufacturers. Much more importantly, truthful advertising of test results appears to be highly desirable because it serves the very purpose underlying the release proposal: informing the consumer.

Assuming no attempt is made to prevent all advertising, the harder problem comes in determining when advertising of government information crosses the borderline into the area that ought to be controlled as misleading. Advertising specifically stating that the Government has endorsed a product or class of products should certainly be prevented through procurement agency or FTC action. We further suggest sanctions against advertising that attributes the government value judgments not actually stated by it—however easily the judgment might have been inferred from the released material. ("Brand X proved best by GSA test.") Perhaps, the FTC should be encouraged to devise guidelines in this area.

#### E. Coordination by President's Committee on Consumer Interests

##### The Proposal

The President's Committee on Consumer Interests will serve as coordinator of the program set forth in this Memorandum. All agencies will extend the maximum possible cooperation to the Committee:

All federal agencies, including those participating in the release program, will report to the Task Force by April 1, 1969, on the results of their surveys of existing product information, on their studies of the appropriate additional roles they can perform in serving the consumer's needs for informa-

tion, and on such other questions as the Committee may ask.

All agencies participating in the product test information release program will report to the Task Force by July 1, 1969, on the steps they have taken to carry out the directions in this memorandum, on the results to date of their programs, and on such other questions as the Committee may ask.

The Committee will report to the President by August 1, 1969, on their findings and on their recommendations for further actions in the area.

##### Reasons

Particularly because of the gaps in communication possible during a change of Administrations, the Task Force decided that it would be highly desirable to have some single agency monitor and coordinate the recommended program and make follow-up recommendations. The President's Committee on Consumer Interests seemed the most appropriate agency for several reasons: its sphere of interest is the same as that covered in the recommendation; it is set up to advise the President, a function needed here; it includes as members nearly all of the agencies affected by the new policies;<sup>4</sup> and it is not tied to the interests of any single agency.

##### F. Costs

The only new funds we recommend for carrying out this program will be for the National Bureau of Standards. For it, we recommend the allocation of \$100,000 from the Department of Commerce's 1970 budget. As mentioned above, Dr. Astin, the Director of NBS, had already requested such an amount in the Department's proposed budget. This request was recently denied by the Bureau of the Budget on fiscal (not policy) grounds. Though we do not know all the factors considered by BOB, we believe that the program we recommend, when regarded as a pilot for possible further action, is worth many times its small cost. We thus recommend that the Budget Bureau decision be reversed.

No new funds need be sought for any of the other agencies. VA plans to carry out its new program within its existing budget. We believe that other agencies can do likewise. Experience with the program over the first year will indicate whether special funding is desirable in future years.<sup>5</sup>

<sup>4</sup>The Committee's membership now includes: The Council of Economic Advisers; the Department of Agriculture; the Department of Commerce; the Department of Health, Education, and Welfare; the Department of the Interior; the Department of Justice; the Department of Labor; the Post Office Department; the Department of Housing and Urban Development; the Federal Trade Commission; the Veterans Administration; and the Office of Economic Opportunity. The only key agencies not represented are the Department of Defense and GSA; they could be invited to sit in this project.

<sup>5</sup>Under current procedures, government suppliers pay for the tests on their own products. GSA has suggested that it might be politically and tactically wiser to release data only when the tests have been paid for by the government. The Task Force as a whole recommends against this further condition. Manufacturers take the cost of testing into account in bidding on procurement contracts and in establishing pricing policies generally. Moreover, as long as they have been warned that the test information may be released, they are not unfairly surprised by a change in policy. It cannot be denied, however, that GSA possesses vast experience with reaction of suppliers to various policies and regulations. For this reason a brief experience with the release program may indicate that the condition regarding government payment should be added. If added, the program we recommend will become appreciably more costly and will have to be reconsidered in that light.

#### Concluding Note

The principal suggestions we have made are severable: We recommend that the new test data policy be adopted even if the National Bureau of Standards proposal is rejected—and vice versa. We believe that the two proposals fit well together, but either can stand alone.

#### APPENDIX F: DRAFT OF PRESIDENTIAL MEMORANDUM ON PRODUCT INFORMATION

Each year, American consumers have available to them products of increasing variety and complexity. All of us face a growing need for reliable information about the products we buy.

The federal government has long responded to this need—through the Department of Agriculture, through the Federal Trade Commission, through the Food and Drug Administration, and, most recently, through legislation such as the Truth-in-Packaging Act. Within the last few months, several agencies have announced expanded programs for providing product information to the public. These steps are extremely important.

We must, of course, avoid overestimating the amount of useful information the government now has. The vast bulk of the goods the government purchases are specially made to government specifications and are not available to the general consumer. Modern science, though greatly advanced in communicating technical information to other scientists, has done little to develop meaningful methods of communicating technical information to laymen or to devise standards of performance of meaning to consumers.

Working within these limitations, however, we believe that new efforts can be undertaken throughout government now at several levels. In all areas, we will seek to develop a fuller understanding of the amount and quality of information the government has and the ways it can be made useful. In some areas, new policies will be immediately put into effect.

Our eagerness to act along these lines reflects our strong concurrence with the purpose and spirit of the recently enacted Public Information Section of the Administrative Procedure Act. This new section expresses the concern of Congress and of this Administration that all citizens should have access to government information to the fullest extent consistent with individual privacy and the national interest.

Therefore, to develop a government-wide program for releasing product information, I am today requesting:

That all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released.

That departments and agencies conducting tests on consumer products participate in a pilot program for releasing such information. Participating agencies will select the products about which information is released. Before release:

Test results will be reviewed by the releasing agency for accuracy, reliability, objectivity, and meaningfulness; among the factors, the agency will consider are the size of the sample tested and the uniformity of test methods employed.

Trade secrets and other proprietary information will be excluded from materials.

Information will be accompanied by explanations of test methods and by appropriate statements on the limitations of application.

When the information arises from tests for purposes of procurement, suppliers in the selected product industries will be informed prior to testing that test results will be subject to release.

That the Department of Commerce, through the National Bureau of Standards, take a lead role in certain important areas of consumer information programing. Specifically, they will:

Convert selected government specifications and other generic product information into forms useful to consumers.

Seek to develop techniques for describing product characteristics in terms understandable and useful to consumers.

Work with manufacturers to encourage labelling that is of maximum informativeness to consumers.

That agencies include in all materials released a statement to the effect that the government does not endorse particular products and that, while advertising of released information is permissible, any implication that the government does endorse any product will be considered false and misleading.

The President's Committee on Consumer Interests will serve as coordinator of the program set forth in this Memorandum. All agencies will extend the maximum possible cooperation to the Committee:

All federal agencies, including those participating in the release program, will report to the Task Force by April 1, 1969, on the results of their surveys of existing product information, on their studies of the appropriate additional roles they can perform in serving the consumer's needs for information, and on such other questions as the Committee may ask.

All agencies participating in the product test information release program will report to the Task Force by July 1, 1969, on the steps they have taken to carry out the directions in this memorandum, on the results to date of their programs, and on such other questions as the Committee may ask.

The Committee will report to the President by August 1, 1969, on their findings and on their recommendations for further actions in the area.

#### FOOTPRINTS ON THE MOON

### HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 24, 1969

Mr. BAYH. Mr. President, one of my constituents, Arthur Franklin Mapes, has composed a very fine poem honoring the magnificent space voyage by our astronauts and man's first visit to the moon last July. A well-known and highly respected Hoosier poet, Mr. Mapes is the author of the official Indiana State poem and has become widely noted for his excellent literary works.

It is my understanding that his latest composition, entitled "Footprints on the Moon," has already received some recognition. As a tribute both to the astronauts who risked their lives on this unprecedented venture and to Mr. Mapes, I ask unanimous consent that the poem be printed in the RECORD.

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

FOOTPRINTS ON THE MOON  
(By Arthur Franklin Mapes)

Unlike a fabled argosy of old  
That ventured o'er a mythical lagoon;  
Our great Apollo, manned by men so bold,  
Roared skyward on its journey to the moon.

Up through the atmosphere that shields our world  
Our valiant astronauts streaked through the blue,  
On lunar soil . . . Old Glory was unfurled,  
And one of mankind's oldest dreams came true.

The Eagle landed on a barren plain,  
Its feet set firmly on volcanic crust;  
Two men descended to the strange terrain,  
And left their footprints in the lunar dust.

Celestial gateways now have opened wide,  
The galaxies now beckon overhead;  
We now accept this fact with awe and pride,  
And who of us can say that God is dead.

Two men have won a place in history,  
The glory of their feat will long be known,  
But do not honor two men . . . honor three,  
For one man orbited the moon alone.

I look up at the moon at close of day,  
Knowing that dreams of conquest will not cease.

How proud we are . . . yet still we all must pray

That man shall . . . also . . . find the way to peace.

#### NIXON ADMINISTRATION DOUBLE-TALK IN EDUCATION HIT

### HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. HAWKINS. Mr. Speaker, regretfully, I must accept as political naivete the belief of U.S. Education Commissioner James E. Allen, Jr., that he is in fact pledging "the Nixon administration to a new national goal of assuring every citizen the right to read."

Merely citing data showing reading deficiencies and expressing pious hope of national involvement to correct conditions are simply not enough. Especially is this true in view of this administration's varied commitments to cut Federal spending, to fight inflation, to maintain military supremacy in weapons and space, to seek tax reform, and to share Federal revenues without strings with state and local governments.

Nor is the record to date of this administration very convincing in support of such a national commitment. Recently, for example, the House had to fight against Nixonites in order to add a billion dollars to the Health, Education, and Welfare, and Labor Appropriations Act for fiscal year 1970.

In another instance, the administration bill for Federal support of education as submitted would have reduced school library funds to zero, cut in half college library materials, eliminated funds for guidance and counseling under the Defense Education Act, and greatly reduced aid to federally impacted school districts.

Even less clear is this administration's commitment to desegregation of the Nation's schools. Vice President AGNEW is assuring southern Governors of one thing; Secretary Robert Finch is appealing to northern liberals that the opposite is true. Meanwhile, the administration is seeking a delay in desegregation of 30

Mississippi school districts that have had 15 years in which to comply.

Last week, the U.S. Commission on Civil Rights reported:

Recent actions involving Federal efforts to bring about school desegregation are a major retreat in the struggle to achieve meaningful school desegregation.

The Commission, in effect, was reprimanding the Government for not following "the moral and legal principles and promises on which our Constitution and laws are based."

On what foundation then is the U.S. Commissioner of Education, an outstanding and respected educator, actually basing the commitment of this administration and Government to ending illiteracy? He proposed no new legislation, cited no specific financial targets, outlined no guidelines to end segregation, and offered no new techniques except Federal coordination and technical assistance.

Perhaps the best he can do is to try to coordinate Cabinet members who daily contradict each other.

#### CLEANING UP BEAR CREEK

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. LONG of Maryland. Mr. Speaker, one of the biggest problems in my congressional district is water pollution—which has reached critical proportions in the last few years. Mrs. Ella Kirby, editor of the Dundalk Times has written a timely and perceptive article on this problem which I should like to share with my colleagues by including it in the RECORD:

#### CLEANING UP BEAR CREEK

The county health department has stated that most marinas in the county already conform to a new law forbidding the use of boat toilets at piers and requiring land-based facilities for boaters.

But earlier this month the Baltimore County Council passed a bill giving the marinas two years to make needed connections. The new law will require marina operators to post notices of the restrictions on their piers and to provide toilets for men and women for each 100 boat slips.

The main problem in the Dundalk-Sparrows Point area will come from marinas whose sewage systems are not working properly. The very low ground on which most marinas are located may cause trouble.

A \$350,000 county appropriation for a new sewage pumping station in Sparrows Point has not as yet been passed by the County Council. The station and the mains attached to it would transfer sewage from the Point area to the Back River treatment plant. We hope it will be considered at the next council meeting.

Now if the county will check other sources of pollution of Bear Creek including their own sewage pumping system, which overflowed recently, we may look forward in a few years to swimming here again.

It is not impossible. It just takes a huge sum of money and time.

**THE COUNTRY CANNOT WAIT—\$6  
BILLION PEACE DIVIDEND IS  
PEANUTS**

**HON. ROBERT L. LEGGETT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. LEGGETT. Mr. Speaker, the country is literally screaming to have its wounds bound up and a reallocation of national effort and priorities. Secretary Laird a few weeks ago dashed all hopes for a peace dividend when he stated that the multibillion dollar unfunded demands of his military departments would readily regobble any reduction of funds that might be realized by a reduction of Vietnam efforts.

This was followed last week by Presidential Advisor Moynihan who confirmed from the White House that this was the case. Even conservative Republican leadership recognized that their image was about to get out of hand if the Grand Old Party did what comes naturally. So JERRY FORD forthrightly stood up a few days later for a \$6 billion dividend.

The country will not wait and cannot survive on peanut offerings. My constituent, Will Finch, tells it like it is in the September 4 issue of the Woodland Daily Democrat:

**AMERICA CANNOT WAIT TILL 1990**

Recently a responsible representative of the Nixon administration said that we need not expect the federal budget to provide substantial help on the domestic problems now facing this country until about 1990. Even with the end of the Vietnam war, the money saved will be needed, they say, to build up supply of war materials—everything from hand-grenades to helicopters—to carry on nuclear and space research and development and for carrying out our foreign commitments. So only small amounts of federal money will be available for meeting domestic problems.

America cannot wait twenty years for poverty families to get more than token support; for needlessly hungry and malnourished children to be fed; for the problems of city ghettos and rural slums to be vigorously attacked; for the welfare of handicapped children and of the aged to be adequately cared for.

America cannot wait twenty years for the federal government to give substantial aid to the county and local government, now dependent almost wholly on the property and sales tax for revenue, to pay the costs of public education, of law enforcement, of juvenile delinquency and of public health, etc.

America cannot wait twenty years for the high rates of unemployment among minority groups to be substantially reduced by "training programs" that often lead nowhere because some unions will not let these trainees join and because contractors on government work, who are supposed to provide equality of job opportunity often do not do so; for private industry to carry all the load of employing all this labor unless the government itself becomes "the employer of last resort"; for the minimum wage law to be applied to all types of work and for the federal government to really enforce the law requiring equal pay for equal work.

America cannot wait twenty years for the federal government to more adequate and vigorous support to civil rights legislation so that the principle of equal rights to register, to vote, to hold elective and appointive

office, to fair and equal treatment by law enforcement officers and the courts; for equal educational opportunity for all within school districts and among the States; for really "open" housing; and for higher education to be available freely to intellectually able but economically unable youth.

America cannot wait twenty years for federal leadership and funds to attack the problems of air and water pollution. Or to round out the national program of national parks and recreational facilities. What will be left if we wait twenty years?

It may take twenty years to meet some of these situations but we cannot wait that long to begin. We must begin in 1970, not 1990. We can begin now to push for federal leadership and funds by being sure that those elected to local, state, and federal offices in 1970 recognize the folly of delay and the need for a national attack on these problems now. Before we vote for they they must commit themselves to helping to develop adequate solutions for these problems and to vote money which will get these plans under way without delay.

As Governor Rockefeller pointed out on TV recently if one third of the increase in the extra taxes that the federal income tax will yield in the next five years, was returned to the states and local governments to help them on these problems, the federal government would still have a lot more money to spend than it now has. This would be about three times per year what the administration has suggested for the next five years. The tendency of the federal government to spend all of its extra money on space and "national defense" and "to maintain our military posture abroad"—to quote the Secretary of Defense—can be checked if we make it clear to candidates in 1970 that America not only can't wait till 1990 but won't. 1970 is the crucial year.

**TRIBUTE TO SENATOR BYRD OF  
VIRGINIA**

**HON. JAMES B. ALLEN**

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 24, 1969

Mr. ALLEN. Mr. President, I ask unanimous consent that excerpts from two editorials mentioning our colleague, the senior Senator from Virginia, be included in the Extensions of Remarks. The editorials were printed in the Pontiac Press, Pontiac, Mich., and the Christian Science Monitor, Boston, Mass.

Senator HARRY F. BYRD, JR., an outstanding Virginian and a great American, is making a record in the U.S. Senate that proves him to be a worthy successor of his father who served in the Senate with such distinction for so many years.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the Boston (Mass.) Christian Science Monitor]

**TRENDS**

The national debt—in case you haven't noticed—is still doing what comes naturally—floating up, up, up.

Sen. Harry F. Byrd Jr. (D) of Virginia has produced some figures for his senatorial colleagues to chew on as they cogitate the President's request for higher taxes (in the form of a continued income-tax surcharge).

As of May 1, he says, the national debt was \$366,277,176,554, which is \$10.5 billion more than last year's level of \$355,697,465,654.

Interest on the debt has been climbing with equal rapidity. It rose from \$14.5 billion in fiscal 1968 to \$16.5 billion in fiscal 1969.

The conservative Virginian points out that a one-year extension of the surtax, as requested by Mr. Nixon and approved by the House, will bring in only \$7.6 billion during 1970, while the interest on the national debt for the fiscal year just beginning will be a whopping \$17.5 billion.

[From the Pontiac (Mich.) Press]

Harry F. Byrd, Jr., is one of the most astute and hardheaded members of the U.S. Senate.

**INEQUITIES IN OUR PRESENT  
DRAFT SYSTEM**

**HON. TOM RAILSBACK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. RAILSBACK. Mr. Speaker, I have been concerned about the obvious inequities in our present draft system. Each Member of this House is aware that the youth of today also view our present procedures as basically unfair and inequitable. Few here would disagree with them. On the contrary, most Americans feel that our present draft system very much needs to be revised. Because of this I was extremely heartened when President Nixon's draft reform proposals were announced.

His decision to cancel the draft calls for November and December is encouraging in two respects. First, it indicates to me that perhaps the corner may have been turned in Vietnam. Although it is perhaps too early to assume this, it does reflect a favorable trend in the Vietnamization of the war. It also indicates an awareness and sensitivity of the pressures that the draft system has placed upon our youth and society. It will provide, I hope, a meaningful pause in which our entire position in Vietnam can be reassessed.

Perhaps of greater significance, however, was the announced decision to restructure the draft procedure in an effort to make it more responsive to our needs, as well as more equitable in its effects. Mr. Speaker, there is no easy solution or simple substitute for the difficulties posed by an involuntary conscription of men. President Nixon has requested our support of his effort to reform our present draft procedures. The need for reform has been clearly demonstrated and I intend to support our President. My decision to do so is based upon the belief that the youth of our Nation deserve a better system, one that recognizes their needs and aspirations as well as those of national security. There is no reason why the period of vulnerability and uncertainty should not be shortened. There is no reason why complete reform should falter for lack of concern and sense of urgency in this House.

President Nixon has accepted the responsibility of initiating and instituting reform procedures and has requested congressional action. He is prepared to institute reform with our assistance and cooperation, but recognizing the present

urgency is willing to proceed to the full extent of his authority if this Congress fails to accept his request. I feel that President Nixon should be commended for his concern and willingness to act during this crucial time in our history. No other President has demonstrated such sensitivity to the voice of our youth or such an awareness of their needs in this area. I heartily endorse his proposals and urge every Member to give them the most serious consideration and the necessary support for prompt implementation.

THE ELECTORAL COLLEGE REFORM  
YES: ABOLITION NO

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. EVINS of Tennessee. Mr. Speaker, following up on the important matter of electoral college reform, I wanted to point out that two great Tennessee Presidents—President Andrew Jackson and President James K. Polk—favored and publicly supported electoral college reform based on a congressional district plan similar to that which I supported in the recent debate on electoral reform.

The movement for electoral reform in 1826 followed the deadlock in the 1824 presidential election, which threw the decision into the House of Representatives, resulting in a victory by John Quincy Adams although Jackson had more electoral votes and a substantial margin in popular vote in the election.

Since neither candidate had a majority the decision was made by the House and resulted in the charge by Jackson supporters that Adams and Henry Clay, another presidential candidate, had made a "corrupt bargain," and that Clay threw his support to Adams in return for an appointment to the Cabinet as Secretary of State.

As a result of the thwarting of the will of the people as expressed in electoral and popular vote, Polk, who was then a Congressman and ally of Jackson in the House, and other Jackson supporters proposed a congressional district plan which would provide either that each district would choose an elector and that the electoral votes would be counted nationwide, thereby assuring a winner in the election, or that Presidents be chosen by districts without electors.

In a letter from Jackson to Polk on May 3, 1826, Jackson said:

I agree with you that the District System is the true meaning of the Constitution but as this cannot be obtained any uniform system ought to be adopted instead of leaving the election of President to Congress.

Jackson assured Polk that his position on the congressional district plan was well received by his constituents.

Polk, in explaining his proposal, said:

The sentiment of each mass of the community throughout the Union, composing a District, is fairly elicited, and made to have its due and proportional weight in the general collected sentiment of all the districts in the Union.

The fact that these great constitutionalists, President Jackson and President Polk, favored the congressional district approach to electoral reform rather than a national popular vote adds strength to the position of those who favor the congressional district plan proposed in the recent debate in the House 142 years later.

In other words these leaders felt then, as I feel now, that the balance between the smaller and larger States be preserved rather than shifting the balance of power further toward the big population States and reducing the power of the smaller States.

Presidents Jackson and Polk felt that it would be preferable to reform the system rather than abolish the system, by preserving the grassroots expression of the people in each congressional district unit in the process of electing the President.

The House has adopted the direct election proposal and the matter is now pending in the Senate. Approval by three-fourths of the States is required for ratification. This proposal is questioned by many who view the amendment as infringing on the equity and balance between the States.

SANTA BARBARA CHANNEL DRILLING BILL

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TUNNEY. Mr. Speaker, I am today introducing a bill to direct the Secretary of the Interior to exchange certain oil leases in the Santa Barbara Channel for scrip of equivalent value. This may be used to bid for substitute leases on public domain or other offshore lands.

Since the heavy seepage of oil at the time of the blowout last January, there has been a steady leak of 30 to 40 barrels a day, at minimum. I am informed that the leakage has now been reduced to about 10 barrels a day, after cement was inserted into various fissures, and after 10 multiple-cased shallow wells were drilled to relieve pressure.

Although there is hope that the ecological damage from last January's disaster may at last be brought under more control, I am still disturbed by the fact that, little by little, the Department of the Interior has allowed 15 to 20 leases to begin drilling again. This drilling is not intended to remedy problems created by the original blowout. It is new exploratory drilling. Typically several deep wells will be drilled by each leasee. I anticipate that further new drilling will be allowed.

Drilling does now meet stricter Federal standards. I am nonetheless concerned about the risk of a recurrence of the tragedy which clogged the channel, fouled miles of beaches and tarred thousands of birds and other wildlife. For this reason I propose that we end drilling in the channel. No less than this can guarantee the preservation of this priceless recreational resource.

TRIBUTE TO ANOTHER ILLUSTRIOUS ILLINOISAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. PATTEN. Mr. Speaker, I was indeed impressed by the fine newspaper article written for Roll Call by John Brunner regarding our former colleague from Illinois, Representative Barratt O'Hara. It was indeed an exceptional article inasmuch as it revealed the "real man" as observed in a personal relationship by a staff member who encountered his everyday actions which, by the way, were many as we all know from his service in this distinguished body of our Government.

The article entitled "Tribute to Another Illustrious Illinoisan" that appeared in the September 11, 1969, issue of Roll Call follows:

TRIBUTE TO ANOTHER ILLUSTRIOUS ILLINOISAN  
(By John Brunner)

It was late in February, 1968, when Barratt O'Hara learned that his Congressional career was coming to an end. The Chicago Democratic party organization withheld its endorsement to a man who so much wanted and pleaded for a tenth term in the House. But Barratt O'Hara was no ordinary man, and thus he went on to wage a proud campaign against the practically invincible Daley machine. There was never really any doubt about the outcome. The odds were just too great.

Defeat was nothing new for Barratt O'Hara. He was a political gambler. He lost some and won some. In 1912 Barratt cornered the Democratic nomination for lieutenant governor of Illinois. It was to be a Republican year until Teddy Roosevelt's Bull Moose faction arose and unexpectedly swept many Democrats into office. At 30, O'Hara became the youngest lieutenant governor in Illinois history. Ironically, only 15 years before, O'Hara had followed Teddy Roosevelt and his Rough Riders at the siege of Santiago de Cuba in the Spanish-American War.

It was 1948 and said to be another Republican year. The Illinois Second Congressional district with its University of Chicago faculty under suspicion for disloyalty was considered a GOP domain. At 66, when most are comfortably retired, Barratt O'Hara waged a relentlessly campaign and won the seat. His wife died the same year and in 1950 he lost partly because of his never-ending opposition to the House Un-American Activities Committee and a local sheriff's race. O'Hara returned to Congress in 1952 and easily won reelection thereafter.

Barratt O'Hara often remarked that "O'Hara was a fighting name," and he soon became known as "Battling Barratt." He appeared in Municipal court one day for fighting. A newspaper reported he had been knocked down. "That story hurt my pride," O'Hara told the judge. "When I was a young man in St. Louis, I trained at the same gym with Tommy Sullivan. When I came to Chicago I took delight in working with Abe Attel and other boxers of my weight. I have always taken pride in my boxing prowess." The record was corrected to show that O'Hara decked two bailiffs.

O'Hara was no stranger to the courts. He defended over 300 murder cases with fewer than 30 of his clients convicted and none received the death penalty. "I always wanted to be a lawyer," he said later, "There just were some detours." Clarence Darrow was once quoted as having said, "I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage."

Barratt's courtroom oratory followed him to the House floor. Unlike many older members who prefer to remain silent and then vote, O'Hara had a zest for debate. Once, when past 80, he leaped up so fast to answer a young speaker that he tripped over a colleague's foot and gashed his head. He was back the next day with a bandage.

One of Barratt's later loves was Africa. He continually exalted it and defended it as chairman of a House subcommittee. He once replied to a disparaging remark about Africa by saying, "As Africa goes, so goes the world." He continually advocated a "complete divorcement" of the United States from colonialism and in 1964 undertook a controversial investigation of apartheid in South Africa.

Barratt O'Hara was forever planning, always thinking about the future. The next day intrigued him because he knew there would be new challenges. That's probably why we see interspersed among his careers as lawyer, soldier, and statesman those of journalist, publisher, motion-picture executive, and explorer.

After he left the Congress, he toyed with the idea of practicing law again and completing his autobiography. But the expectations of his mind surpassed the realities of his body. He has left a legacy of integrity and goodwill and the inspiration to be able to emulate just one of his many distinguished careers.

#### BRIDGING THE GENERATION GAP

### HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mrs. DWYER. Mr. Speaker, a significant effort toward bridging the "generation gap" was made last weekend by President Nixon, when he hosted a reception and meeting at the White House for representatives of college student governments throughout the country.

This was an important gesture in itself, but perhaps more important was the President's offer to the students that, rather than merely complaining about the problems facing our Nation, they help in finding solutions to them.

An editorial from the Philadelphia Inquirer, "Finding the Answers—Together," discusses the importance of this meeting. I insert this editorial in the RECORD:

#### FINDING THE ANSWERS—TOGETHER

President Nixon paid a timely tribute, in word and deed, by inviting hundreds of young college men and women who are student government representatives on campuses across the nation to attend a reception held at the White House over the weekend. He expressed to them his personal pride in their deep and wholesome concern about problems in this country and elsewhere. Noting that he and other leaders of government are concerned about the same problems, he said: "We want to find answers with you."

This is the kind of challenge college students everywhere should accept. It is not an easy challenge but it is a constructive one. It is easier to complain about unsolved problems than to offer solutions. It is easier to protest than to remedy. It is easier to be irresponsible than responsible.

The older generations are far from infallible and readily admit it. If the younger generations will concede that they don't know it all, either, a firm foundation will exist for mutual understanding, reciprocal respect, and a common quest for ways to make this a better world for all of us.

#### U.S. VIETNAM POLICY UNCLEAR: TROOP MORALE DECLINES

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MIKVA. Mr. Speaker, recently an article appeared in the Montreal Gazette describing the depths to which morale of U.S. fighting men in South Vietnam has sunk. This results quite obviously from an absence of clear U.S. policy in South Vietnam, from our policy of appearing to negotiate an end to the war while continuing to fight it. The article was written by Eloise Henkel, a constituent of mine, who has spent many months in Vietnam observing the situation there. Her incisive observations on the state of U.S. troop morale will, I believe, be of interest to my colleagues.

What Miss Henkel observes is that the obscurity of U.S. policy objectives in South Vietnam has confused and disheartened every American, and not least the American servicemen who serve there. While token troop withdrawals continue to dominate the headlines, American casualties mount apace. As a marine observed to Miss Henkel, "Sure we'll pull out 50,000 troops 50,000 dead." I insert Miss Henkel's article at this point in the RECORD because it demonstrates the obvious point, that the longer we stay in Vietnam—where we had no business in the first place—the harder it will be both on us and on the South Vietnamese.

The article referred to follows:

#### MORALE OF U.S. TROOPS IN VIETNAM AT ITS LOWEST

(By Eloise Henkel)

SAIGON.—The sagging morale of U.S. troops in Vietnam was the most striking difference I noticed between my visit this summer and my 1967-1968 tour.

The morale of many of the troops has plunged like the stock market the past year, and some of the troops feel they are being sold short by speculators in the stock of Thieu and Ky.

American civilians, too, now talk much differently from the way they did when I first went to Vietnam two and a half years ago.

The State Department officials spoke in glowing terms about "building a viable government," winning the war, and pacifying the entire countryside. Many soldiers talked about "fighting 'them' here so we won't have to fight them in San Francisco."

No more today. With the bombing of the North halted, the talks in Paris going on, and the stated policy of the U.S. government to "withdraw" from Vietnam, it's a different story.

High U.S. Embassy officials talk now about "how we got over involved in Vietnam" and how "it's in our national interest to disengage because we are concerned about other areas of the world, too, and the home front."

So who wants to get killed in an unpopular, discredited war on the way out?

G.I.'s from Hue in the north to Can Tho in the Delta told me this summer if the men were given a free choice to line up at Tan Son Nhut airport and fly home and forget Vietnam "about 100 per cent would go."

Many were openly skeptical and cynical about troop withdrawals.

"Sure, we'll pull out 50,000 troops," a Marine in Danang said. "Fifty-thousand dead." One reporter said, "If we pull out 50,000, maybe we'll put 60,000 back in. Who's going

to the airport and count all the planes that come and go every day?"

This question was in spite of the fact that some of the military say, "There's so much fat here, we could pull out 50,000 men without noticing it if we wanted to."

And even an Information Officer said, "We could pull out 100,000 this year without hurting the effort. The boys might not get three hot meals a day in the field and pillow cases, but it wouldn't hurt us tactically. And the ARVN want us to go. They're tired of having us run things. We could pull out some of the advisors with no sweat."

As I traveled throughout the country, talking with men on first, second, third, and even fourth tours in Vietnam I found only one G.I. from Georgia who suggested, "I guess we're fighting them here so we won't have to fight them in Georgia."

Marines at the Danang airport who had just arrived in the country looked sad and gloomy.

I asked some if they knew why they were in Vietnam and they said, "No. But maybe we'll learn after we've been here a while."

"What do you think about the V.C.?" I asked.

"We don't know, we never met any," one said.

"We've been told to be nice to the people, the civilians," he added. "But how can you be nice to people who are shooting at you? I know the civilians are the ones who are shooting at us."

"My wife is pregnant and doesn't know why I had to come. Nobody explained to her. I couldn't either. All I know is that I got orders for Vietnam and had to go."

Red Cross workers are usually among the most enthusiastic people in a war zone, but one I met at Tan Son Nhut who had been in Vietnam 10 months said, "I'm disgusted. What are we fighting and dying for here? We're not winning any ground. And there's so much corruption in the government. No freedom of the press. The government isn't popular and the people aren't for the war. If our troops could go home, all of them would go. "I was a hawk when I came over here, but I'm not any more. I didn't realize we weren't winning any ground. I don't think the people at home get the right idea from the papers."

A G.I. who had been in Vietnam eight months said, "There's so much hostility among the people here, especially in smaller places. Around Phu Bai, for example, they're all farmers who sympathize with the V.C. They don't like us and they wish we'd go home. So why are we here anyway? How can we be helping the people if the people don't want us here? I don't get it."

A writer who has been in Vietnam six years said, "Everything's different here now. I've just been out on an operation with the First Cav (First Cavalry Division) and the morale is down."

"In the old days, pilots would talk about the Big Zapper when a plane or chopper was shot down. They were fatalistic, daring devil-may-care."

"Today they're losing their nerve, they're concerned about their individual fate, they want to get home safely. They talk about White Robe Six and pray He will pluck them out of a falling chopper and save them in battle. They don't want to die here."

"Even an old-time sergeant I talked to was depressed and weary. He told me he was sick of the war and at LZ (Landing Zone) Grant he even refused a direct order to go out into the jungle."

"The student radicals and pacifists are winning some points. The boys sent now are caught between the pressure of the VC and the pressure of ideas. Some were students a year ago, listening to talks on campus."

"Now they're in dangerous situations where they're getting incoming and need to be in the best possible shape. But they're not. Many think it's a money war and wonder why they should die to win points for Thieu and Ky."

Special Forces men are often among the toughest and most gung-ho troops, but one sergeant stationed at a camp near the Cambodian border told me, "This is my fourth tour here. We're doing the same things we were doing six years ago here. It's crazy. We're getting a lot of Incoming and getting out tails shot off—for what? To of my best friends were killed this week in a fight with the friendlies by mistake.

"If Nixon announced all the men in Vietnam would be sent home by midnight tonight, I'd be the happiest man in Asia."

Incoming? Outgoing? Kill or be killed? Like for what?

That's the question of Americans in Vietnam today.

They know that nobody at home except their families and friends really cares very much.

So they do their job, count off the days, and pray it will soon be over.

#### MIDAIR COLLISIONS

### HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DEVINE. Mr. Speaker, following the tragic commercial and private plane collision in Indiana, much controversy has preceded the official investigative findings which will take many months.

Meanwhile, a statement has been issued by the Air Transportation Association on the reduction of midair collision risks which should be of interest to all Members charged with the responsibility of doing something about it. It follows:

STATEMENT BY THE AIR TRANSPORT ASSOCIATION OF AMERICA ON THE REDUCTION OF MID-AIR COLLISION RISKS, SEPTEMBER 15, 1969

Relatively inexpensive equipment and improved pilot qualifications for private planes operating in congested airspace areas could greatly reduce that risk of mid-air collisions such as the one that occurred at Indianapolis last Tuesday.

It is simply not true that nothing could have been done to reduce the possibility of that type of small plane-airliner collision. Action can be taken now which does not require large expenditures of funds.

The airlines have been pleading for years for protection by the Air Traffic Control System (ATC) under those circumstances where there is a mix of aircraft operating under visual flight rules (VFR) and instrument flight rules (IFR). The FAA, itself, recognized this need in early 1968 by proposing a plan for high density terminal areas which would require a "price of admission" for operation in certain high density terminal areas. This price would include minimum aircraft equipment and pilot qualifications to operate in certain congested-designated airspace. As recently as August 7, 1969, the ATA, in asking the FAA for urgent action on this High Density Terminal Area Plan (HDTA), said "the airlines feel that this problem, which bears so closely upon safety, cannot be ignored any longer." ATA, in a telegram to the FAA Administrator on September 15, 1969 again requested that immediate action be taken to issue the HDTA plan which incorporates airspace configurations, dimensions and procedures contained in the paper circulated by the FAA at the March 7, 1968 meeting.

Rules and procedures such as those contained in this rule do not require large ex-

penditures of money by the Federal Government but just a resolve to carry through on regulations that are perhaps distasteful, since they impose some limited restrictions on certain usage of airspace.

In May of this year, in commenting on FAA's Near Mid-Air Collision Report, ATA said: "While the report clearly points out the present ATC system provided for separation between IFR flights, it should be noted that no separation is provided between VFR flights or between IFR and VFR flights, except in the Atlanta area. In reality, therefore, in large portions of airspace, where large numbers of aircraft operate, there is only part of a system."

ATA also said the FAA report noted many conflicts between aircraft controlled by the ATC system and those operating outside of the system. This is not surprising, considering the manner in which the system is operated. The obvious solution is a system where, in certain controlled airspace, all operations are separated. Insofar as the airlines are concerned, the major safety problem area continues to be the intermix of VFR and IFR aircraft (controlled and uncontrolled) at the lower altitudes, particularly when climbing and descending. Earlier proposals by the airlines to lower the altitude in which positive control (APC) is exercised in the en-route environment, along with companion action in the terminal area will assist in solving this problem.

Another action that can be taken is the accelerated implementation and broadening of a recently proposed rule which would require mandatory carriage of Radar Beacon Transponders and the more rapid installation of the ground facilities that can make the best use of the information transmitted by the transponders. Radar beacon transponders transmit, along with the regular radar signal, an additional signal that appears on radar scopes to identify each aircraft.

The airlines have been urging adoption of a transponder rule for years. However, the rule is only now being considered by the FAA for partial implementation by 1973. Again this past June, in commenting to the FAA on the proposed rule, the airlines criticized the slow progress on getting the rule in effect and added: "The airlines are prepared to complete their part of the implementation program at an earlier date than proposed, if FAA can provide the corresponding modern ground facilities." In this regard, the Federal Government has not moved as rapidly as possible to provide their counterpart capability. The airlines also asked that the rule be broadened to apply to all aircraft operating in all controlled airspace at the earliest possible date.

Another action that can be taken is the preparation by the FAA of charts showing the area and routes normally followed by aircraft operating under instrument flight rules in medium and high density areas. These would be available to all pilots operating in these areas. Discussions have been in progress since mid-April 1968 between FAA and ATA on the need to proceed rapidly toward publishing of such high and medium Terminal Area Graphic Notices in the Airman's Information Manual. ATA has recommended that these graphical charts show special Air Traffic Control procedures, Instrument Flight Rules, altitude usage, arrival and departure flows, frequencies and other data. These graphic charts, while not the solution to the mid-air collision problem, would certainly be a contribution to increased safety. They would serve as a notice and assist in alerting pilots operating under visual flight rules of circumstances and air traffic they could expect to encounter if operating within or in the vicinity of certain areas. This recommendation is supported by the low incidence of near misses within the Chicago terminal area (where such a graphic

chart has been published), as reported in the agency's Near Mid-Air Collision Report, despite heavy traffic volume.

#### ELECTORAL REFORM

### HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BOGGS. Mr. Speaker, the New Orleans States-Item is doing an excellent job of informing the people of my area about the issues that the leaders of government face in Washington.

An excellent example of this is a recent editorial explaining the complexities involved in the electoral reform constitutional amendment. I believe it merits the consideration of all Members of Congress. It follows:

[From the New Orleans States-Item, Sept. 20, 1969]

#### ELECTORAL REFORM

For a number of reasons, it is imperative that Congress come up with either meaningful reform or abolition of the antiquated electoral college method of electing the president.

A step in that direction has been taken by the U.S. House of Representatives in its overwhelming approval of a constitutional amendment to abolish the electoral college system.

How meaningful this vote will ultimately be is still to be tested. The constitutional amendment approved still requires a two-thirds vote by the Senate and ratification by 38 states.

The spectre of a national election disaster is, of course, what prompted sudden congressional interest in the present system.

The 1968 presidential election which vaulted Richard M. Nixon into the White House could have produced an electoral college deadlock that could have set up third-party candidate George Wallace as the kingmaker.

As has been pointed out many times before, in the event of such a deadlock, the power to pick a president could conceivably have shifted from the 72 million Americans who went to the polls to the shoulders of one man.

Rep. Edward P. Boland, D-Mass., reminded the House on Sept. 10 that "The shift of a relative handful of votes in Illinois, which gave (Nixon) 26 electoral votes, and Missouri, which gave him 12, would have produced . . . deadlock" in the electoral college.

There are more obvious reasons for basic change, either through the framework of the existing electoral college system (which electoral college defenders contend has worked very well for many years), or through a constitutional amendment, making the big jump to a direct popular election method of selecting a president.

It is an historical fact that in three presidential elections the man who went to the White House actually received fewer votes than his opponent. But, because of the electoral college system, he was declared the winner.

In two elections, the presidency was actually thrown into the House of Representatives for a decision.

Another basic truth is this: In any given state, thousands of voters are, in effect, disenfranchised every presidential election simply because they voted for the man who did not carry the state.

Public polls strongly favor the switch to direct vote selection of a president. Both the recent Gallup Poll and the Harris Survey

showed 80 per cent of the American people favor direct election.

In addition, the switch has been endorsed by several national organizations, including the normally conservative American Bar Association.

There are several arguments for retention of the electoral college system. In a close popular vote, for instance, it reduces doubts about the outcome. In addition, the electoral college system gives the impression, no matter how close the popular decision, of unanimity within the nation. The victory appears, at least, to be clear-cut. It is possible that in a straight, popular vote, the outcome might not be known for days.

All of these considerations must be taken into account in a decision to change the system. But, careful consideration should be given to a change.

#### PROFESSOR SEES HIGH RISK IN LEGAL MARIHUANA

##### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BOB WILSON. Mr. Speaker, in the present furor over the legalization of marihuana, we lose sight of how little we know about this drug and its long-range effects on human personality and behavior. This point was recently emphasized by Dr. Daniel Freedman, chairman of the department of psychiatry at the University of Chicago, and I would like to share the following September 20 Chicago Tribune article outlining his testimony with my House colleagues:

#### PROFESSOR SEES HIGH RISK IN LEGAL MARIHUANA

(By Aldo Beckman)

WASHINGTON, September 19.—Those advocating legalizing marijuana "should be willing to risk exposure of many to becoming casualties," Dr. Daniel X. Freedman, chairman of the department of psychiatry at the University of Chicago, said today.

"Until we have research and experience nothing can be said about long-term usage of marijuana," Freedman warned. "We must scrutinize effects [of marijuana] in other cultures. We at least can know better how to predict before we accept no constraints [on the use of the drug]."

#### INDORSED BILL

Freedman's remarks came as he testified before the Senate special subcommittee on alcoholism and narcotics. He indorsed a bill, offered by Sen. Ralph Yarborough [D., Tex.], which would place the major responsibility for narcotics control with the department of health, education, and welfare, rather than with the justice department.

He urged further study of the effects of marijuana and noted that today's youth don't believe police and doubt authentic expert information.

#### VULNERABILITY NOT BELIEVED

"No cigaret smoker or wine connoisseur believes really in his vulnerability to becoming dependent or misusing the effects of his favorite drug," said Freedman. "Most of us, unfortunately, believe simply the testimony of our senses: if there are no immediate ill consequences, we assume all warnings are moralistic manipulations to induce conformity."

During today's hearing, Sen. Harold Hughes [D., Ia.], who heads the subcommittee, attacked the Nixon administration for its lack of action in taking positions on the various

drug bills being considered. Creed Black, a former Chicago newspaper executive and now assistant secretary of HEW, denied there was a lack of interest in the problem and blamed the delay on the tremendous load of bills awaiting administration position papers.

#### A SUPERSONIC ERROR

##### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. OTTINGER. Mr. Speaker, President Nixon's decision to spend \$100 million a year on Federal subsidies for a civilian supersonic transport plane is a major blow at fiscal responsibility.

At a time when inflation is soaring and vital programs of education, health, social security, and tax and welfare reform are being shortchanged, this kind of extravagant subsidy is totally unjustified.

In the aviation field alone this year, despite a growing crisis of air safety, there were no requests to Congress for control towers, instrument landing systems, or radar which the large majority of commercial airports still lack. These vitally needed safety facilities could be installed at every airport which lack them for \$50 million less than the SST subsidy the President has proposed.

Why did the President single out one industry for such support while a major tax reform measure to aid the forgotten American languishes in the Senate for want of administration support?

Where is the aggressive leadership in welfare reform and anticrime measures?

Perhaps the most disturbing aspect is the fact that the decision has been made to proceed pell-mell with this project even though important environmental and technological questions remain unanswered.

The experts concede that the supersonic transport will never be able to travel across land at supersonic speeds. The "boom" would be ear-shattering and might well do physical damage to people and property. Furthermore, there is serious question as to whether existing airports can be used without multimillion dollar redesign.

One must seriously question the administration's sense of national priorities in promoting this multimillion dollar bonanza for the aircraft industry at a time when really pressing national needs are not being met.

I would like to enter into the RECORD the excellent editorial which appeared in the Washington Evening Star today:

#### WRONG DECISION

The reasoning behind the administration's decision to proceed with the development of the supersonic transport plane appears to run something like this: Other nations are building the machines, therefore the United States must do the same or lose face.

The logic of the compulsion to follow the other lemmings as they march over the cliff escapes us.

The SST will provide the dubious advantage of carrying passengers to Europe in approximately three hours, instead of the present seven hours. While a handful of particu-

larly eager jet-setters may be intrigued by that prospect, many travelers would prefer to retain the option of a few hours sleep en route.

The argument of national prestige is also open to question. The United States cannot be first. The Russians and the British-French combine have already flown SSTs and expect to have them in service by 1973—some five years before the U.S. gets into the act. And there is considerable doubt how much prestige will accrue to the nations whose planes leave a trail of supersonic destruction and disruption wherever they go.

For the privilege of coming in third in the race for a bigger and better sonic boom, the American taxpayer will shell out—according to today's estimate—\$994,000,000. By the time these estimates complete their inevitable upward revisions, a reasonable guess is that the federal government's part of the tab will be closer to \$2 billion.

Just offhand, we can think of a dozen better ways to spend that kind of money than on a financially dubious investment in luxury travel.

The matter now goes to Congress for approval, as the saying goes. Better still, there is a good chance that the legislators will disapprove, electing to forgo the opportunity to join the thoughtless parade. Perhaps, just this once, Congress will be willing to let someone else make the costly mistakes and give the United States a chance to profit by them. Perhaps the Hill will decline to sign the blank check the White House has handed it.

#### UNNECESSARY MILITARY SPENDING

##### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. CARTER. Mr. Speaker, I have always supported our men in Vietnam, although I have not supported the policies which put them there. I have voted for military appropriations because I wanted them to have such ammunition and supplies of all types which might be needful to them and which might save their lives.

I trust that the Subcommittee on Appropriations for the Armed Services will carefully peruse all appropriations to see that the many unnecessary items are eliminated. While sufficient military spending is necessary, the taxpayers' money should be so used that none is spent uselessly. I submit the following article by Jack Anderson and the late Drew Pearson, in which is pointed out how much unnecessary military spending goes on:

#### THE CARE AND FEEDING OF OUR ABSURD RESEARCH MACHINE

(By Drew Pearson and Jack Anderson)

Want to know the anal temperatures of Alaskan sled dogs? Or be brought up to date on the biology of the biting midge? The taxpayers have financed solemn studies of both subjects. The undertall warmth of sled dogs apparently is considered essential to the conquest of space. And for the sake of defense, the Pentagon has paid \$7,200 for intimate information about the biting midge, a two-winged fly found in Taiwan. The Pentagon has also spent \$55,000 to study the mosquitos of Malaysia and \$11,000 to learn more about the birds of Bhutan.

It's all part of a great giveaway game called

R&D, for research and development. Anything bearing this magic label receives federal millions with few questions asked. Other examples include the following:

In 1968 the U.S. Army paid \$20,000 to a professor at the University of Chile to report on the nervous system of the Chilean squid.

A quarter-million dollars recently went to a group of researchers who probed the feelings of 1,500 Puerto Ricans and reported that the wealthy were happier than the poor, the healthy happier than the sick.

A 1966 federal grant of \$32,900 went to a museum in Iceland for a study of the population patterns of the northern grouse.

The R&D game is played with blue chips. This fiscal year R&D programs will cost the taxpayers a whopping \$15 billion—a phenomenal increase over the \$1 billion spent two decades ago, or even the \$8 billion spent in 1960. Next fiscal year it is being scaled down somewhat.

Firms specializing in R&D have sprung up amid all this lush Treasury greenery like dandelions in the spring. In the Washington area, the research and development industry has mushroomed from 13 outfits in 1941 to more than 400 today. They range in size from one-man and two-man operations to large corporations. They are all getting fat on federal money.

Take the case of Merle Thomas, of the Merle Thomas Corporation of Kensington, Maryland. While teaching at a local university, Thomas took the advice of a friend and submitted a bid for a research contract. He landed the contract, then another that netted him over half-a-million dollars. Today he has a staff of more than 100.

Or take Electronic Data Processing Technology, Inc., founded last year by 29-year-old Sanford D. Greenberg, a former science adviser to President Johnson. Adhering to the principle that contacts generate contracts, Greenberg hired former Food and Drug Commissioner James Goddard and Agriculture Secretary Orville Freeman. Within months, EDP Technology was earning millions doing research for NASA and the Labor Department.

Some research, undoubtedly, is well worth the cost. Few conscientious Americans will begrudge expenditures that help mankind reach into space, conquer cancer or improve weather prediction. But all too much government-supported research is worthless, irrelevant or a duplication of existing information. The new knowledge man has gained on such absorbing topics as the Lisu tribe of northern Thailand (\$43,687) or the dental arches of Australian aborigines (\$48,687) could scarcely have been worth the price tag.

Yet R&D has become a sacrosanct around Washington as motherhood or the FBI. Politicians dare not speak against it lest they appear to oppose progress. Thus, almost any project, program or pitchman's plan tagged "research" goes unquestioned.

R&D has become such a boondoggle that even some scientists who benefit from the grants are growing uneasy. *Science*, the magazine of the august American Association for the Advancement of Science, occasionally spoofs the situation. The magazine publishes interviews with the fictitious and farcical Dr. Grant Swinger, director of Breakthrough Institute and chairman of the Center for the Absorption of Federal Funds. (Its motto: "As long as you're up, get me a grant.") Doctor Swinger's irreverence for random research is typified in this interchange:

Q. Specifically, what are some of the examples of the Center's work?

A. Well, the Center staff members have resolved the conflict between teaching and research.

Q. How?

A. By doing neither.

Government agencies have found R&D a particularly attractive outlet for any unused

funds that may be still on hand at the end of the fiscal year. Bureaucrats are mortally opposed to turning money back to the Treasury. This might give Congress the idea they don't need all the money they are allotted, which could result in the worst calamity to befall a federal agency: an appropriations cut. Before the books are closed each June 30, therefore, the bureaucrats hastily rustle up research projects to deplete any budget surplus.

Some of the research is so ridiculous that it would be funny, except that the joke is on the taxpayers. These foolish projects usually are concealed beneath vague language and technical jargon and buried in an anthill of small print in order to escape Congressional scrutiny.

Above all other specialists in spending, the Pentagon's brass hats are the most lavish with research funds, which they literally scatter around the world like green confetti. In fiscal 1969 the Pentagon poured out \$8 billion for R&D, much of it only remotely related to defense. Sen. William Fulbright (D-Ark.) recently became so incensed over military intrusion into the social sciences that he inserted a 13-page list of questionable Pentagon studies into the Congressional Record.

They included a \$62,000 grant to the Langley Porter Institute for a study of facial expressions and gestures as an aid to communication; \$20,000 to the University of Malaysia to study "the weathering of rocks under humid, tropical conditions"; \$16,000 to Australia's Adelaide University for research on "water and electrolyte economy of desert aborigines and indigenous New Guineans"; \$13,300 to Federal University of Bahia, Brazil, for research concerning the "pathogenesis of diarrhea in severe strongyloidiasis" (translated, this is a roundworm disease in horses); and \$50,000 to the Israel Institute of Applied Social Research for an "investigation of leadership qualities of kibbutz-raised young men."

It is evident from this worldwide spending that the Pentagon is a soft touch for foreign as well as domestic researchers. Indeed, 440 Pentagon research projects are now in progress in 44 foreign countries. Only communist countries are excluded from the Pentagon's largesse. The Defense Department justifies this strange passion for the most obscure data from the most remote lands, in the words of a Pentagon pitchman, by calling the research grants "a peacefare program." For those who thought "peacefare" was the prerogative of the State Department, it should be pointed out that the Pentagon has money to splurge, while the State Department doesn't.

Most defense R&D, of course, is devoted to developing new weapons. From the research seeds have mushroomed a crowded technological garden of missiles, electronic paraphernalia and other weaponry. All these bear multibillion-dollar fruit for the big defense contractors, which scramble eagerly for the research grants. For the company that does the research, almost invariably, winds up with the production contract. Some examples from 1968:

The McDonnell-Douglas Corporation, which manufactures the Interceptor rocket for the antiballistic missile system, wangled \$224,355,000 in research grants. To put the findings into production, the company was awarded other contracts worth well over a billion dollars.

The Martin-Marietta Corporation, which manufactures the Spring rocket for the ABM, got \$172,844,000 in research grants, a stupendous \$4 billion in production contracts.

General Electric received half-a-billion dollars for research, almost \$1.5 billion for production.

The research decisions which determine what weapons the U.S. should build are made largely by industry men who leave their

companies for brief periods to run the Pentagon's R&D. After two or three years as Pentagon policy-makers, they return to their companies to work on contracts they generated while they were in the public service.

This may explain why such staggering sums have been lavished on armaments that should have been scrapped or never built in the first place. The research chiefs, who have been planted in the Pentagon by military manufacturers, often seem more interested in producing profitable contracts than effective weapons. Result: an alarming number of new weapons have turned out to be impractical or obsolete.

Most weapons research is farmed out to 500 of the largest corporations in the nation: Lockheed Aircraft, General Dynamics and on down the list. The Pentagon also keeps 16 contract research centers, known less formally as "think tanks," in business. These come in all shapes and sizes, and include such distinguished institutions as the Stanford Research Institute, MIT's Lincoln Laboratories, the Institute for Defense Analyses, Johns Hopkins University's Applied Physics Laboratory, and the Aerospace Corporation. Last year, these think tanks aggregated \$304 million for their thoughts.

Although they describe themselves piously as nonprofit institutions, *someone* is making a profit. Aerospace's president, for instance, receives a \$90,000 yearly salary—more than triple what Pentagon researchers are paid for thinking about the same problem. His two top deputies are paid \$66,000 and \$60,000 respectively. Gen. Maxwell Taylor heads the Institute for Defense Analyses at \$49,200 salary—a tidy supplement to his military retirement pay.

Nor is the work too strenuous. One scientist, retained by a research organization to think for the government, chortled happily: "I can sit on my front porch or in my easy chair, and nobody knows whether I'm thinking or not." Another research veteran confided that many reports are merely rewrites of previous research. The Pentagon has accumulated so much research that it sometimes becomes a research project to assemble the right research.

Indeed, the Defense Department has so much money for research that it has developed a special program to spread it around. "Project Themis" was adopted three years ago "to stimulate the development of additional centers of defense relevant research." Themis distributes funds to colleges and universities around the country, an enterprise that has served mainly to draw professors out of classrooms. Themis shelled out \$28 million in fiscal 1969, will distribute another \$33 million in fiscal 1970.

If the taxpayers are unsettled by all this defense spending, the Defense Department has produced still another study to reassure them. A Pentagon-paid "scientific study" by the Logistics Management Institute has concluded solemnly that defense contractors really earn smaller profits than do companies engaged in civilian production. This dubious "scientific" discovery is based upon voluntary mail questionnaires.

It is uncanny how often these subsidized studies reach the precise conclusion sought by the agency that pays for them. Any hostile findings are usually swept under a secrecy level. The Pentagon is particularly resourceful at classifying research that might embarrass the brass hats. But the civilian agencies are also adept with the secrecy stamp. The Federal Aviation Administration, for instance, got back unwelcome results from a \$650,000 study of the proposed supersonic transport. The agency had planned to make the studies public until they turned out to be highly critical of the program. With some fast wrist action, the critical reports were stamped "For Official Use Only."

As in other areas the civilian agencies are outspent in R&D by the Defense Department.

But they have managed valiantly to dream up research projects every bit as silly as those commissioned by the Pentagon. The Agriculture Department, for example, recently financed a project entitled "A Study of the Canadian Tobacco Auctions." And the National Institutes of Health indulged a costly curiosity about "the social history of French medicine, 1789-1815."

The Housing and Urban Development Department spent \$30,000 of the taxpayers' money last year to find out what should have been obvious: that word on HUD programs was not reaching state and city administrators. For the \$30,000, HUD received only 10 copies of the report. Any local administrators who wanted to improve their communications with HUD were obliged to pay \$4.50 for a copy.

A few years ago, the Food and Drug Administration put up \$100,000 for a study of the public reaction to its programs. The project was completed, and the 100 grand was paid. But few people ever saw the results. "I took one look at the study and saw that it was horrible," recalls the FDA official to whom the report was delivered. "The researchers used loaded questions in their interviews with the public. On top of that, the results were in direct conflict with a fair-labeling bill that the Administration was pushing. I took the report, stashed it away in a desk drawer and hoped nobody would ask for it. Nobody ever did. As far as I know, that report is still stashed away in my old drawer."

Johns Hopkins University in 1968 devised a computer system to help relay and store information for hospital radiologists. Commissioned by the National Center for Radiological Health, the study was widely hailed as an outstanding example of the benefits of federal research programs. The bureaucrats later learned that they had squandered \$100,000 on a system that was remarkably similar to one put into operation three years earlier in Sweden. The one minor difference was that the Swedish system was more sophisticated yet easier to use.

The Transportation Department called upon the public-relations consulting firm of Dudley-Anderson-Yutzy, of Washington, D.C., to find out why traffic accidents continue to rise despite the wide publicity giving gruesome accident statistics. For a little less than \$10,000 the researchers sent out 729 questionnaires to the news media. And the firm also organized a two-day bash at Airlie House—a popular bureaucrats' retreat located some 30 miles from the capital—to ponder the problem. For all their efforts, the research team came up with conclusions they could have obtained for the price of a few beers at the National Press Club bar: newsmen thought the Department of Transportation's safety publicity was "outmoded and less than adequate." The situation, however, was not completely hopeless. The researchers recommended additional research on how to bring the program up to date—which Dudley-Anderson-Yutzy was promptly hired to conduct.

Postal authorities recently announced the development of a new safety belt for postal vehicles. The new design, said authorities, made use of "existing hardware," and was developed by the Post Office's own engineers. But the publicists failed to mention a \$282,816 contract they had previously awarded to the All American Engineering Co. of Wilmington, Delaware, to develop a restraint system. Asked about this, the bureaucrats conceded that the All American contract had been "concluded" after payments of \$167,850. However, no mention was made of the fact that the new safety belt was a lap-type arrangement, and that federal standards now being drawn up will require postal vehicles to be equipped with shoulder-harness belts.

Research grants have been proliferating

like Al Capp's schmoos throughout the federal bureaucracy. In fiscal 1968, for example, NASA budgeted \$4.3 billion for R&D; the Health, Education, and Welfare Department, \$1.4 billion; the Atomic Energy Commission, \$1.5 billion. Even the Bureau of Public Roads, which occupies only a tiny corner of government, financed 825 studies worth \$35 million.

Ironically, the poverty field has brought prosperity to researchers. The poor are still poor, but students of the poor are richer. Some examples:

In 1965 and 1966 alone, the Office of Economic Opportunity spent \$12,333,547 on 88 research and evaluation contracts and grants.

It cost the General Accounting Office over \$100,000 to find out that a Washington, D.C., anti-poverty operation had misspent \$2,100.

National Analysts of Philadelphia received \$39,000 to question young people who wrote letters in response to a rock-'n'-roll show with a poverty theme.

The House Government Operations Committee even commissioned a study on studies. The members wanted to know how federal money was being spent on social research. The predictable result: a four-volume masterpiece, well-padded with magazine reprints, memos, bibliography, and all the other addenda guaranteed to lend heft, if not light, to the subject.

For the benefit of those who may wish to cash in on R&D, the federal government has published a helpful book entitled, "Small Business and Government Research and Development." For two bits the Government Printing Office will mail the book to any interested person. It contains all the information necessary to start a firm, land that first contract and keep the contracts coming. The book makes this encouraging comment on the potential rewards:

"Contract research may also yield two important by-products . . . (1) potential commercial application, and (2) government production contracts."

With unbureaucratic candor, the book discloses the key to R&D contracts: "Continuous personal contact with the staff of the contracting agencies is a means of keeping informed about government R&D contracts. The importance of such contacts is illustrated by a comment sometimes voiced that 'you are already out of the running if you first learn of a possible research contract through a proposal request.' As in other aspects of business life, personal contacts are important."

Surprisingly few critical comments are heard in official circles about the R&D industry. The reason may be that research and development have grown to such proportions that few congressmen can get a handle on it. Making sense out of the abstract reports and technical jargon is a formidable task in itself. But an occasional cry of dismay is heard.

Senator Fulbright, in his relentless campaign to cut the military down to size, watches Pentagon spending closely. His thesis is that the Defense Department should stick to military affairs and leave foreign policy to the proper agencies. "All too many of these studies," he has said, "indicate that the Pentagon planners have not learned any lessons from Viet Nam, but that they are busily engaged in blueprinting strategies where our military will play the key role in trying to maintain order in the world."

But the critic of critics is cantankerous Adm. Hyman Rickover. Ever at odds with the bureaucracy, Rickover has grumped that "the administrators are busy making studies—endless arrays of studies. The technical people have to stop designing and supervising construction of military hardware to do the paper work the administrators and analysts demand. . . ."

Rickover acidly tells of a Navy study "to determine the psychological differences be-

tween sailors who had been tattooed once, sailors who had been tattooed more than once, sailors who had never been tattooed but wished they had and sailors who hadn't been tattooed and didn't want to be." The psychologists, according to Rickover, found this to be a "very complex subject that would require more study."

Admiral Rickover is also concerned about the effect of all these studies upon the nation's timber supply. "Studies use up a lot of wood for making the paper needed for the reports." And he maintains that federally-sponsored research is responsible for much of the trouble on our campuses: "The professors are often off campus, traveling from one place to another under government contract, attending panel meetings, consulting, doing research in foreign countries, all at government expense."

After the studies are written, the crusty admiral often finds that he can't understand them. "Many years ago when I was younger and more impressionable, I used to read some of the social-science stuff, and I said to myself, 'Rickover, you must be stupid because you can't understand the words they use,' and I got myself a fine inferiority complex. . . . In more recent years, with somewhat more maturity, I know that no relatively sane person can understand social-science jargon. There has to be something wrong with you if you do understand."

Somewhere, somehow, the federal government must begin trimming back its burgeoning R&D program. While many projects are highly commendable, others are simply worthless. Indeed, they create enormous problems. Think tanks, for instance, serve as a "brain drain" to draw off competent government personnel; the R&D outfits are not bound by structured salaries established by Congress. Universities lose highly capable teachers and professors to industry. And American science and technology has to suffer as it devotes more and more time and energy to satisfying government demands.

Every day's delay in cutting back wasteful research only adds to the staggering cost. A 1965 report to the House Committee on Science and Astronautics warned: "Surveys have become increasingly expensive as their technology becomes more complex, as a greater precision from the data is demanded by the researchers. For example, a study of the National Opinion Research Center of the prestige of occupations in 1947 cost little more than \$9,000. An improved restudy of the same topic currently under way will cost \$150,000."

It's getting so the taxpayers can hardly afford to study the north-end temperatures of southbound sled dogs.

#### DENOUNCING A CUSTOM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. UDALL. Mr. Speaker, recently I introduced a bill that is designed to overcome a problem that is faced daily by thousands of our citizens who either own or use airplanes or boats. These citizens, while flying for their personal pleasure of use, are forced to pay unreasonable customs charges whenever they reenter the United States, after having left it for personal reasons.

The customs laws these citizens are penalized under were originally designed to affect the commercial traffic entering our country. They were never intended to penalize the private entry of citizens.

This bill will stipulate certain times on weekends and holidays when entry into this country by private boats or aircraft will not be charged the present high inspection rates. It will also set up a flat rate for other periods rather than the variable rate system now in effect, whose primary purpose is to charge commercial users for any excess, overtime costs of customs inspectors.

In a country like ours where more and more of our people are enjoying the pleasures of boating and flying, the Congress should not allow outmoded laws to take precedence over the rights of our citizens.

## WASHINGTON REPORT

### HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. UTT. Mr. Speaker, I would like to include the Washington Report which I am sending to my constituents this week. It deals with the steps that have been taken over the last 10 years which seem to be leading us in the direction of unilateral disarmament.

The report follows:

#### DISARMAMENT—CONQUEST—SLAVERY

(By Congressman JAMES B. UTT)

I have long been concerned about disarmament, as it seemed to me that the creation of the U.S. Arms Control and Disarmament Agency was for the purpose of implementing unilateral disarmament, based on Khrushchev's address in 1959 at the United Nations, entitled "General and Complete Disarmament." It was obvious to me that he meant general and complete disarmament for everybody but Russia, and we adopted his purpose in September 1961 when we created the Disarmament Agency.

Prior to that time, on April 29, 1960, there was a national strategy seminar at Asilomar Conference Grounds, Monterey Peninsula, California. At the seminar, Mr. Paul Nitze advocated a plan for strategic disarmament of the United States by scrapping 90% of our nuclear power and surrendering the other 10% to the United Nations. I wrote a "Washington Report" on that subject. He further stated that our military power should be partially surrendered to less powerful countries so that we would have no superiority. For this choice statement, Mr. Nitze became an instructor at the War College. Later he became Assistant Secretary of Defense for International Security Affairs, and was Secretary of the Navy under President Johnson.

Adam Yarmolinsky, whose mother was a very active Communist, was messing around in the military structure of the Pentagon at that time, as Special Assistant to Secretary McNamara. Mr. Yarmolinsky had published a pro-Communist paper when he was a student at Harvard.

Then came the infamous State Department Document No. 7277, entitled "Freedom from War—The United States Program for General and Complete Disarmament in a Peaceful World." In 1961, the notorious Reuther Memorandum was submitted to then Attorney General Robert Kennedy. This was also the subject of one of my "Washington Reports," and deals with the muzzling of the military and the crushing of the so-called "radical right." Of course, Victor Reuther's definition of "radical right" includes anyone who is an anti-Communist.

In January 1962, there was the secret Rostow-Moscow Report, which called for implementation of the "no-win policy," through the following five points:

1. Abandon first strike weapons;
2. Refrain from encouraging revolts behind the Iron Curtain;
3. Refrain from criticizing satellite countries;
4. Deny foreign aid to countries which refuse "coalition governments" (as we did in Laos), and
5. Work toward general and complete disarmament.

In September 1962, the ten Executive Orders for Emergency Preparedness were issued, giving the government power to take over, in time of emergency (not limited to armed attack), all transportation, communications, public utilities, and food production and distribution; to mobilize all civilians into a work force; to operate a national registration of all persons; and to relocate entire communities.

In March of 1963, there was the report of George W. Ball, Under Secretary of State, which urged increased trade with Soviet Russia and its satellites; the repeal of the Battle Act; and repeal of all tariff laws involving slave-made goods so that these goods could be sold in America to finance the USSR.

In April of 1962, we were to implement the State Department Document 7277, calling for a total disarmament in nine years, by cutting 30% in armaments within three years and 70% within an additional six years. This would take place between 1962 and 1971, the end of the period being only a year away.

Such cutbacks in the military are being urged now as a result of public clamor to convert military funds into social welfare funds, which would be disastrous to our country. A military take-over of this country by Russia would destroy every freedom that we have—and all our social programs.

On June 10, 1963, the late President Kennedy made a commencement speech at the American University wherein he confirmed that complete disarmament was then our national policy. On the Fourth of July, 1962, in Philadelphia (how fitting), Mr. Kennedy had already said that "The era of independence is over and the era of interdependence is here."

In 1963, we passed the Nuclear Test Ban Treaty (observed since by us, but not by Russia). Later in 1963, the Phoenix Report was prepared for the Disarmament Agency, which was a complete blueprint for national suicide.

In 500 B.C., Sun Tzu, Chinese strategist, issued a paper entitled, "The Art of War," and I would like to quote one sentence:

"To fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy's resistance, without fighting."

That was 2500 years ago, and we have done much toward eliminating our defenses which, if not checked, will break our will to resist in accordance with Sun Tzu's blueprint.

#### STATEMENT BY JACK WHETSTONE, EXECUTIVE VICE PRESIDENT, TEXAS COTTONSEED CRUSHERS' ASSOCIATION

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on September 18, Secretary of Agricul-

ture Clifford M. Hardin held his "Listening Conference" for Texas at College Station. Under leave to extend my remarks in the RECORD, I wish to include the statement of the Texas Cottonseed Crushers' Association as presented by their executive vice president, Mr. Jack Whetstone:

STATEMENT AT THE "LISTENING CONFERENCE" OF THE HONORABLE CLIFFORD M. HARDIN, U.S. SECRETARY OF AGRICULTURE AT COLLEGE STATION, TEX., SEPT. 18, 1969

(By Jack Whetstone)

Mr. Secretary, we commend you for coming here to Texas, in the heart of the nation's leading cotton, grain and livestock producing region, to listen to the spokesmen for agriculture and agribusiness which yearly contribute more than \$6.6 billion to the economy of this nation.

The purpose of the Texas Cottonseed Crushers' Association in presenting this statement is to summarize basic issues which are vital to the existence of producers and all phases of agribusiness and to the well-being of this nation and the Free World.

American agricultural producers and associated off-the-farm businesses have fed and clothed the American people more efficiently and economically—and with a greater abundance of healthful, useful products of superior quality—than any agriculture has ever done before in the history of mankind. At the same time, our abundance has enabled other nations to return to peace and prosperity in a difficult postwar period.

U.S. agribusiness has accomplished this in face of labor shortages and far-greater increases in the costs of its essential raw materials and tools than in returns from the products it sells.

Yet, its reward has been a rising tide of public criticism of the so-called subsidization of the farmer, and demands for limitations of payments to individuals or even complete elimination of agricultural research and other programs which benefit the users of products more than those who produce them.

As the leader in agriculture, you know that much of this is ill-advised and dangerous, unsoundly based upon misinformation and misunderstanding. But the American people do not know this, and the 8 out of 10 Americans who live far from the farm and ranch are equally distant from the facts about our agricultural situation.

It is for this reason, Mr. Secretary, that we urgently recommend that you encourage President Nixon to proclaim a period of National Recognition for American Agriculture for its great and essential contributions to this nation and to the world.

By mobilizing public and private resources to give deserved recognition to the producer and his co-worker, the government will do much to narrow the widening gulf between rural and urban America and to create a community of goodwill and understanding.

Among fundamental facts which the public should have are these:

1. American agricultural producers operate in a highly competitive world in which foreign producers are subsidized at high rates and protected by tariffs and other trade barriers against U.S. commodities. No one, Mr. Secretary, is more aware of this than you and your associates and no one has been more active than you in working in Europe and the Orient to remove these handicaps. But most Americans know little of this and all need to know more.

2. To achieve his present low costs, high quality and volume of production, the American producer had to be efficient. To maintain and improve this outstanding achievement in the future, he must be even more efficient.

That efficiency requires operations large enough to enable the producer to purchase large, modern machinery, adequate chemicals and other necessities for production, harvesting and marketing. Last year, U.S. Department of Agriculture estimated that the average Texas producer had 751 acres of land and \$99,100 invested in land and buildings. That investment is greater today and there seems little likelihood that it can be anything but larger tomorrow.

3. But the men and women who remain on that farm and ranch to produce our food and fiber are middle-aged or older. Here in Texas, the 1964 U.S. Census showed that only 18,491 farm operators were 35 years of age or younger, out of 205,110 in the state, while there were 44,256 operators 65 years or older and 53,529 who were 55 to 64 years of age five years ago.

Our failure to hold and attract young men and women to agriculture is one of the greatest dangers to our nation today. It menaces our future, first of all, because it deprives us of the brains, ambition and energy we must have to continue to produce and process efficiently and economically. But it also endangers our nation because it is pouring into our congested cities more and more people, compounding the costs and problems of urban life and crime.

Americans need to know this and to understand that limitations of payments, curtailment of research and agricultural credit will further curtail the opportunities and attractions of farming.

We must dispel the idea that the business enterprise of farming which receives a gross income of \$50,000 or \$100,000 or more, including a large government payment, is some bloated "fat cat" profiting at the public trough. We must create an understanding that agricultural incomes are the product of more investment per man, more managerial skill and usually longer, harder hours of work than are required for the same gross returns in urban business. And, as any agricultural economist can prove, the net profits usually are far less, regardless of whether they are measured by investment ratio or by returns for managerial expertise.

Truth is, most farmers today receive tragically meager profits out of which to provide a living for themselves and their families.

Limitations on government payments would force these producers to dump some of their acreage, thereby depressing land values, or to resort to devious devices to change land ownership to escape the law and secure the funds needed to operate efficiently on adequate acreage. Limitations would accelerate the movement of individuals and managerial know-how away from the farm. U.S. Department of Agriculture has long advocated more efficient and productive units; it should fight to preserve the basic factors which will lead to those sound goals.

The Texas Cottonseed Crushers' Association, one of the state's oldest trade associations, for 76 years has worked with cotton producers and livestock producers which use its feed products. Our goal is, as it has been, those policies which serve best the majority in agriculture; and, most specifically, the cotton and cottonseed industry which has products contributing yearly \$400 million to \$800 million in gross income to producers and more than \$2 billion to the economy of Texas.

Our purpose in this presentation, therefore, is to endorse the basic program for cotton as advocated by the Cotton Producer Groups.

Subsidy is necessary for the foreseeable future due to erroneous government farm programs of the past twenty years which have completely destroyed marketing structures to handle cotton in the open market place. It is a known fact now that government will market the bulk of cotton in the future.

The problem is not within agriculture, but between government agencies—namely, the Department of Agriculture and the State Department. There is nothing wrong with a farmer making a fair return on his investment. There is nothing wrong with subsidizing this operation to keep it healthy and attractive to our coming generation.

It is agreed direct cash subsidy cannot remain in the public eye; nevertheless, a subsidy must remain. Therefore, we recommend placing it on the price of the commodity and requiring the farmer to produce in volume to obtain the subsidy.

We hide government subsidy on everything from pocket knives to men's hats; therefore, what's wrong with hiding the farmers' subsidy? We must remain healthy in the agriculture section of our great nation.

We agree due to loss of the free market place that the government must market the bulk of agriculture products. Then placing the subsidy on price makes little difference when trading a ten thousand dollar cat for a ten thousand dollar dog.

Let's quit fooling ourselves and particularly our competitors in world trade. Every cotton growing country in the world is subsidizing their farmers in some way—a lot of them with U.S. Dollars.

You, Mr. Secretary, have a challenging opportunity to provide leadership as a spokesman for farmers and ranchmen, to carry on the fight to save agriculture so that our people will continue to be the best-fed and best-clothed people in the world.

Thank You!

#### AIRCRAFT ACCIDENT REPORT

### HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. TAFT. Mr. Speaker, I read with interest the National Transportation Safety Board's report on the November 20, 1967, crash. While I am glad that it has finally been issued, and some of the conclusions are ones from which we can learn a great deal, it does seem questionable whether it should have taken 20 months to reach those conclusions.

Fortunately, the Board advises that as problems and probable causes are uncovered during an investigation, action is taken to implement corrective measures before the final issuance of the report.

This happened, of course, in Cincinnati some time ago, with regard to the installation of lights on the hill on the approach to runway 18. This improvement, along with the activation of glide-slope equipment and high intensity lights, which were not operating at the time of the accident, and the retention of ILS equipment on the runway, hopefully have eliminated any problem.

The 1967 accident, along with the terrible recent mid-air collision in the Indianapolis area, show that we must rethink our approach to accident reports and drop the concept of pilot or controller error, or equipment failure, as separate items. Rather, we must think in terms of systems failure.

Pilot or controller error generally results not because the man himself has made a mistake, but because when a pilot or controller does commit an error, it is

not picked up by another person, or by an instrument. In the case of the 1967 accident, the NTSB laid "probable cause" on the visual errors of the pilots, and seemed to ignore the fact that the glide-slope equipment, and high intensity lights were inoperative at the time. I have commented previously on the desirability of temporary glide-slope equipment where permanent equipment is inoperative, as in periods of runway extensions, and the like.

It is obvious that the Cincinnati accident very likely might have been avoided if glide-slope equipment had been in use.

Therefore, the overall responsibility seems to boil down to a systems failure in which no glide slope was in use, no high intensity lights were in use, there was no awareness of the illusionary characteristics of the valley, there were no lights on the crown of the hill, and the crew failed in their visual judgment of altitude.

President Nixon has recommended, and I strongly endorse the enactment immediately of a new program for financing air transportation facilities almost doubling revenues available for expenditure on airport and airway programs.

Acting on the President's recommendations, Congress should move immediately to cause a thorough overhaul of our commercial and private air transportation system.

Even at high cost, we must equip our airports with a glide-slope approach and high intensity light system, and radar and transponders which can measure altitude.

In addition, we need hundreds of new controllers and new and better equipment must be developed to warn of mid-air collision danger.

It seems clear that most air accidents in this country today are caused by systems failures of one type or another.

Except in externally caused situations, such as direct hits on airplanes by lightning or bomb explosions, the danger should and can be eliminated.

As the size of planes and as the volume of air traffic continues to increase, we will face even greater tragedy unless we quit talking about the problem and start providing the action and dollar support necessary.

The following is the National Transportation Safety Board's report on the November 20, 1967, air accident near Greater Cincinnati Airport:

#### AIRCRAFT ACCIDENT REPORT—ADOPTED AUGUST 27, 1969

(By the National Transportation Safety Board, Department of Transportation, Washington, D.C.)

(Trans World Airlines, Inc., Convair 880, N821TW, Constance, Ky., November 20, 1967.)

#### SYNOPSIS

A Trans World Airlines, Inc., Convair 880, N821TW, Flight 128, crashed on the final approach to landing on Runway 18 at Greater Cincinnati Airport, Covington, Kentucky, at 2057e.s.t., November 20, 1967. Of the 75 passengers and seven crewmembers aboard, 10 passengers and two crewmembers survived. The aircraft was destroyed by impact and fire.

The flight was en route from Los Angeles, California, to Boston, Massachusetts, with scheduled stops at Cincinnati, Ohio, and Pittsburgh, Pennsylvania. The flight had been cleared for an ILS approach to Runway 18 and, after reporting over the outer marker beacon, had been cleared to land.

The ILS localizer was operational but the ILS glide slope, runway approach lights, and the middle marker beacon were inoperative due to runway construction. The crew was aware of these conditions.

The published minimums for this approach were 400 feet ceiling and 1 mile visibility. The official reported weather at the airport, just prior to the accident, was ceiling 1,000 feet obscured, visibility 1½ miles in light snow. The airport elevation was 890 feet m.s.l. and the altimeter setting 30.08.

The aircraft first struck trees at an elevation of approximately 875 feet m.s.l., 9,357 feet short of the approach end of Runway 18 and 429 feet right of the extended runway centerline. After several more impacts with trees and the ground, the aircraft came to rest approximately 6,878 feet from the runway and 442 feet right of the extended runway centerline.

The Board determines that the probable cause of this accident was an attempt by the crew to conduct a night, visual, no-glide-slope approach during deteriorating weather conditions without adequate altimeter cross-reference. The approach was conducted using visual reference to partially lighted irregular terrain which may have been conducive to producing an illusory sense of adequate terrain clearance.

#### 1. INVESTIGATIONS

##### 1.1 History of flight

Flight 128, a Trans World Airlines, Inc., Convair 880, N821TW, departed from Los Angeles International Airport, Los Angeles, California, at 1737 e.s.t. for Greater Cincinnati Airport, Covington, Kentucky. The flight was cleared for a descent and ILS approach to Greater Cincinnati Airport. The crew reported over the outer marker at 2056 and was cleared to land, straight in, on Runway 18. The crew initiated the final descent, extended 50° flaps, and performed the final landing checklist. The prescribed minimum altitude over the outer marker beacon, 4.0 miles from the approach end of the runway, was 1,973 feet m.s.l. The middle marker beacon and the runway approach lights were inoperative. A minimum altitude of 1,290 feet m.s.l. was published for the conditions that existed for this approach. This altitude was discussed by the crew as they left the outer marker and was properly stated by the captain.

The aircraft first contacted small tree limbs, at a point approximately 9,357 feet from the approach end of the runway, 429 feet right of the extended centerline, at an elevation of approximately 875 feet m.s.l. A surviving stewardess stated that the first noticeable impact felt like a hard landing. This was followed by a series of bumps and final impact. None of the survivors recalled any increase of engine power or felt any rotation of the aircraft.

The aircraft came to rest 6,878 feet short of the runway and 442 feet right of the extended runway centerline, virtually disintegrated and enveloped in flames.

The accident occurred during darkness in an area where snow was falling.

Three witnesses observed the aircraft crossing the Ohio River Valley just prior to the impact. One witness stated that other aircraft she had observed were "always higher" by comparison than Flight 128 was at this point in the flight. She described the aircraft as "Lowering himself faster—steeper

descent than usual—attitude approximately 10 degrees nosedown." Another witness stated that, "It appeared that the aircraft was coming down at a steep angle. I called this to my wife's attention. About that time, it started to level off and I saw it fly level until it was across the river." The wife of this witness stated that she: "Thought my husband was mistaken about it being too low." She further stated that the "aircraft appeared to be nose-diving into River Road. It wasn't an abrupt cutoff, it just leveled off naturally and I was sure then that it wasn't too low, that it would make it across the river okay. From the time it leveled off, I imagined that only a few seconds passed before the explosion."

##### 1.2 Injuries to persons

Injuries	Crew	Passengers	Others
Fatal.....	5	65	0
Nonfatal.....	2	10	0
None.....	0	0	0

##### 1.3 Damage to aircraft

The aircraft was destroyed by impact and fire.

##### 1.4 Other damage

Trees and pastureland were damaged by the impact and post-impact fire.

##### 1.5 Crew information

All crewmembers were properly certificated and qualified for their respective assignments. (See Appendix A for details.)

A first officer, who flew nine trips with the captain of Flight 128 during the month of October 1967, testified that they had conducted approximately 60 approaches and landings during those trips. Four of those approaches were performed under instrument flight conditions, including one ADF approach to Runway 09 at Cincinnati. Several of the approaches were made using an ILS. The witness stated that the captain was very precise in intercepting the glide slope at the published altitude and that the rate of descent was normally 600 to 700 feet per minute. The witness also testified that the captain normally extended the landing flaps at the placarded airspeeds.

Statements were taken from seven other first officers who had recently flown with the captain. In summary, they stated that he flew the CV-880 at all times in accordance with the TWA Flight Manual. They also stated that during their flights with the captain, he extended the landing flaps in accordance with the placarded airspeeds and maintained a rate of descent on the final approach of less than 1,000 feet per minute. All of them classified him as a smooth, competent pilot.

In the year preceding the accident, the captain had landed at Cincinnati 59 times, including five landings in the preceding 60 days. Three of the five landings were conducted at night on Runway 18.

Several designated check airmen and training officers from TWA testified regarding the CV-880 training given to the captain of Flight 128.

During his transition and preparation for release as a captain, he always received satisfactory grades. He was, however, returned for further instruction and practice on level off and landing technique in the CV-880 before being released for line flying. He took one additional training trip and then completed the second check ride.

On November 9, 1967, the captain was given a Category II check which qualified him to make instrument approaches and landings at specially equipped airports which had lower weather minimums than those specified for a normal ILS approach and landing. The minima used for Category II are: decision altitude 110 feet above ground; and Runway Visual Range (RVR) of 1,200 or more. During

this check, the captain made eight ILS approaches, four of which terminated in landings and four of which were terminated by intentional missed approaches. The captain had no difficulty in passing this check ride and was the first TWA pilot at his domicile to complete this training and receive the Category II rating in the CV-880.

It was also reported that the captain, during his training in the CV-880, had accomplished at least two back course ILS approaches which were performed without benefit of the ILS glide slope. His grades on these maneuvers were satisfactory.

##### 1.6 Aircraft information

The aircraft records and pilot reports indicate that the aircraft was airworthy at the time of its departure from Los Angeles. There was no evidence of any occurrence en route which affected the airworthiness of the aircraft. The aircraft was properly certificated and equipped for the flight it was performing and, according to the maintenance records, was maintained in accordance with existing company and FAA criteria.

The weight and balance were calculated to have been within limits at take off and at the time of the accident. The aircraft was fueled with 71,000 pounds of aviation kerosene at the time of takeoff from Los Angeles and had approximately 29,600 pounds of fuel aboard at the time of the accident.

A review of the aircraft's maintenance records did not disclose any recurrent writeups or discrepancies that appear to be connected with this accident. The history of the pitot static system and the pitot static system and the pitot static instruments of both N821TW and TWA's CV-880 fleet was reviewed. Occasional malfunctions of individual instruments had occurred but, in those cases, the duplicate installed instruments continued to operate in a satisfactory manner. There was no evidence in these records of any malfunctioning of the system or instruments that would introduce significant errors to all the pitot static instruments at the same time.

The aircraft records indicate that all of the installed components were being operated within their prescribed overhaul time and there were no uncompleted Airworthiness Directives assigned to the aircraft.

In order to be able to use a common fitting on static system test equipment, the center hole in each static port on TWA's CV-880's was enlarged from an original size of 0.047 inches to 0.125 inches. This modification was accomplished on N821TW on September 20, 1967. Following the modification, the static ports consisted of six holes arranged in a circle around a center hole which had been enlarged to 0.125 inch diameter. The six outer holes were 0.047 inch diameter.

On October 19, 1967, the flight data recorder in N821TW was moved from its original location in the hydraulic compartment of the aircraft to a new position in the aft end of the aircraft. This move was performed in accordance with an FAA requirement to install all flight data recorders in the aft end of transport category aircraft. As part of this move, correlation studies were performed to assure that the flight data recorder and the flight instruments read essentially the same under certain conditions. Tests were also performed to determine what amount of lag might have been introduced into the flight data recorder by this relocation. These tests revealed no significant lag in the new system. (See Appendix B for aircraft data.)

##### 1.7 Meteorological information

The surface weather observation taken at the Greater Cincinnati Airport at 1955 reported 600 feet scattered clouds, ceiling 4,500 feet overcast, visibility 6 miles in haze, temperature 34°, dew point 29°, wind 080° at 4 knots, and the altimeter setting was 30.06. A check observation was made at 2040 which reported 600 feet scattered clouds, an estimated ceiling of 3,000 feet overcast, visi-

<sup>1</sup> All times hereinafter are reported as eastern standard time on the 24-hour clock unless otherwise noted.

bility 5 miles in light snow and haze, wind from 120° at 6 knots, and the altimeter was 30.07.

At 2049, the tower reported to the Weather Bureau observer that the visibility had reduced to 1½ miles. Responsibility for official visibility observations was assumed by the tower personnel at that time and this responsibility was retained by the tower personnel for the rest of the evening. At 2055, a record special observation was made by the Weather Bureau which reported an indefinite ceiling at 1,000 feet, sky obscured, surface and tower visibility 1½ miles in light snow, temperature 34°, dew point 30°, wind from 110° at 7 knots, and the altimeter setting was 30.08. The snow had begun at 2001 and the RVR on Runway 18 was reported to be more than 6,000 feet.

Because of the accident, a local observation was taken at 2104 which reported an indefinite ceiling at 1,000 feet, sky obscured, surface and tower visibility 1½ miles in light snow, temperature 34°, dew point 30°, with the wind from 090° at 8 knots, altimeter 30.07. The RVR on Runway 18 was more than 6,000 feet.

The surface weather observations taken at Lunken Field, approximately 12 miles east of the final approach path to the Greater Cincinnati Airport, were:

1955, measured 4,000 overcast, 7 miles visibility, temperature 36°, dew point 31°, wind from 120° at an estimated 2 knots, and the altimeter was 30.07.

2055, estimated 5,000 overcast, visibility 7 miles, temperature 36°, dew point 31°, wind from 120° at an estimated 2 knots, and the altimeter was 30.09.

2130, check observation, estimated 2,000 overcast, surface and tower visibility 3 miles in light snow, the wind was from 080° at 4 knots, and the altimeter was 30.09. The snow began at 2102.

The method of determining the visibility at the Greater Cincinnati Airport during the hours of darkness was examined. The Weather Bureau determines and reports the visibility when it is 4 miles or more. When the visibility is less than 4 miles, the responsibility for observing and reporting the official visibility is transferred to Weather Bureau-certificated FAA air traffic control personnel stationed in the airport control tower. A transmissometer is located at approximately the touchdown point on both Runways 18 and 36. Information from these transmissometers is used to determine and report the RVR.

Both the Weather Bureau office and the control tower are equipped with charts showing the range and bearing to various prominent objects and lights around the airport for use in determining the visibility. At night, the observer determines the visibility by searching for these lights and, applying his experience and judgment regarding which lights he can see and how clearly he can see them, arrives at a visibility which is reported as the official visibility.

The variability of the visibility surrounding the Greater Cincinnati Airport was evidenced by the statements of the FAA controllers, the Weather Bureau observer, and the witnesses in the accident area. The local controller commented on the intercom at 2039:42 that "Good vis to the north it's, uh, restricted to the south." The controller who was working the ground control position stated "At approximately 2048 e.s.t. I observed a slight increase in the snowfall. At this time I glanced towards our 2-mile visibility checkpoint to the southwest of the airport and was unable to see it. At this time, the local controller said the visibility is coming down. The flight data processor also made a remark concerning the reduction of visibility. The local controller, flight data processor and I agreed the prevailing visibility was a mile and a half." The 1½-mile visibility report was transmitted to Flight 128 at 2049:22.

CXV—1700—Part 20

The precipitation in the Cincinnati area on the night of the accident was moving from the west to east. The duty forecaster in his analysis assumed a weather movement from the west or west-southwest, while the radar meteorologist stated that the cells in the area were moving from 290° at about 20 knots.

There was a dearth of nighttime visibility references surrounding the Greater Cincinnati Airport. The lack of nighttime visibility reference lights was particularly acute along the approach path which Flight 128 was following. For example, once beyond the ½-mile range from the observation site at the airport, there were only two lighted markers north-northeast of the airport. One of these markers was located at a distance of 3 miles and was reported to be relatively unreliable. The other marker, north-northeast of the airport, was a beacon 6 nautical miles from the airport.

One-hundredth of an inch of precipitation in the form of light snow<sup>2</sup> was recorded at the airport between 2000 and 2100 and the same amount fell between 2100 and 2200.

The Weather Bureau observing and electronic recording equipment was checked after the accident and was certified as operating in a satisfactory manner.

Ground witnesses and survivors stated it was snowing in the accident area at the time of the accident.

A radar weather observation, recorded at 2040 on the Cincinnati weather radar log, reported Cincinnati to be in a broken area of radar echoes described as: snow showers of unknown intensity, moderate rain showers, light rain showers, and the picture had not changed in the last hour. The area reported was 100 miles wide with cells moving from 290° at 20 knots. The top of detectable moisture was reported to be 20,000 feet.

At 2104, a special radar weather observation was taken because of the accident and showed essentially the same picture as the 2040 observation except that the top of visible moisture was noted as 15,000 feet, north of Cincinnati, and the area was 115 miles wide. An overlay made of the radarscope showed moderate precipitation occurring in an area extending from west to south to south-southeast of the airport.

The crew of another air carrier flight inbound to Cincinnati was interviewed regarding their observations of the weather in the area of the airport. They reported that, as they approached the airport area from the southwest, the descent was accomplished in snow. No turbulence was noted and no icing was detected. The flight arrived over the outer marker beacon at approximately 2100 at an altitude of 3,000 feet m.s.l. They were directed to enter a holding pattern at that point and maintained 3,000 feet throughout their operation in the Cincinnati area.

At 3,000 feet, they were "Under the overcast in light snow and some scattered clouds below. The slant visibility was variable going as low as 1-2 miles and up to 15 plus miles, being much better to the north of our location than to the south."

A short time after entering the holding pattern, this crew was requested to fly toward the airport and to see if they could see any sign of TWA Flight 128. As the aircraft left the outer marker inbound toward the airport, the crew noted that the intensity of the snow had decreased. They could see the ground by looking straight down but could not see anything ahead of them looking through the windshield. When they arrived over the position of the middle marker, 0.5 miles from the end of Runway 18, they

<sup>2</sup>Light snow is defined by the Weather Bureau as when the visibility is ¾ statute mile or more. When another obstruction to visibility exists, such as haze, the intensity of snow is based on relative apparent rate of fall or accumulation on a surface recently free of precipitation.

could see approximately one-half of the runway lights. After spotting and reporting the fire associated with the accident, the flight returned to the outer marker and resumed the holding pattern. At 2140, they were able to see all of the airport from a position over the beacon. A short time later the flight was diverted to an alternate airport and did not approach or land at Cincinnati.

It was calculated that the freezing level in the area of the airport was 1,000 to 2,000 feet above the surface. The forecast for the area predicted occasional moderate rime icing in clouds, briefly moderate mixed icing in clouds, and precipitation above the freezing level. It was also calculated that the air over the Cincinnati area was saturated, or nearly so, from approximately 5,000 feet up to the top of the clouds.

The crew of Flight 128 was provided with the latest available weather prior to their departure from Los Angeles. Updated weather information was available to them through FAA and TWA communication facilities throughout the flight, including their descent and landing approach.

#### 1.8 Aids to navigation

The navigational aids available to this flight incurred a surveillance radar, an ILS localizer, an outer marker beacon, a nondirectional low frequency radio beacon, and the CVG (Covington, Kentucky) VORTAC. These facilities were flight-checked within 3 hours after the accident and were found to be operating within established tolerances. The ILS glide slope, the high-intensity approach lights, and the middle marker beacon were inoperative due to the construction of an extension to the runway at the approach end of Runway 18. This construction necessitated the relocation of the approach lights and middle marker transmitter, and grading around the glide slope transmitter building.

The ILS approach for Runway 18 prescribed an initial approach at 2,000 feet m.s.l. and an interception of the glide slope at the outer marker beacon at 1,973 feet m.s.l. The inbound heading to the runway was published as 180° from the outer marker beacon which was 4.0 nautical miles from the approach end of the runway. The inoperative middle marker beacon was located 0.5 nautical miles from the end of the runway. The standard minimums for an ILS approach in a four-engine commercial jet aircraft, with all the ground system and aircraft components operational, were 300 feet ceiling and visibility ¾ mile. With the glide slope, approach lights, and middle marker inoperative, as was the case in this approach, the minimums were 400 feet and 1 mile.

In a situation where no glide slope was available, the TWA flight procedures advised pilots to arrive over the final fix (outer marker) with the landing gear down, landing flaps set at 40°, the minimum airspeed was reference plus 10, and to start the final checklist. The descent was initiated to the minimum altitude or the final approach "slot." The rate of descent in this type of approach could be higher than normal at the pilot's discretion. The final approach "slot" was defined as that point in the approach where the pilot determined that he could safely accomplish his approach and landing.

The aircraft should have either descended to the minimum altitude, 1,290 feet m.s.l., or the approach "slot." If the runway was not in sight at the minimum altitude, the aircraft should have leveled off and flown the rest of the calculated time toward the end of the runway. If the runway was not seen, a missed approach would be made in accordance with the published procedure. If, during the descent, the pilot determined that he was in the "slot," he would have extended 50° of flaps and continued his descent to landing.

A summary of NOTAM's was issued by TWA on November 20, 1967, erroneously indicating that the ILS glide slope for Runway 18 at Cincinnati was available. This information was given to the crew before departure from Los Angeles. However, the crew was informed by the FAA Approach Controller of the inoperative condition of the ILS components, including the glide slope, prior to their commencing the approach.

The approach terrain clearance for Runway 18 was examined and found to provide standard terrain clearance and, in the case of no-glide-slope approaches, provided 100 feet more terrain clearance than was provided for a full system ILS approach with the glide slope operational. The 400-foot minimum thus provided 325 feet clearance over high-tension lines in the approach zone.

These high-tension lines on the approach to Runway 18 were reported to be too far from the glide slope transmitter to have any effect on the glide slope when it was operating. These lines had no known effect on the localizer beam in use during the accident. Numerous flight checks were made before and after the accident with no reported discrepancies caused by these high-tension lines.

Special test flights were conducted to establish the operational characteristics of the outer marker beacon transmitter and it was found to be operating within established tolerances.

A series of flight tests was conducted during which the marker beacon receiver audio signals were timed. These tests were performed with a marker beacon receiver taken from N821TW, a shop-calibrated receiver taken from TWA shelf stock, and a receiver installed in an FAA flight check aircraft which is regularly used to perform such checks. One heat damaged diode was replaced in the accident receiver prior to the tests.

The first tests involving all three receivers were made in an FAA aircraft at the outer marker beacon at Cincinnati. The second test was made using the two TWA receivers and was performed in a TWA CV-880 at Kansas City, Missouri. The third series of tests was performed at West Palm Beach, Florida, using only the receiver from N821TW.

A series of calculations was prepared using ground speeds from 179 knots to 250 knots and an audible signal time of 5.9 seconds, as taken from the cockpit voice recorder tape of N821TW. Based on these calculations, and assuming that the aircraft passed through the minor axis of the marker beacon radiation pattern, the test indicated that Flight 128 was between 1,945 and 2,145 feet m.s.l. when it passed over the marker beacon just prior to the accident. At this point the flight recorder indicated 2,340 feet m.s.l. The minor axis of the marker beacon was measured by the FAA shortly after the accident and found to be 2,835 feet wide at 2,000 feet m.s.l.

#### 1.9 Communications

Radio communications between the crew and the air traffic control facilities were normal and without known interruption.

#### 1.10 Aerodrome and ground facilities

Greater Cincinnati Airport had two runways available for use by air carrier aircraft. They were Runway 18-36 which was 8,600 feet long and 150 feet wide, and Runway 9R-27L which was the same width but 5,499 feet long. Runway 18-36 was normally equipped with U.S. Standard A approach lights; however, at the time of the accident, these lights had been removed from the approach to Runway 18 but were still installed and operational on Runway 36. Runway 18-36 had high-intensity runway lights installed and these lights were operating at their highest brilliancy setting at the time of the accident. Both Runways 18-36 and 9R-27L were painted with all-weather markings.

A runway extension 900 feet long had been constructed at the approach end of Runway 18; however, it had not been opened for use at the time of the accident.

There were an operational control tower and radar approach control (airport surveillance radar) on the airport and they were in operation at the time of the accident. The flight was observed on radar throughout the approach and the controller stated that it did not deviate significantly from the extended centerline of the runway until the target disappeared from the radarscope. The approach control radar provided range and azimuth information only and had no height finding capability.

The Greater Cincinnati Airport was designated as a medium hub airport served by six scheduled air carriers and one nonscheduled carrier.

The average annual number of scheduled operations was 19,925. Additionally, an annual average of 1,850 military operations, 33,647 local operations, and 51,290 itinerant operations was reported. The calculated total number of operations was 106,712 for a 12-month period ending June 5, 1967. These operations included aircraft ranging in size and capability from small single-engine general aviation aircraft to four-engine turbine-powered air transports.

#### 1.11 Flight recorders

The aircraft was equipped with a Lockheed 109CR flight data recorder (FDR) and a Fairchild cockpit voice recorder (CVR). Both recording units were installed in the aft end of the aircraft and were recovered from the wreckage in good condition.

The FDR made a record of indicated heading, vertical acceleration, indicated airspeed, and, based on a barometric setting of 29.92, indicated altitude. It received its airspeed and pressure altitude information from the pitot head and static source that provided these inputs for the first officer's flight instruments.

The CVR recorded, on four tracks simultaneously, audio inputs from a cockpit area microphone, the captain's radio channel, the first officer's radio channel, and the third crewmember's radio channel.

The FDR recording medium was examined and a complete chart of the recorded data was prepared. An expanded chart of the last 3 minutes of the flight was also prepared. The expanded chart indicated that the flight arrived over the outer marker at 2,340 feet m.s.l.<sup>3</sup> and at an indicated airspeed of 200 knots. After the aircraft passed the outer marker, the rate of descent then increased to and stabilized at approximately 1,800 f.p.m. until approximately 20 seconds prior to initial impact.<sup>4</sup> The rate then increased to approximately 3,000 f.p.m. for about 5 seconds and then decreased to 1,800 f.p.m. The rate of 1,800 f.p.m. was held until approximately 5 seconds before initial contact. Prior to initial contact, the aircraft was rotated to virtually a level attitude. The approximate indicated airspeed at the time of impact was 191 knots and the indicated altitude was 900 feet m.s.l.

A transcription of the cockpit area microphone channel of the cockpit voice recorder was prepared covering the period from approximately 13 minutes prior to the accident up to the time of impact.

This transcription began when the aircraft was at about 19,000 feet in its descent. The first recorded discussion concerned aircraft depressurization and a determination was made that there would be sufficient flying time remaining to have cabin pressure reduced to ground level before landing. The

<sup>3</sup> The indicated altitude on this chart was corrected for a barometric pressure of 30.07 in. Hg.

<sup>4</sup> The Board believes this contact with the small branches of a tree was not recorded by the CVR.

crew then read and acknowledged all items on the preliminary landing cockpit checklist, including the altimeter settings (setting used 30.06).

Appropriate settings were then applied to the radio navigation equipment (frequency and course selection) for the ILS approach to Runway 18. The existing weather report was discussed with regard to the minimums for the approach and it was determined that there was a more than adequate margin between them. There were then some crew remarks about the snow being encountered. The crew then reset the altimeters to the then-current altimeter setting (30.07) as heard in the tower's transmission to another aircraft. Appropriate flap settings were requested consistent with the aircraft's flight regime, and the landing gear was lowered. The aircraft passed over the ILS outer marker at 2056:00, from which point the following relevant exchanges took place in the cockpit:

2056:00 A/C over the center of the Outer Marker  
 2056:09 Capt: "Okay, and we gotta go down to, ah, four hundred, that would be, ah (Copilot: Twelve ninety) (Capt: Twelve ninety.)" Copilot: "Flaps 50 please." Copilot: "Flaps 50."  
 2056:25 Final checklist being read. All items covered  
 2056:37 including "Altimeters set, cross checked on zero seven." Flight Engr: "No Smoking." Capt: "It's on."  
 Unidentified voice: "Nothing to it."  
 Flight Engr: "Yaw damper check."  
 Unidentified voice: "Okay" (very faint).  
 2056:46 Capt: "What's that . . . say, what you say, twelve ninety?" Copilot: "Ten ninety."  
 2056:49 Capt: "Come on, you" (last voice intelligence on voice recorder)  
 2056:49.5 Sound of Impact Begins.<sup>5</sup>  
 2056:55 Recorder ceased operation

The TWA Flight Operations Policy Manual specified certain procedures to be followed by the crew during the descent and approach for landing.

The crew of Flight 128 followed the prescribed procedures until after crossing the outer marker, according to the cockpit voice recorder transcriptions. In this case, the first officer should have called "airspeed" when the indicated airspeed was more than 5 knots different from the target airspeed, called "sink rate" if the rate of descent exceeded 1,000 feet per minute, called the elevation above the field in feet m.s.l. (1,390 feet m.s.l.) when 500 feet above airport elevation and reported no warning flags on the instruments, called out each 100 feet of altitude change below 500 feet above field elevation until reaching the minimum altitude (1,290 feet m.s.l.), and called "runway in sight" or "minimums—no runway," as appropriate, when the aircraft reached the prescribed minimum altitude.

According to the flight data recorder, the airspeed, sink rate, and indicated altitudes were such as to warrant warning calls but none were recorded on the CVR transcriptions. There is no record of the first officer's calling the altitude at 500 feet above the field elevation (1,390) nor is there any call for the 100 feet increments between that altitude and the altitude at which the aircraft first struck the trees. The first officer did not call when the aircraft appeared to have arrived at the minimum approach altitude.

<sup>5</sup> The Board believes this sound was recorded upon impact with large trees approximately 1,300 to 1,400 feet after initial contact.

Several TWA training pilots and management pilots testified at the public hearing regarding the company's position on the use of checklists and the proper performance of a glide slope out ILS approach. In summary, their testimony indicated that the use of the checklist and callouts of variations from prescribed parameters on the final approach were desirable but were also backup procedures. If other duties involving the flying of the aircraft, radio contacts, etc., interfered with the performance of these callouts, they did not believe it would adversely affect the operation of the aircraft. In this testimony, the term final approach "slot" was defined as a point where the pilot-in-command felt that he was set up for a glide-path angle or approach descent angle which would carry him from his present position to the touchdown zone on the runway. It was also indicated that the rate of descent was faster in a no-glide-slope approach than it would be in a full ILS procedure.

The Board examined the possibility that the extension of the static and pressure lines to serve the flight data recorder, in its new location in the aft end of the aircraft, might have introduced an error into the recording, either due to lag associated with the length of the line runs, the restrictions incorporated in the new lines, or the bending of the lines required to make them conform to the fuselage as they passed aft from the cockpit area to the tail section of the aircraft.

Bench tests were performed of the new installation and demonstrated that there was no appreciable lag in the system due to the changes caused by moving the recorder. In addition, theoretical studies performed showed no basis for an increase in lag error in the information sensed by the recorder.

#### 1.12 Wreckage

The aircraft initially struck a tree at an approximate measured elevation of 875 feet m.s.l., at a point 9,378 feet short of the threshold of Runway 18. This tree was 429 feet right of the extended runway centerline. It was computed that the aircraft was wings level, heading 180° magnetic, in a near level attitude at the time of the initial impact. The primary wreckage area, 2,500 feet from the initial impact point, contained the bulk of the aircraft and was approximately 500 feet long and 200 feet wide, with its center 6,878 feet from the runway threshold.

No part of the aircraft was found outside the wreckage path or the primary wreckage area, and portions of all parts of the aircraft were found in those areas.

There was no evidence of preimpact failure of the airframe, flight controls, or the powerplants. There was no evidence of in-flight fire found on any recovered wreckage. All fractures observed were of the overload type. The landing gear was down and locked, the landing flaps were extended 50°, the spoilers were retracted, and the outboard landing lights were retracted at the time of impact. The horizontal stabilizer jackscrew extension was measured and found to be in a position equivalent to a 5° nose-up stabilizer setting.

The crew's flight instruments disclosed no usable information. Examinations of the Kollsman Integrated Flight System (KIFIS) components were conducted and electrical readings of altitude and airspeed were obtained. The captain's scale error corrector module was found at the electrical equivalent of an altitude of 856 feet and the first officer's at 899 feet.

An extensive examination of the pitot static system was conducted. This was a dual, balanced, self-draining system with separate pitot heads and static ports powering the instruments on each side of the cockpit. The static system was balanced so that an interference to one static source would have a minimum effect on any of the flight instruments by averaging out the static pressure in the system. The pitot heads were provided with electrical anti-icing devices but the

fuselage-mounted, flush-installed, static ports were not protected against ice accretion. The right pitot head served the first officer's instruments and the flight data recorder.

The static source which served the first officer's instruments also provided data to the FDR. The captain's pitot static system served his flight instruments only. A separate static source was provided for the autopilot, the pressurization system, and the air conditioning.

The pitot head anti-icing systems were operational and the CVR indicated the crew had turned them on. Both pitot heads had been plugged with wood and torn from the aircraft as it passed through the various trees it struck.

The left static port assembly was removed from the aircraft and examined. Inside the static plate, burnt residue and granulated ash were found. The static port assemblies from other TWA CV-880 aircraft were examined and it was found that, in some cases, the sealant compound used to make an airtight seal had extruded into the chamber behind the port assembly. In some cases, the static holes had been drilled through the plate and then through the extruded sealant material. The static ports were originally drilled in the plate as a circle of six holes, each being 0.047 in diameter, and a seventh hole of the same diameter centered in the circle. As previously noted, TWA had, shortly before the accident, drilled the center holes to 0.125 inch diameter to accommodate a common fitting on static test equipment. There is no evidence that this modification had any effect on the static system.

Extensive examination of the KIFIS components, including the test circuitry, did not reveal any discrepancies.

The recovered navigational instruments, navigational radios, and communication radios were properly tuned for an ILS approach to Runway 18. According to the CVR transcript and the Air Traffic Control transcript all of the required aircraft navigational equipment, flight instruments, and communications equipment were functioning in a manner that appeared normal to the crew until just before the first impact.

#### 1.13 Fire

There was no evidence of in-flight fire. The aircraft did burn after it came to rest and witnesses reported several explosions after the crash.

Firefighting equipment responded from the airport and surrounding communities, and the fires were contained and extinguished by them.

#### 1.14 Survival aspects

Of the 82 occupants of the aircraft at the time of the accident, 60 persons were killed outright, 22 were removed to local hospitals where 10 subsequently died. Of the 12 survivors, two cabin attendants and four adult passengers were interviewed shortly after the accident. The physical condition of the remainder precluded interviews at that time but all of the adults have subsequently received questionnaires. Only one person, a passenger, has been able to give a clear, sequential report of his escape. This man read the emergency information card as instructed and had his seat belt tight. At the first unusual sounds he put his head between his knees and remained in that position until the aircraft movement stopped. Being in a window seat, he was able to crawl out through the fractured fuselage beside his seat and escape serious injury.

#### 1.15 Test and research

In an effort to resolve some apparent anomalies indicated by a comparison between the flight data recorder record and the prescribed flightpath of the aircraft, the Board performed a number of special studies and flight tests.

A test flight program was designed to resolve apparent differences between CV-880

drag data (based on an aircraft in the landing configuration) furnished to the Board by the manufacturer and other CV-880 drag data provided for simulator purposes furnished to NASA at an earlier time.

The Board requested TWA to conduct a special test flight, observed by Board investigators, to attempt to determine which of these drag data was correct. A recently overhauled TWA CV-880 was used for the test and, prior to the test, all of the pertinent instruments were calibrated and the landing flap positions were checked for conformity to prescribed tolerances. The test plan was prepared by Convair personnel and reviewed by the Board's investigators.

The test was performed with a takeoff gross weight of approximately 173,000 pounds and a center of gravity 22 percent MAC. This c.g. was maintained throughout the flight.

Because there was conformance between the drag data sets referenced above for an aircraft in a relatively clean configuration, a series of runs was made with the aircraft in the cruise configuration to ascertain if there was any substantial deviation in engine thrust from the manufacturer's predicted nominal values. Next, a series of runs was made with the landing gear down and the landing flaps set at 50° to establish the aircraft drag in the landing configuration at the lower lift coefficients. All of the test runs were initiated at pressure altitudes between 8,000 and 10,000 feet and, in a majority of the cases, duplicate runs were made on reciprocal headings. During each of the test runs, a cockpit-mounted camera was used to take a sequence of pictures of the first officer's instrument panel, and the pertinent data was extracted from these photographs.

The runs made in the landing configuration were flown with the engine power set at 1.4 EPR and the calibrated airspeeds varied between 159 and 191 knots, corresponding to lift coefficients ranging from 0.98 to 0.59, respectively. Several runs were also made with the engines at idle thrust, approximately 1.0 EPR, in the landing configuration, and the airspeeds controlled between 180 and 185 knots.

In the clean configuration, EPR values ranged from about 1.0 to 1.6, with airspeeds ranging from 155 to 309 knots. The respective lift coefficients varied from 0.83 to 0.21.

Drag coefficients were calculated for all of the above runs and a reasonable correlation appears to exist for both the clean as well as the landing configurations when test data were compared to predicted values.

The drag of the accident aircraft was computed by revising the drag of the test aircraft to account for applicable variations in induced drag (caused by the difference in lift required between a 135,000-pound aircraft and the actual weight of the test aircraft). The resultant drag values were plotted on a curve of drag versus equivalent airspeed, and good correlation was achieved with the manufacturer's predicted values.

In an effort to determine engine power used during the latter stages of the flight of N821TW, the original CVR tape was provided to the engine manufacturer for an analysis of engine-generated sound spectral frequency relationships.

Several prominent resonances were detected on the accident CVR tape. To define and identify further these prominent resonances and resultant frequencies in terms of rotating engine components, the Board, in a coordinated effort with the Aircraft Engine Group of General Electric Company, continued this study and examination of the original CVR accident tape.

These rotating engine components were identified in terms of sound pressure (energy) levels and frequencies. It was determined that the most prominent resonance noted corresponded to the first-stage compressor blade passing fundamental frequen-

cy. Other, less discernible, fundamental passing frequencies that were identified, included the second- and third-stage compressor blades.

These frequencies were at a mechanically fixed constant relationship to each other and were functions of the number of compressor blades and the physical engine rotor speed. These frequencies were in constant relationship with engine speed, thus allowing interpretation on a continuous flight time versus engine speed management basis.

A total flight profile time of 8 minutes prior to the first impact sound was studied and interpreted by General Electric in terms of engine speed management. Their interpretation of engine speed management was made by independently determining engine speed from the first- and second-stage compressor frequencies and then averaging these values. Deviation of these averages was approximately 0.1 percent. Individual engine speeds were also determined by this method. Based on the manufacturer's interpretation of the engine sound spectrum, it was calculated that the following flight profile versus engine power management schedule was conducted by the flightcrew:

At the start of the 8-minute period, it was calculated that two engines were at flight idle and two engines were at approximately 78 percent of engine r.p.m. These settings remained constant for 3:56 minutes and then the two engines at flight idle were accelerated up to approximately 78 percent, followed by a slow acceleration of all four engines to approximately 84.1 percent. These accelerations took about 18 seconds. This speed setting remained constant for 41 seconds and then the engines were accelerated to 86.1 percent in a 3-second period. This engine speed remained constant for 1:20 minutes when the r.p.m. was reduced to 85.0 percent in a 1-second time period. The engines remained at 85.0 percent for 1:18 minutes and then were reduced to 82.5 percent in 2 seconds. This latter engine speed existed until approximately 0.8 second before the first impact sound detected on the CVR. During the last 0.8 second the engine speed of all four engines increased to approximately 86.5 percent.

The engine speeds calculated by this method were then correlated with the altitude and indicated airspeed data recorded on the FDR, and the ambient temperature as calculated from the Dayton, Ohio, weather observations, translated to pass through the recorded Cincinnati surface temperature. These correlations were then used to compute total net thrust generated and the nominal percentage of the physical rotor speed, as a function of flight time prior to impact. Engine performance data were corrected for a 30-horsepower extraction for accessory drive loss and a 4-pound-per-second air bleed extraction.

Since net thrust accuracy is dependent primarily upon the speed/airflow relationship and the compressor stator schedule tolerance on thrust, these points were presented as a thrust band. This thrust band was generally equivalent to 2 percent of engine speed at approach power settings. (See Appendix C.)

Based on this study, average total net thrust values were calculated. At 2:57 minutes before the first sound of impact, the net thrust was approximately 8,200 pounds. It increased to slightly over 11,000 pounds in about 3 seconds and then decreased to 10,600 pounds over a period of about 1:20 minutes. The thrust was then reduced to 9,000 pounds in a 1-second interval and then increased to 10,400 pounds over a 1:18-minute period. The thrust was reduced to 7,000 pounds during a 2-second period, then increased to 7,200 pounds during an 11-second period. Finally, the total thrust increased to a value of approximately 13,400 pounds at the first recorded sound of impact.

Prior to initiation of the sound spectral analysis to determine engine generated

thrust, the Board calculated the total aircraft thrust required based upon drag data submitted by the manufacturer and an energy analysis of the performance data from the flight data recorder readout. The calculated values were intended to reflect the dynamic character of the aircraft motions, since account was taken of the energy balance requirements for an ascending or descending, accelerating or decelerating aircraft. This latter effort was subject to considerably more interpretation than the spectral study since it required "fairing" both the altitude and airspeed curves. The general magnitude of the calculated thrust-required values did, however, appear reasonably consistent with the thrust values derived from the spectral analysis.

The average thrust required for the time interval between approximately 3 minutes and 50 seconds prior to impact was estimated as between 8,000 and 10,000 pounds. From 3 minutes through 1 minute and 30 seconds before impact, the average thrust required was estimated as approximately 12,000 pounds, and from this latter point through 15 seconds before impact, the average required thrust value was calculated as between 12,000 and 14,000 pounds. Between 15 seconds and 10 seconds before impact, the thrust required dropped to between 6,000 and 8,000 pounds and then subsequently increased, at about the time of impact, to about 20,000 pounds. It should be noted that although the discrete data points on Appendix C are connected in sequence, this graphical artifact is not intended to serve as a means of portraying thrust-time gradients, since this information would have required either an accurate knowledge of engine rotor speeds or an inordinately large number of data points.

The engine manufacturer's calculated thrust values were correlated and applied to an aircraft estimated to weigh 135,356 pounds performing an approach at Cincinnati under the ambient conditions believed to exist at that time. With the landing gear down and the landing flaps extended 40°, the aircraft would have required 21,200 pounds of thrust to maintain level flight at 195 knots. At 45 seconds before the impact, the net thrust indicated by the sound spectral analysis was approximately 10,000 pounds. Two ways this difference of 11,200 pounds of thrust could be made up were either by increasing the thrust output of the engines or by placing the aircraft in a descent. When an aircraft is placed in a descent, a vertical component of the aircraft's weight is resolved into effective thrust along the aircraft's flightpath. If an aircraft were to descend vertically, its total weight would become added thrust, or if the aircraft maintained level flights, there would be no effective thrust due to the aircraft weight.

A series of calculations was then performed in which the approach was divided into segments. These calculations considered only the 45-second time period between the outer marker and the point of the first impact.

The first segment was considered with the flaps at 40°, airspeed 195 knots, landing gear down, thrust required 21,200 pounds, net thrust generated 10,000 pounds, and a gross weight of 135,356 pounds for 30 seconds. This calculation indicated that the aircraft would have had to descend at a 4.75° angle to achieve a balance between thrust required and thrust generated.

The second segment was for a period of 5 seconds, aircraft weight unchanged, gear down, airspeed still 195 knots, the landing flaps extended to 50°, the thrust required increased to 24,000 pounds and the thrust generated increased to 10,400 pounds. This calculation indicated that the descent angle required was 5.76°.

The configuration for the third segment was the same as the second. The thrust generated was reduced to 7,000 pounds while

thrust required was 24,000 pounds, and the time element was 11 seconds. This segment required a 7.15° angle of descent.

Resolving these angles to altitude indicates that the difference in altitude between the first and second segments was 795 feet; between the second and third points, 165 feet; and between the third point and the impact area on the first tree, 453 feet. The total 1,413 feet added to the altitude of the first impact, 890 feet, resulted in a necessary total altitude over the outer marker of 2,303 feet m.s.l. In this connection, the FDR indicated an altitude of 2,340 feet m.s.l. at that point in the flight.

TWA conducted a series of laboratory tests of various static port configurations to attempt to learn whether it was possible for static ports to ingest water and cause errors in the altimeters. In these laboratory conditions, they found it was possible to ingest water, and errors did occur in both the altimeters and vertical speed instruments. The results obtained during these laboratory tests are not reliable, at this time, to an actual flight regime under meteorological conditions similar to those which existed at the time of the accident.

The Douglas Aircraft Company has conducted in-flight water ingestion tests relative to the static system on their DC-9 aircraft. Although water was ingested, such ingestion was readily discernible on the instruments and the excursions were not of appreciable magnitude.

The Board expresses appreciation for the extensive test program which TWA has conducted, both on our behalf and on their own initiative, in an effort to explore possible altimetry problems in conjunction with this investigation.

## 2. ANALYSIS AND CONCLUSIONS

### 2.1 Analysis

In analyzing this accident, the Board has carefully reviewed and investigated all the theories postulated in this matter, and it is our belief that the preponderance of evidence supports the findings as stated in our probable cause.

In our review of this accident, the Board has been able to eliminate a number of causal areas.

The autopsy reports, a review of the medical records of the flight crew, the toxicological examinations, and an evaluation of the cockpit voice recorder transcription revealed no evidence of any flightcrew incapacitation. The crewmembers were all performing their duties and conversing in normal tone until just before the accident occurred.

Insofar as an aircraft control system malfunction is concerned, there was no physical evidence, nor did the cockpit voice recorder transcription reveal any evidence, to support such a conclusion. We believe that any unusual flight control action or lack of control would have been commented on by the crew. Further, the flight data recorder indicated that the aircraft's recorded flight was indicative of normal flight control response. We have calculated that approximately 1.4 "g" would have been required to accomplish the roundout recorded just prior to the first recorded impact sound. This amount of "g" was recorded at the appropriate time on the FDR trace. Finally, our examination of the wreckage has revealed no evidence of any preimpact malfunction or failure of the flight control system. Therefore, we believe the aircraft was responding normally to the control inputs of the flight crew until the first impact with the trees.

The evidence indicates that the flight of N821TW was routine and without notable comment until sometime during the descent to Cincinnati. The departure from Los Angeles was delayed due to an equipment change but the assigned aircraft was airworthy at the time of departure. The only carryover discrepancy was an inoperative

generator which was not a safety of flight problem and had no bearing on this accident.

The descent into the Cincinnati area from cruising altitude was delayed due to conflicting traffic and was initiated closer to the destination than normal. This should not have caused any problem to the crew or affected the safety of the flight. It did require the crew to conduct the descent with a higher than normal rate toward the initial approach fix. The crew discussed the technique they were using to increase the rate of descent, and the cockpit voice recorder indicated that they were relaxed, unworried, and operating within the established operating limits of the aircraft. This operation was verified by the flight data recorder readout.

A review of the flight data recorder record for this section of the flight indicates that the parameters that could be checked were in good agreement with known benchmarks such as heading, turns, and altitude.

As the flight reported leaving 15,500 feet, a member of the flight-crew remarked to others in the cockpit about the rapidity of the descent, and the following remark was made in the cockpit, apparently with reference to the underlying cloud conditions, "Hope that is still a thin layer." In connection with the rapid descent, we noted that the winds at 14,000 feet and above were in excess of 50 knots from a westerly direction. The remark about the "thin layer" was consistent with the observations of the radar meteorologist at Cincinnati, who described the tops of the clouds to the north of Cincinnati as being approximately 15,000 feet. One of the survivors of the crash advised that "It was real clear and we could see the moon before the approach."

The CVR indicated that the crew checked the anti-icing equipment and conversations after that time indicated that the crew was not aware of any discrepancies regarding that system. Icing would have been light from 20,000 feet to about 16,000 feet, becoming moderate to 12,000 feet. Heavy icing may have occurred from 12,000 down to 6,000 feet. From 6,000 feet down to the surface, any icing encountered should have again been moderate. Turbulence should have been light, with occasional moderate turbulence in convective activity during the descent and approach. The only record of turbulence, during the descent and approach, was depicted on the flight data recorder trace of the aircraft's descent from 16,000 to 9,000 feet.

The aid traffic control of the flight was without remarkable incident until the flight was turned over to the approach controller, and that controller failed to provide the crew with the current altimeter setting of 30.07. The crew had previously been given a setting of 30.06. However, the CVR indicated that shortly after the flight came under the control of the approach controller, the crew intercepted a transmission containing the current altimeter setting of 30.07 when it was transmitted to another flight in the area. The CVR also indicated that they set and cross-checked that setting on their altimeters. Examination of the altimeters to verify these settings was not possible due to the damage they received.

Throughout the descent, the first officer called out the appropriate warnings to the captain as the aircraft approached assigned altitudes and apparently performed all of his assigned duties without prompting by the captain. The CVR indicated that the crew coordination was very good during this portion of the flight.

The weather conditions in the Cincinnati area were such that the aircrew should have established visual contact with the ground by the time they reached 3,000 to 4,000 feet during the descent. This conclusion is based upon the following considerations. The last reported official weather observation at

Greater Cincinnati Airport prior to the 2055 Record Special observation was a check observation taken at 2040. At that time, scattered clouds were reported at 600 feet, the estimated height of the overcast ceiling was 3,000 feet, and the visibility was 5 miles in light snow and haze. The last measured ceiling at Greater Cincinnati Airport, prior to the accident, was taken at 1941. At that time, the measured height was 4,800 feet overcast. The first measured ceiling subsequent to the accident was taken at 2125. At that time, the ceiling was measured as 4,200 feet overcast. At Lunken Airport, Cincinnati, the ceiling at 2035 and 2055 was reported to be 5,000 feet and the visibility was 7 miles. Lunken Airport was approximately 12 miles east of the approach path to Runway 18 at Greater Cincinnati Airport where that approach path crosses the north bank of the Ohio River.

As the flight approached the final fix, approximately 7 minutes before the accident, the crew was given the latest reported weather which indicated that the ceiling was approximately 1,000 feet and the visibility was 1½ miles in snow and haze. Approximately 1 minute later they were reminded that the ILS glide slope was out of service, as was the middle marker beacon and the approach lights. The crew acknowledged receipt of this information and the CVR indicated that they planned their approach to the proper minimum altitude, 400 feet above the ground, to allow for these outages.

From this point in the approach until passing over the outer marker, the flight data recorder readout showed that the aircraft altitudes and headings were in general agreement with announced altitudes from the aircrew and the headings they were instructed to fly. The CVR also indicated, through this portion of the flight, a normal operation of the aircraft. The proper configuration was established for the approach to the outer marker in accordance with the company's operating instructions for this portion of the flight.

When the crew reported over the outer marker, they were cleared to land on Runway 18 and advised that the wind was blowing from 090° at 8 knots and the RVR was more than 6,000 feet.

The sound of the marker beacon, on the low sensitivity setting, was heard from 2055:58 to 2056:03. The center of this time span, 2056, was used as the time of outer marker passage for all calculations relating to the latter portion of the flight from the outer marker to the first recorded sound of impact.

At this time, the first officer reported to the captain that they were past the marker and that there was no glide slope. The captain acknowledged this comment and stated "... we gotta go down to, ah, four hundred, that would be, ah." At this point, the first officer supplied the information "twelve ninety" and the captain repeated "twelve ninety."

The flight arrived at the outer marker with the landing gear down, the flaps set at 40° down, the altitude was approximately 2,340 feet, and the airspeed was approximately 200 knots.

The flight data recorder shows that, after the aircraft passed the outer marker, a rate of descent of 1,800 f.p.m. was established at an airspeed of about 190 knots. In this connection, it should be noted that these values are above those recommended by the company for instrument approaches. However, an examination of previous flight records indicates that the captain had, on previous occasions, when operating under visual conditions, exceeded the recommended values. This rate of descent was nearly constant until approximately 20 seconds before the first recorded sound of impact. At that time the rate increased to approximately 3,000 f.p.m., coincident with a request for 50° flaps, and a decrease in thrust, and then decreased to

about 1,800 f.p.m. until about 5 seconds before the initial contact. Prior to initial contact, the aircraft was rotated to a virtually level attitude, the rate of descent was decreasing, the airspeed was about 191 knots, and the indicated altitude was about 900 feet m.s.l.

The altitude readings obtained from the KIFIS components, 856 feet on the captain's side and 899 feet on the first officer's side, compare quite closely to the indicated altitude of 900 feet and the measured altitude of 875 feet at the point of first impact. The pitot static system examination revealed that any blockage or partial blockage of the static system which might affect the flight recorder would likewise affect the first officer's instrumentation.

The activities of the flightcrew as reflected in their recorded conversation indicated that, during the greater part of the time between the outer marker and the crash, the first officer and the flight engineer were involved in accomplishing the final landing checklist. The captain's request for 50° of flaps and the recorded sounds of the engines changing power were the only indications we have of the captain's activities during this period. If we assume that the flight instruments were accurately reflecting the operation of the aircraft, it appears that the captain knew he was high at the time of the arrival over the outer marker. In line with the company practice of getting down to the designated minimum altitude as soon as possible during a no-glide-slope ILS approach, he initiated a rate of descent higher than that required for a normal ILS approach. The possibility exists, however, that the captain's attention was divided between attempting to locate the runway ahead of him, and flying the aircraft by partial reference to his instruments and partial reference to ground lights or other objects outside of the aircraft.

Up to the time the aircraft reached the river bank, we believe the aircraft was being operated in essentially a VFR flight condition. However, in the vicinity of the river, the flight would have encountered the snow shower which reduced visibility. In these circumstances, the captain may have been faced with the problem of reorienting himself with the flight instruments. It is approximately at this point in the flight where the ground witnesses described the aircraft as descending steeply, nose down, being lower than normal, leveling off, and disappearing in heavy snow. These observations were terminated by the crash which they noted by the flash of light.

Because of the circumstances surrounding this accident, the Board has expended considerable time and effort, as have several of the parties to the investigation, in an attempt to find some evidence that would indicate a malfunction of the pilot static system.

Calculations performed by the Board, based on test flights and special studies, indicate that the aircraft was in an altitude envelope over the outer marker which includes the altitude recorded by the flight data recorder.

An evaluation of the total thrust required during the final approach, versus the thrust generated, was made. The thrust generated, based on the study and interpretation of the sound spectral analysis of the CVR-recorded engine sounds and the FDR data, by the engines very closely approximated the thrust required to perform the flight as depicted by the FDR.

Considering the above factors, we have two, separately obtained, verifiable cross-checks of the data recorded by the FDR. Additionally, the data recovered from the KIFIS system as regards the altitude of the aircraft at impact support this finding.

Our investigation of the CV-880 fleet and this aircraft's history of pitot static system malfunctions reveals no evidence to support a finding of a multiple malfunction or failure

of the instruments on both sides of the aircraft. If, as in this case, we believe that the copilot's instruments were accurately reflecting the flight as flown, we must assume that they were either not observed or the indications on them were ignored for some reason. They were used at times during the descent, as prescribed by the operator, to cross-check the captain's instrument indications.

The special studies conducted by the carrier suggest that in flight in heavy precipitation, water ingestion can occur and lead to erroneous readings on the altimeter and the vertical speed indicator. So far as the record of this investigation indicates, there was no precipitation other than snow in the operational area of the aircraft. There was rain in the Cincinnati area but we cannot connect its location with the flightpath of the aircraft. According to our calculations, the freezing level in the approach area was just above the surface, probably no higher than 1,000 feet above ground level (1,890 m.s.l.), so that any precipitation that occurred above that altitude should have been in a solid form such as snow. Were there any water droplets impinging on the aircraft with its supercooled skin, we would expect them to freeze into ice if they adhered to the structure. Under these circumstances, we cannot conceive of any mechanism that would cause a flow of water rivulets across the static ports so as to cause fluid ingestion. Furthermore, the static ports are located in a nonicing area of the aircraft and there are no known cases in which the static ports on these aircraft have been blocked by ice or snow.

The record of this investigation indicates that the flightcrew checked the anti-icing systems during the descent and we believe that they were operating throughout the descent and approach. There are no recorded comments on the CVR to indicate that the crew detected any ice or any malfunction of these anti-icing systems. We have, therefore, discounted icing as a problem in this case.

Following the public hearing held as a part of this investigation, recommendations as to the conclusions that should be drawn from the evidence submitted at the public hearing were offered by Trans World Airlines, Inc. These recommendations were supplemented by additional recommendations following additional tests and research by the carrier.

The initial recommendations postulated that the flight data recorder did not properly depict the flight profile of the aircraft during the final approach. Based on this thesis, TWA also questioned the validity of the information presented on the aircraft flight instruments for use by the crew during the approach.

The carrier supported the inaccurate depiction of the flight profile by referring to the testimony of the ground witnesses near the river and the witnesses who were located north of the outer marker. TWA also pointed out that, in their opinion, the flight recorder did not reflect the necessary pullup "g" load required to level out at the end of the high rate of descent below 2,000 feet. The testimony of the survivors that they did not recall any excessive "g" or noticeable change in noise level (engine) was also noted.

TWA stated that, based on the CVR transcription and the testimony of other TWA pilots who had flown with Captain Cochrane, it is inconceivable that he would have flown the latter portion of the flight as depicted by the FDR. TWA also considered that the airspeed shown by the FDR was not consistent with a time-distance calculation for the flight from the outer marker to the impact point. They believed that the lack of calls regarding sink rate, altitude, and airspeed indicated that the flight instruments were not providing proper information to the crew.

TWA concluded that the time interval of recorded marker beacon signal passage did not necessarily indicate the altitude at which the aircraft crossed the marker beacon.

Based in the original sound spectral analysis, they concluded that the power level developed by the engines did not change through the initial approach, descent, and level-off.

The carrier discussed the flight test work they performed, based on the original sound spectral analysis and the FDR. They concluded that it was not possible to reproduce the flightpath depicted by the FDR, using the power settings based on this sound spectral analysis. They supplemented this conclusion by reference to the Thrust Required Chart prepared by the Board. In this connection, they noted the wide disparity between the thrust required and the thrust generated.

Finally, they noted that the "heavy wet" snow observed by ground witnesses, and near freezing temperatures, may have had some influence on the aircraft air-data instrumentation. They pointed out that a partial obstruction of the static system could cause a lag in the instrument readings. This lag would have caused the pilot to believe he was at an altitude higher than actual, with an airspeed higher than actual, and a rate of descent that was less than indicated.

In conclusion, TWA recommended that further study and testing in the areas of static port ingestion and simulation of the accident aircraft performance be made.

Several months later, TWA submitted their supplemental recommendations. In these supplemental recommendations, they pointed out again that the flight as depicted on the FDR was not that which would be expected of the crew under the circumstances that existed in this case. TWA reported that they had reexamined the FDR readout and compared the FDR readout, the new sound spectral analysis, and the thrust required data considering the confirmed drag data obtained by test flights. After reviewing these data, the carrier believed that there were significant discrepancies between the thrust required and the thrust generated, based on the engine r.p.m. indicated by the sound spectral analysis. They also pointed out that they could not resolve these differences when they reviewed the FDR profile of the flight from 11,000 to 3,000 feet. They reiterated that in their earlier test flights they could not reproduce the FDR depicted flight profile using power settings between 86.2 percent and 89.7 percent r.p.m., particularly with regard to indicated airspeed.

They analyzed these discrepancies as being the result of ice or water intermittently blocking or being ingested by the static ports on both sides of the aircraft at the same time. As a result of this analysis, TWA prepared a technical paper outlining a research program on *Flush Static Port Water Ingestion*.

Both of the recommendations, with their supporting documentation, have been entered into the public record of this investigation, served on the Parties to the Investigation, and considered by the Board during the preparation of this accident report.

No recommendations have been submitted by any other Party to the Investigation of this accident.

Taking TWA's comments in the order presented, the Board offers the following remarks:

We believe that the flight recorder accurately depicted the profile of the flight. We would point out that the recorder was designed to reflect the recorded parameters of a flight with approximately a  $\pm 2$  percent degree of accuracy. It is essentially a trend instrument rather than an infallible point reading instrument. Using the chart attached to the report as Appendix E,<sup>6</sup>

<sup>6</sup> Appendix E is a chart on which are depicted a flightpath based on the FDR readout, a terrain profile, and CVR comments all keyed to time.

believe that we have accurately depicted the sequence of events from the outer marker to the point of impact. The test work described in the factual portion of this report indicates to us that the aircraft was capable of performing the latter portion of the flight as recorded by the FDR. Within the accuracy of the information available, we see no indication of support for a theory of erroneous information being generated by the air-data system and presented to either the flightcrew or the FDR. In fact, the record of this investigation indicates that, historically, there is no record of any failure or malfunction of the pilot static system that has affected all the flight instruments aboard an aircraft. Additionally, to accept this theory, the Board would have to believe that the FDR and the flight instruments agreed when the aircraft was at 3,500 feet and at impact, but that a malfunction existed between those two points which affected all the instruments but was not reflected on the FDR. Finally, this theoretical malfunction was not detected by the flightcrew.

The Board cannot place any credence on calculations based on the ground witnesses' statements because either the statements contained no specific information or the information was not precise enough to allow us to perform exact calculations leading to meaningful conclusions. Our evaluation of these statements provided an envelope of altitudes within which the aircraft could have been operating. The altitudes indicated by the FDR are within or near this envelope of altitude.

Our interpretation of the FDR shows a +1.4 "g" pullup at the appropriate place in the flight profile to reflect the level-off pullup.

The testimony of the survivors which reflects no recall of excessive "g" or noticeable change in noise level is, we believe, not unusual in light of the events which followed the pullup and increase in power. However, the FDR and the CVR clearly reflect these actions on the part of the aircrew.

The time-distance calculations performed by TWA are based on time from the outer marker to the first recorded sound of impact. They assigned that sound to the impact with the first tree struck by the aircraft. We do not believe that impact was recorded by the CVR but that the later impact, 1,300 to 1,400 feet closer to the runway, was the sound recorded by the CVR.

As previously stated, we believe the flight instruments were accurately reflecting the aircraft's operation.

We agree that the recorded outer marker signal did not necessarily indicate the altitude at which the aircraft crossed the beacon. However, our calculations in this area developed an altitude envelope that was in reasonable agreement with the FDR-depicted altitude.

There is no documented, actual experience available to the Board that will support a malfunction of the complete pilot static system caused by ingestion or partial blockage, without detection by the flightcrew or the FDR. When problems of this nature have been detected in the past by crewmembers, they have been indicated by the erratic operation of flight instruments. This erratic operation is also reflected by the FDR. There is no evidence of such a malfunction on the FDR record of this flight. Also, under the circumstances hypothesized by TWA in this case, the pilot should have been concerned about, and made some effort to correct, a higher-than-normal airspeed. This type of action by the pilot was not reflected by either the FDR or the CVR.

With reference to TWA's supplemental recommendation, they stated that they could not explain discrepancies between the thrust required and thrust generated. We do not see the discrepancies to be as large as TWA does, and it is our opinion that the differences be-

tween thrust required and thrust generated are explained by the rates of descent on the final approach.

In summary, we can find no evidence in the record of this investigation which will support a finding of fluid ingestion or some form of partial blockage of the static ports as a causal factor in this accident.

After consideration of all the above-cited data, the Board believes that the following sequence best describes the events that occurred between the outer marker and ground impact.

The outer marker was passed at 2,340 feet m.s.l. (1,550 feet above the airport) at 2056:00. Three seconds later, the first officer stated that the flight was "by the marker and no glide slope." This was acknowledged by the captain who then said "we gotta go down to, ah, four hundred, that would be, ah, . . . twelve ninety." At this time the aircraft configuration was landing gear down, and landing flaps set at 40°. A descent was initiated and stabilized at approximately 1,800 f.p.m. at an airspeed of 195 knots.

At 2056:21, the flight engineer asked "Want the final checklist?" and the first officer said "You bet." According to TWA procedures, the call for the final landing checklist is made by the captain to acknowledge the landing gear being down and locked. Apparently, in the absence of this call by the captain, the flight engineer initiated a reminder regarding the checklist. Almost simultaneously with the first officer's response, the captain requested "Flaps 50 please." This flap selection is, according to TWA's procedures, normally accomplished as the aircraft intercepts the final approach "slot." The slot is that portion of the approach where the pilot determines that he can successfully complete the approach and landing. During the next 11 seconds the final landing checklist was completed, including a cross-check of the altimeters.

At 2056:34.5, approximately 3 seconds before completing the last item on the checklist, a power reduction was recorded on the CVR, followed 1 second later by an unidentified crewman's remark "Nothing to it." At this time the aircraft was at an altitude of approximately 1,275 feet m.s.l., approximately 2½ statute miles from the approach end of the runway. At this point, the aircraft was about 400 feet above the airport elevation but was also nearly 800 feet above the river valley with its associated lights. During this portion of the flight, the weather on the approach path was such that the Board believes the captain was able to establish visual reference to the lights in the river valley and, possibly, the glow of lights, associated with the airport. In this connection, the Board notes that the reported visibility at the airport was never less than 1½ miles and was reported to be "better to the north" several times. The sighting of the lights mentioned above may have elicited the "nothing to it" comment.

It was noted during the investigation, that the profile of this particular terrain along the approach path from the outer marker to the airport may have provided the crew with an illusion of having adequate terrain clearance on their approach (see Appendix E). The Ohio River Valley is approximately 400 feet lower than the airport mesa terrain and is separated from higher ground by a steeply rising unlighted hillside.

The Board, in studying this terrain, believes there are two methods whereby an illusory effect might be induced. At night under lowering visibility conditions, it is possible that the lights in the river valley could be associated with airport terrain elevation and, if used for altitude reference, would provide an illusion of adequate altitude for terrain clearance. It is also possible, since there are no lights which would provide terrain definition (unlighted slope),

that the lights in the valley associated with the lights on the airport terrain would provide a condition of a lighted upslope terrain illusion as described in Boeing studies on Night Visual Approaches to Lighted Sloping Terrain. In these studies, it was demonstrated that pilots making approaches to airports, in or adjacent to a lighted upsloping city, received visual cues that produced sensations of being much higher than their actual altitudes.

The Board believes the pilot used the lights in the river valley (400 feet below the airport elevation) as a visual reference to establish his final approach altitude. In this connection, the Board noted that there have been two prior accidents within 1,000 feet of the point where Flight 128 made initial contact with the trees. Both of those aircraft were operating at night in conditions of limited visibility. The record of investigation of those two accidents indicates that in each case, the crew saw or believed they saw, the runway lights shortly before they crashed into terrain lower than the airport elevation. Flight 128 leveled off at about 875 feet m.s.l. (15 feet below the airport elevation) but 400 feet above the river valley.

The cockpit crew conversations reflect a relaxed atmosphere in the cockpit until the last few seconds prior to impact. The recorded cockpit conversations also indicate that the captain may not have had the applicable minimum altitude of 1,290 feet fixed clearly in his mind. When the first officer reported: "By the marker and no glide slope," the captain acknowledged and started some mental arithmetic: "We gotta go down to, ah, four hundred, that would be ah . . ." Before he could complete this thought process, the first officer provided the answer: "Twelve ninety" and the captain repeated the answer.

Initial tree contact occurred 3 seconds after level-off commenced and the captain exclaimed: "What's that—say what you say twelve ninety?" Had the captain been referring to his altimeters during the start of level-off, he certainly would not have been asking for a minimum altitude verification 3 or 4 seconds later in such an apparently rhetorical manner. We believe that he was surprised to see his altimeter displaying an altitude far below his target altitude of 1,290 feet.

The captain then initiated a pullup and exclaimed: "Come on, you." Destructive impact occurred about one-half second later and was recorded on the CVR at 2056:49.5. (See Appendix E.)

This crew had flown together enough to have established a rapport between the pilots. The uneventful flight and reported weather well above minimums may have paved the way for complacency on the part of the crew. Each of the pilots knew the other could do his job without being monitored and each probably felt he could count on that performance. The testimony at the public hearing indicates that the monitoring of the pilot flying the aircraft by the other pilot was a backup procedure and was not, in the view of the company, a mandatory procedure, at the time of the accident.

If the flight was, as we believe, operating in an area clear of clouds and precipitation inbound to the marker beacon, the pilot flying the aircraft may have divided his attention between the visible ground lights and the flight instruments. Knowing the glide slope was inoperative and the middle marker beacon and the approach lights were out, but with a reported visibility of 1½ miles and an RVR of more than 6,000 feet, the captain may have devoted a part of his attention to attempting to pick up the runway lights. TWA procedures allowed a higher-than-normal rate of descent to get down to the minimum approach altitude in cases where the glide slope is not operating. With the visibility more than 1 mile, the captain may have de-

decided to descend to his minimum altitude as quickly as possible so when the runway lights came into sight he would be in a position to establish his final landing approach without having so much altitude to dissipate. This operating procedure may not have been noticed by the first officer and the engineer because they were involved in preparing the aircraft for the landing and performing the final pre-landing checklist.

Two reasons are suggested for this possible breakdown of the cross-checks between the pilots. One is the possibility that the first officer was so involved with the performance of the final landing check that he did not observe his flight instruments. The second possibility is that the first officer may have observed the instrument indications but was not concerned because of his confidence in the captain.

The copilot had made all the required altitude callouts on descent and particularly told the pilot when passing through 3,500 feet for the assigned level out altitude of 3,000 feet. The flight recorder and the copilot's instruments agreed at 3,000 feet when he called that they were "out of three." It is thus believed that the main reason that the copilot made no further calls was that he felt the captain was making satisfactory visual approach. Since the copilot was looking at the same values of airspeed and altitude as the flight recorder, he should have called out high approach speed, high sink rate, 100 feet above intended level-out (500 feet), and minimums if the captain were making the approach on instruments, but, if he believed that they were in visual conditions and the captain was using visual ground reference to make the approach, none of these would necessarily be made.

After careful consideration of all the available information in this investigation, the Board believes that this is the most likely explanation for the sequence of events that led to this accident.

## 2.2 Conclusions

### (a) Findings

1. The weather was suitable for the operation contemplated and should not have affected the safe operation of the aircraft.
2. The aircraft probably operated clear of clouds and precipitation from a point 3,000 to 4,000 feet above the ground in the descent, until the aircraft approached the river. At that time, the aircraft encountered a snow shower which reduced the visibility to 1½ to 2 miles.
3. The visibility during the final approach phase was such as to have permitted the crew to have visual reference to ground lights in the river valley and possibly to the glow of lights associated with the airport.
4. The powerplants were capable of and were delivering power to the aircraft without interruption and without recorded difficulty until the time of the crash.
5. The airframe and flight control systems were intact and capable of normal response until the time of the initial impact.
6. There is no evidence of an in-flight fire either inside or outside the aircraft.
7. There was no deficiency of the flight control system or structure that caused the aircraft to descend below its minimum altitude.
8. There was no in-flight separation of any major aircraft component.
9. There is no evidence of a bird strike which could have been in causal relationship to this accident.
10. The aircraft initially struck a tree at an altitude of approximately 875 feet m.s.l., in a virtually level attitude, with the landing gear down, and the landing flaps set at 50°. The aircraft continued to fly, striking trees along its flightpath, until it was not capable of further sustained flight.

11. Initial impact was 9,378 feet short of the approach end of Runway 18 and 429 feet west of the extended runway centerline.

12. The captain's altimeter was indicating 856 feet m.s.l., and the first officer's altimeter was indicating 899 feet when the electrical power to the KIFIS system was terminated.

13. There is no evidence of a failure or malfunction of any aircraft system.

14. There is no physical evidence of any malfunction or failure of the pitot static system.

15. There is no evidence that the crew detected any malfunction in the aircraft or its system.

16. The weight and center of gravity were within limits at the time of the accident.

17. The functioning ground navigational facilities were operating within their established parameters without reported discrepancies.

18. With the exception of the failure to provide the crew of Flight 128 with the current altimeter setting on initial contact, the air traffic control of this flight was routine and without reported discrepancy. The crew intercepted the current altimeter setting before they began the approach and the CVR indicates it was set and cross-checked.

19. The ILS glide slope, middle marker beacon, and high-intensity approach lights were inoperative. The crew was advised of these conditions and planned their approach accordingly.

20. There is no evidence that indicates the enlargement of the center hole in the static ports of the CV-880 in any way contributed to the accident.

21. Bench tests and independent calculations indicate that the relocation of the flight data recorder in the aft end of the aircraft did not affect the accuracy or timeliness of the flight data record.

22. The available night visibility checkpoints at the Cincinnati Airport were not adequate to determine visibility properly in all four quadrants when there were restrictions that reduced visibility below 5 miles.

23. There was a snow shower moving across the airport and the approach path of the aircraft during the descent from the outer marker.

24. The approach minimums which applied in this case provided FAA-required terrain clearance.

25. The aircraft was at approximately 2,340 feet m.s.l., when it passed the outer marker, as indicated by the flight data recorder.

26. The airport was equipped with surveillance radar which was used to observe the flight of the aircraft; however, this radar had no height information available and the controller could not have provided any warning to the crew regarding a descent below the established minimums.

27. The CVR transcription reveals that the flight operated in accordance with normal operating procedure including crew coordination until about the time of passing the outer marker. There are no comments on the tape which indicate that any crewmember detected any deviation from a normal operation until the initial tree contact.

28. The captain's exclamation regarding altitude "twelve ninety" and the first officer's reply of "ten ninety" is the first indication that the Board finds which could be construed as the detection of a problem by the crew.

29. The first officer did not call out any deviation from localizer centerline, airspeed, altitude, or rate of descent.

30. During the time the required calls should have been made, the first officer and the flight engineer were carrying out the final landing checklist. This took about 11 seconds, and all required items including altimeters were checked off. This activity, combined with the first officer's confidence

in the captain, probably lead to the omission of these calls.

31. The captain did not have the applicable minimum altitude of 1,290 feet fixed clearly in his mind and endeavored to conduct his approach partially by visual reference to ground lights in the river area. He leveled off at the airport elevation (400 feet above the river) rather than 1,290 feet (400 feet above the airport elevation).

32. The extruded sealant found in the left static port was not a causal factor in this accident.

#### (b) Probable Cause

The Board determines that the probable cause of this accident was an attempt by the crew to conduct a night, visual, no-glide-slope approach during deteriorating weather conditions without adequate altimeter cross-reference. The approach was conducted using visual reference to partially lighted irregular terrain which may have been conducive to producing an illusionary sense of adequate terrain clearance.

#### 3. RECOMMENDATIONS

This accident was one of a series of landing approach accidents that have occurred in recent years. These accidents are generally typified by a non-precision approach conducted at night in restricted visibility over irregular terrain.

In light of these circumstances, the Board believes that recent studies which have been conducted relative to illusionary effects associated with approaches to lighted, sloping terrain should be expanded to encompass approaches similar to the one involved in this accident.

Concerned with the recurring nature of these accidents, the Board forwarded a letter of recommendation to the FAA regarding the need for operational improvements, research in altimetry, and in the development of approach and landing aids. (See Appendix D.) Additionally, the Board's personnel have engaged in a series of meetings with Government and industry personnel directly concerned with the problems involved in this type of accident. These groups have included: the National Aeronautics and Space Administration; the Federal Aviation Administration; the Air Line Pilots Association; the Air Transport Association; the Aircraft Owners and Pilots Association; the Aircraft Industries Association; the National Business Aircraft Association; and the manufacturers of aircraft instruments. A number of these organizations have begun various programs of tests and studies in an attempt to isolate and identify the areas where corrective actions could be applied to prevent this type of accident.

By the National Transportation Safety Board:

JOHN H. REED,

Chairman.

OSCAR M. LAUREL,

FRANCIS H. McADAMS,

LOUIS M. THAYER,

Members.

#### APPENDIX

##### CREW INFORMATION

Captain Charles L. Cochran, aged 45, possessed Airline Transport Pilot Certificate No. 445006 with aircraft multiengine and single-engine land ratings and type ratings in Lockheed Constellation CV-880/990 aircraft and a flight instructor's certificate for Constellations. His most recent first-class medical certificate was issued October 18, 1967, with no limitations or waivers. The captain had 12,895 flying time including 1,390 hours in CV-880 aircraft. He had flown 169 hours in the last 90 days and 57 hours in the last 30 days. His last line check was completed May 20, 1967, and his last proficiency check was November 8, 1967. He had been on duty 4:20 hours, including 3:20 of flight time when

the accident occurred. His rest period prior to reporting for duty was 14:23 hours.

First Officer Robert P. Moyers, aged 33, possessed commercial pilot's certificate No. 1394932 with aircraft single-engine and multiengine land, instrument, and Boeing 377 ratings. His first-class medical certificate was issued May 19, 1967, with no limitations or waivers. He had approximately 2,647 hours total flying time including 447 in CV-880 aircraft. He had flown 192 hours in the last 90 days and 66 hours in the last 30 days. His last proficiency check was completed February 13, 1967. His rest time and duty time were the same as the captain's.

Flight Engineer Jerry L. Roades, aged 29, possessed flight engineer certificate No. 1743383, issued March 1, 1967, with a turbojet rating, and commercial pilot's certificate No. 1544014, issued September 21, 1966, with airplane single-multiengine land and instrument ratings. The flight engineer had 3,479 pilot hours, none of which were in the CV-880, and 288 hours as a flight engineer in the CV-880. His most recent first-class medical certificate was issued May 25, 1967, with no limitations or waivers.

The four stewardesses were regularly employed by TWA for this duty and their training was current.

#### APPENDIX B

##### AIRCRAFT INFORMATION

Convair 880, N821TW, the property of Trans World Airlines, Inc., received an airworthiness certificate January 8, 1961, and the certificate was still valid at the time of the accident.

The aircraft records show that the aircraft was manufactured December 20, 1960, and was placed in service by TWA January 12, 1961. The aircraft had a total airframe time of 18,850 hours<sup>1</sup> and received a Base Overhaul 5,640 hours before the accident. The only known maintenance discrepancy of the aircraft at the time of its departure from Los Angeles was an inoperative No. 1 generator, which was caused by a malfunctioning Constant Speed Drive unit, and the CSD was disconnected by TWA maintenance personnel. A Time Controlled Service Check was completed on the aircraft November 19, 1967, 10 hours before the accident, and no significant pitot static system writeups were noted.

There had been a number of maintenance writeups regarding discrepancies with various components of the flight instruments; however, the records indicate that these writeups had been cleared in accordance with the existing maintenance procedures. In no case reported were both the captain's and first officer's altimeters malfunctioning at the same time.

The aircraft was equipped with four General Electric CJ-805-3A engines:

Position:	Total time (Hours)	T.S.O.
1	14,679	4,076
2	12,355	620
3	13,612	4,127
4	15,379	1,751

#### APPENDIX D

NATIONAL TRANSPORTATION SAFETY BOARD, DEPARTMENT OF TRANSPORTATION,  
Washington, D.C., January 17, 1969.

MR. DAVID D. THOMAS,

Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. THOMAS: Accidents which occur during the approach and landing phase of flight continue to be among the most numerous. They are again highlighted by some of the events of the past month that have aroused nationwide interest in air safety.

<sup>1</sup> All times reported to the nearest hour.

Most approach and landing accidents have been attributed to improper operational procedures, techniques, distractions, and flight management. In many cases vertical/horizontal wind shear, forms of turbulence, and altimetry difficulties were, or could have been contributing factors. The phenomenon of breaking out into visual flight conditions and subsequently becoming involved in patches of fog, haze, rain, blowing snow and snow showers and other visibility obscuring forms of precipitation seems to be fairly common occurrence. The sensory illusion problem associated with night approaches over unlighted terrain or water is another likely factor about which more is being learned daily.

Other related factors are the handling characteristics of our transport type aircraft in day-to-day operations, the absence or outage of glide slope facilities, cockpit procedures, possible effects of snow or rain on dual static port systems as they could affect altimetry accuracy, and altitude awareness. These are all factors which may exist singularly or in combination. The inability to detect or obtain positive evidence, particularly such evidence as ice accretion or moisture which becomes lost in wreckage, makes it difficult, if not impossible, in many cases to reach conclusions based upon substantial evidence. It is clear that had all ground and airborne navigational systems been operating accurately and had the flight crews been piloting with meticulous reference to properly indicating flight instruments, these accidents would not have occurred.

In this light, and with the number and frequency of approach and landing phase accidents under similar weather and operating environments, we believe that certain immediate accident prevention measures need to be taken. We believe that preliminary to the successful completion of our investigations into the factors and causes of the recent rash of accidents, renewed attention to, and emphasis on recognized good practices will tend to reduce the possibilities of future accidents.

Pilots, operators and the regulatory agencies should renew emphasis on—and improve wherever possible—cockpit procedures, crew discipline, and flight management. It is recommended that both the air carrier industry and the FAA review policies, procedures, practices, and training toward increasing crew efficiency and reducing distractions and nonessential crew functions during the approach and landing phase of the flight. It is specifically recommended that crew functions not directly related to the approach and landing, be reduced or eliminated, especially during the last 1000 feet of descent. Accomplishment of the in-range and landing check lists as far as possible in advance of the last 1,000-foot descent will allow for more intense and perhaps more accurate cross checking and monitoring of the descent through these critical altitudes.

It is also recommended that during the final approach one pilot maintain continuous vigilance of flight instruments—inside the cockpit—until positive visual reference is established.

In order to induce a renewed altitude awareness during approaches where less than full precision facilities exist, it is recommended that there be a requirement that during the last 1000' of final approach the pilot not flying call out altitudes in 100-foot decrements above airport elevation (in addition to airspeed and rate-of-descent). To further enhance altitude awareness within the cockpit, it is recommended that there be a requirement to report indicated altitude to Air Traffic Control at various points in the approach procedure such as the outbound procedure turn and at the outer marker position.

Consistent with and in support of the concept inherent in your Notice of Proposed

Rulemaking No. 67-53, the Board urges the aviation community to consider expediting development and installation of audible and visible altitude warning devices and the implementation of procedures for their own use. Additional improvements, although desirable now, are attainable only through continued research and development.

The reassessment of altimetry systems with particular regard to their susceptibility to insidious interference by forms of precipitation needs to be the subject of attention by the highest level of aeronautical research facilities and personnel. Toward this end, we are meeting with members of your staff, the National Aeronautics and Space Administration and various segments of the aviation community to initiate an assessment of possible failure modes and effects within the static system.

The possibility of development of additional altitude warning systems—external to the aircraft—needs to be explored by the aviation community. One such possibility would be a high intensity visual warning red light beam—projected up along and slightly below the desired approach glide slope—to warn of flight below the desired path.

Likewise, development is needed in the fields of radio/radar, and inertial altimetry and CRT/microwave pictorial display approach aids as possible improved replacement of the barometric altimetry system in the near future.

Modified use of existing approach radar should be further studied with regard to its adaptability as a surveillance—accident prevention—tool for nonprecision instrument approach.

During the time that we press for answers as to the causes of a number of these recent accidents, the Board urges increased surveillance, more frequent and more rigorous inspection and maintenance of altimetry systems by both the air carrier operators and the FAA; and urges also that the FAA re-examine certification requirements and procedures to determine if there is a possibility of a single failure mode of nominally dual systems which, when combined with an already existent passive failure or inadequate cockpit procedures, can invalidate dual failure protection features.

Whereas these problems have been highlighted by air carrier accidents, they should not be construed as being unique to air carrier aviation. The Safety Board considers that they are applicable to all forms of air transportation.

We know that your Administration, as well as other responsible segments of the aviation community, have been working extensively in all of these areas.

We appreciate your continuing emphasis on the safety of air carrier operations as evidenced by recent communications with your inspectors and airline management.

Your views regarding the implementation of our suggestions will be welcome.

Sincerely yours,

JOSEPH J. O'CONNELL, Jr.,  
Chairman.

FEDERAL AVIATION ADMINISTRATION,  
Washington, D.C., February 6, 1969.

Hon. JOSEPH J. O'CONNELL, Jr.,  
Chairman, National Transportation Safety  
Board, Department of Transportation,  
Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of January 17, 1969, which contained suggestions and recommendations for the prevention of accidents during the approach and landing phase of flight.

My letter of January 28, 1969, commented on a number of the items covered in your January 17 letter. Therefore, I will not repeat them here, except to reiterate that our immediate concern and followup actions are directed to the areas of adherence to established procedures, altitude awareness, win-

ter operating procedures, and cockpit discipline and vigilance.

Our comments concerning the matters discussed in your letter are as follows:

1. *Reduce distractions and non-essential crew functions during approach and landing.* Instructions to our inspectors require them to review on a continuing basis cockpit check lists and procedures to assure that minimum checking will be done during the more critical periods of flight such as departures, approaches, and landings.

2. *Use of in-range and landing check lists.* We believe the airlines require all cockpit check procedures, particularly the in-range check list, to be completed well before the last 1,000 feet of descent. However, we will request our inspectors to doublecheck and take action where warranted.

3. *Cockpit vigilance.* The instructions to our inspectors referred to in item 1 above also require them to assure that cockpit check procedures are arranged so that the pilot flying devotes full attention to flight instruments. As stated in my letter of January 28, 1969, crew vigilance and cockpit discipline is one of the areas stressed in my wire to the airline presidents.

4. *Altitude awareness.* Over two and one-half (2½) years ago, instructions were issued to our inspectors to be sure the airlines emphasized in training and included in company manuals altitude awareness procedures to be used during climbs, descents, and instrument approaches. This is one of the areas on which we asked our inspectors to place emphasis during the accelerated inspections mentioned in my January 28 letter.

Your letter recommended that during the last 1,000 feet of the final approach the pilot not flying be required to call out altitudes in 100 foot increments. The altitude awareness procedures that we have asked the carriers to adopt require the pilot not flying to call out, during the final 1,000 feet of the approach, 500 feet above field elevation, 100 feet above minimums, and minimums. We believe this procedure is preferable, since it serves to keep cockpit conversation to a minimum and at the same time, assures pilot altitude awareness. This procedure also reduces pilot workload.

5. *Pilot reports to ATC of altitudes during instrument approaches.* Adoption of this suggestion would significantly increase frequency congestion and increase crew and controller workload. We believe our efforts in the areas of pilot training and education will prove to be the most beneficial course of action.

6. *Altitude alerting devices.* I appreciate your support of the rule which became effective on September 28, 1968, which will require by February 28, 1971, both visual and aural altitude alerting signals to warn pilots of jet aircraft when approaching selected altitudes during climbs, descents, and instrument approaches.

7. *Altimetry systems.* With respect to your suggestion that an assessment be made of possible failure modes of altimeter static systems, we plan to participate with NASA and the aviation industry to assist in such a program. Development and testing to validate such improvements will be required. At this time, we know of no practical replacement for the barometric altimeter.

8. *Additional altitude warning systems.* Your suggestion concerning visual glide path warning would not provide complete information concerning the optimum glide path as does the Visual Approach Slope Indicator (VASI) systems which are installed at many runways throughout the country. We plan to continue to install these systems in accordance with current criteria within the limits of funds appropriated for this purpose.

9. *Development to replace barometric altimeter systems.* The use of inertial altimetry could be investigated, but must be considered as a long range R&D program. CRT/

microwave pictorial display (radar mapping) has been evaluated by the military as an additional approach aid monitor. The FAA as yet does not have detailed information, since this equipment, until recently, was classified. However, we plan to obtain additional information and will look into the matter further.

10. *Modified use of existing approach radar.* I would appreciate receiving from you additional details on the modified use you had in mind, so that we can more properly evaluate and respond to your suggestion.

11. *Inspection and maintenance of altimeter systems.* On January 29, 1969, representatives of our Flight Standards Service met with ATA's Engineering and Maintenance Advisory Committee to review and discuss altimetry problems. The airlines are monitoring the operation of these systems and reviewing their maintenance procedures. ATA advised us at this meeting that few troubles are being experienced or reported by the flight crews. This is confirmed by our analysis of the MRR reports. Nevertheless, ATA has agreed to reactivate its Altimetry and Static System Maintenance Subcommittee to further explore this area and intends to review and update material previously published on this subject.

12. *Certification of altimeter systems.* On August 16, 1968, we issued a Notice of Proposed Rule Making proposing revisions to Part 25 of the Federal Aviation Regulations to require in systems design means to assure continued safe operation following any single failure or combination of failures not shown to be extremely improbable. Industry comments are now being reviewed and analyzed.

Your interest in these problems is appreciated and I can assure you we will continue to press for solutions to them.

Sincerely,

D. D. THOMAS,  
Acting Administrator.

AIR LINE PILOTS ASSOCIATION,  
Washington, D.C., January 27, 1969.

Mr. JOSEPH J. O'CONNELL, Jr.,  
National Transportation Safety Board, Department of Transportation, Washington, D.C.

DEAR MR. O'CONNELL: We have read your January 17th letter to Mr. D. D. Thomas with a great deal of interest. We would like to comment both favorably and unfavorably:

We were very pleased that on page two third paragraph from the bottom refers to a "Reassessment of Altimetry Systems". The entire contents of this paragraph has our complete approval and appreciation. Altimetry development and reliability is a subject which the Association has been stressing as in urgent need of attention.

We are also pleased to see NTSB urging the development and installation of "Audible and Visual Altitude Warning Devices", since we have been on record for many years in regard to pointing out a demonstrated need exists for such devices.

We continue to be greatly concerned that the type of accidents continuing to occur all too frequently during an approach to a landing are apparently no different than those that have been occurring for many years due to the lack of the best available equipment and landing aids both in the airplanes and guidance from ground installed electronic landing aid equipment.

The Association we believe is justifiably concerned to any inference such as contained in the NTSB letter quoted as follows:

"Had the flight crew been piloting with meticulous reference to properly indicating flight instruments, these accidents would not have occurred."

All pilots be they private, military or airline, fly their airplanes with meticulous care while making an instrument approach toward a landing for obvious reasons. Since instrument flying occurs without any visual

reference to the ground the success of an instrument flight is dependent upon the "Properly Indicating Flight Instruments". We believe the choice of wording with regard to a pilot not using meticulous reference to properly indicating flight instruments can be inadvertently misleading to the public by inferring carelessness or negligence.

We are also concerned that the NTSB letter infers that there is *not* sufficient emphasis in using recognized good operating practices. We refer to the paragraph that follows:

"In this light, and with the number and frequency of approach and landing phase accidents under similar weather and operating environments, we believe that certain immediate accident prevention measures need to be taken. We believe that preliminary to the successful completion of our investigation into the factors and causes of the recent rash of accidents, renewed attention to, and emphasis on recognized good practices will tend to reduce the possibilities of future accidents."

Our comments to the above are that we believe neither the carriers nor the pilots overlook using any "Recognized Good Practices". Here again, there is an inference which is misleading to the lay public and airline passengers.

In our view the most tangible means that would immediately "tend to reduce the possibility of future accidents" is a program for expediting installation of improved landing aids and getting on with the long delayed need for updating our airports so that the new airline transports are not squeezed into obstruction-bound short runways. Overcoming airport obsolescence requires the same ruthless program that is used to make sure remarkable progress in overcoming highway obsolescence.

The Association points out that there are approximately 6 million takeoffs and landings by airline pilots and thereby indicating a high degree of professional airmanship and also indicating that when accidents do occur in the vicinity or on an airport the incident or accident should be carefully investigated with particular emphasis on the possibility of instrumentation reliability, lack of landing aids, or lack of airport safety standards, such as inadequate runway length, runways surrounded by obstructions and a lack of sufficient numbers of runways to minimize the hazards associated with take offs and landings on slippery runways when strong crosswinds occur.

Again we commend the NTSB for bringing forth several items requiring immediate attention which will enhance air safety. We also point out that while we favor providing the public with information regarding the cause of airline accidents we respectfully recommend that the NTSB would do well to coordinate with other segments of the airline industry such as the ATA and ALPA. This would enable obtaining the view points of other aviation organizations vitally interested in air safety for consideration by the NTSB when providing information for the public relating to airline accident causes.

Rest assured of our interest and appreciation for your continued cooperation in our mutual efforts to increase air safety.

Sincerely yours,

THEO G. LINNERT,  
Director, Engineering and Air Safety Department.

JANUARY 31, 1969.

Mr. THEO. G. LINNERT,  
Director, Engineering and Air Safety Department, Air Line Pilots Association, Washington, D.C.

DEAR MR. LINNERT: I have your letter of January 27, 1969, commenting "both favorably and unfavorably" on our safety recommendation of January 17, 1969, addressed to David D. Thomas, FAA Acting Administrator. I can readily understand that ALPA would

be sensitive to anything that might impute less than meticulous attention to his task by any ALPA flight crewmember. Such was not, of course, our intention or the thrust of our letter, although I am sure you would agree, on reflection, that such inattention can occur, however rarely.

I might suggest that the quotation in your letter, taken out of context as it was, creates precisely the impression you avow a desire to avoid, and to correct any misapprehension your letter may have created I quote what we actually said in this connection:

"It is clear that had all ground and air-borne navigational systems been operating accurately and had the flight crews been piloting with meticulous reference to properly indicating flight instruments, these accidents would not have occurred."

The italicized part is what your letter quoted and obviously tends to pervert both what we said and what we meant.

Sincerely,

JOSEPH J. O'CONNELL, Jr.,  
Chairman.

#### APPENDIX F

#### INVESTIGATION AND HEARING

##### 1. Investigation

The Board received notification of the accident at approximately 2200 e.s.t. on November 20, 1967, from the Federal Aviation Administration. An investigating team was immediately dispatched to the scene of the accident. Working groups were established for Operations, Air Traffic Control, Witnesses, Weather, Human Factors, Structures, Powerplants, Systems, Flight Data Recorder, Maintenance Records, Cockpit Voice Recorder, and Special Studies. Interested Parties included: the Federal Aviation Administration; Trans World Airlines, Inc.; Convair Division of General Electric Aircraft Corporation; General Electric Corporation; Bendix Corporation; Air Line Pilots Association; Flight Engineers International Association; Air Traffic Controllers Association; International Association of Machinists; Kentucky State Police; Boone County Coroner; Federal Bureau of Investigation; Transport Workers Union; U.S. Weather Bureau; and the Armed Forces Institute of Pathology.

The on-scene investigation was completed on November 28, 1967.

##### 2. Hearing

A public hearing was held at Cincinnati, Ohio, on February 27-29, 1968. Parties to the investigation included: the Federal Aviation Administration; U.S. Weather Bureau; Trans World Airlines, Inc.; Convair Division; General Dynamic Aircraft Corporation; Kollsman Instrument Corporation; Air Line Pilots Association; and Air Traffic Control Association.

##### 3. Preliminary reports

An Interim Report of Investigation summarizing the facts disclosed by the investigation was published on December 6, 1967. A summary of the testimony which was taken at the public hearing was published by the Board March 15, 1968.

#### THE INTERSTATE TAXATION ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. WALDIE. Mr. Speaker, on two occasions I have expressed my opposition on the floor of the House to the enactment of H.R. 7906, the Interstate Taxation Act. In this regard, I should like to

also incorporate in the RECORD a resolution which was approved by the Western Governors' Conference in Seattle, Wash., on July 31, 1969, which also expresses opposition to H.R. 7906, and supports the multistate tax compact:

WESTERN GOVERNORS' CONFERENCE, JULY 31, 1969, WASHINGTON PLAZA HOTEL, SEATTLE, WASH.

#### MULTISTATE TAX COMPACT

Whereas the United States House of Representatives has again passed a bill which represents a threat to state tax revenues and provides unjustified tax loopholes for businesses engaged in interstate commerce; and

Whereas a majority of the states are now participating in the Multistate Tax Compact, an instrument which provides an effective method for fair and uniform interstate business taxation;

Now, therefore, be it resolved that the 1969 Annual Meeting of the Western Governors' Conference in Seattle, Washington, urges the United States Senate to postpone indefinitely the measure passed by the House of Representatives, and in lieu thereof to give full consideration to an appropriate consent bill by Congress for the Multistate Tax Compact.

#### HON. GARNER SHRIVER RECEIVES AWARD FOR URBAN EDUCATION CONTRIBUTIONS

#### HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MIZE. Mr. Speaker, on September 2, 1969, Congressman GARNER E. SHRIVER, a member of the House Subcommittee on Labor and Health, Education, and Welfare Appropriations was honored for his contributions to urban education. He was presented a citation from Dr. Robert Stalcup, director of the Mid-Continent Regional Educational Laboratory, praising him for his "service to the State, Nation, and the inner-cities of America."

Congressman SHRIVER was the principal speaker at a banquet in Wichita, Kans., honoring 41 students who were beginning a semester of work under the Cooperative Urban Teacher Education—CUTE—program. The students will do practice teaching, attend seminar sessions, and work with community agencies as they prepare to assume responsibilities eventually as teachers in the inner-cities of America.

Congressman SHRIVER has long been dedicated to education. Through his service on the House Committee on Appropriations he has insisted on a high priority for funding of Federal education programs. Prior to coming to Congress, he was a leader in the quest for quality education in Kansas while a member of the Kansas Legislature for 12 years. He also served as legal counsel for 9 years for the Wichita Board of Education.

Congressman SHRIVER's remarks at the banquet are worthy of special note because I am sure he speaks the minds of a great many Members in the expression of this body's commitment to education. Under leave to extend my remarks, I am privileged to present the speech he delivered:

REMARKS OF U.S. REPRESENTATIVE GARNER E. SHRIVER, KANSAS, FOURTH DISTRICT, TO MID-CONTINENT REGIONAL EDUCATIONAL LABORATORY COOPERATIVE URBAN TEACHER EDUCATION BANQUET, WICHITA, KANS., SEPTEMBER 2, 1969

It is a great honor to be here with you this evening as you mark the beginning of an important semester of study and preparation under the cooperative urban teacher education program. I congratulate and commend you for your interest and your dedication to the objective of teaching in those areas where the disadvantaged live.

It is gratifying to see this program in operation here in Kansas and in the 4th Congressional District, and to observe the broad cooperation between the colleges and universities of this area with the public schools and the Catholic Diocese of Wichita.

The Mid-Continent Regional Educational Laboratory and the Danforth Foundation have provided the necessary leadership and financing to make this program go. It has been properly tested. Its success depends now upon you who are committed to preparing yourselves for urban teaching.

Education has been recognized within our decade as one of the most important single elements in this Nation's continuing progress and prosperity. We have long paid lip service to the value of public schooling and mass education, but only recently have we been willing to commit Federal resources, in partnership with local and State revenues, to achieve better results in our elementary and secondary schools.

The passage of the Elementary and Secondary Education Act in 1966 and its amendment in 1966 and '67 signal the beginning of a new era of commitment to excellence in education. Tonight I should like to talk about the prospects for future Federal spending in this area, particularly as it relates to the needs of disadvantaged students and their teachers, and to the increasingly important role of educational research.

In the current session of Congress, two or three issues are under consideration which provide us with some very important clues to the directions which Federal assistance to education may take in the coming years.

The House of Representatives has already passed its version of the bill extending the Elementary and Secondary Education Act, and the bill appropriating funds for the Department of Health, Education and Welfare in fiscal 1970.

As a member of the subcommittee which appropriates funds for educational programs, I have been working with other subcommittee members for the last six months on the budget requests. Our subcommittee held 10 weeks of hearings—we received testimony from 659 private individuals and organizations. The hearings on the office of education alone stimulated nearly 1200 pages of convincing testimony. I will return to this vital matter of funding educational programs in a few minutes.

The extension of the Elementary and Secondary Education Act raised two crucial questions—one relating to the length of the extension, the other to the administration of programs.

The original bill, reported by the Education and Labor Committee, proposed a five-year extension of ESEA and related programs. Enactment of such a proposal would seem to be the best guarantee of congressional commitment.

However, extension in itself does not guarantee quality or results. To extend the program for five years would have foreclosed changes or necessary improvements.

The flood debate on this bill made it abundantly clear that Members of Congress will not be satisfied with mediocre results.

Education has become too important to the Nation's welfare to be satisfied with less

than the best. We must be willing to work harder to devise improved approaches to school assistance—and not just rubber stamp the status quo.

Thus, the two-year extension through fiscal 1972, which the House voted, gives us the time we need to come up with further refinements in the law without closing the door to change for another 5 years. Such critical scrutiny of existing programs and their impact seems to me to be the best assurance that the Federal Government will continue to be responsive to the changing needs of the Nation's schools.

The other issue raised in the extension of ESEA involved the consolidation of several existing programs. Titles II and III of ESEA and titles III-A and V-A of the National Defense Education Act were combined by the House of Representatives under a new title IX of ESEA.

Such a merger gives greater flexibility to the States in the allocation of Federal funds, while reducing the time and red tape they must expend and endure in applying for and administering programs which overlap.

The new directions indicated by the House action on this bill are two-fold: First, Congress is willing to devote a considerable effort to improving existing legislation; and, second, the States will be encouraged to take on greater responsibility in the administration and allocation of Federal funds.

Improved legislation is but the first step in a process which must include adequate appropriations if our goals are to be achieved.

House action on the HEW appropriations this year has broken all precedents. Not only did the House Committee on Appropriations, on which I serve, recommend a \$123 million increase over the amounts proposed by the administration, but more than \$854 million was added to the committee's recommendations in the floor debate on this bill.

I might add that I enthusiastically joined in supporting the addition of these funds for educational programs.

Thus, the education budget has been increased by more than \$1 billion due to the concerted efforts of Congressmen, on both sides of the political aisle, and educators, to assign top priority to the needs of the Nation's schools.

The time has come when we must take a close look at the order of national priorities. For too long, past administrations and Congresses have created new programs amid great public fanfare and failed to provide adequate funds. The air has been filled with promises that could not be kept.

It is true that we are engaged in an expensive and unpopular war in Vietnam. We all hope and pray that it will soon end and American boys will be able to come home. The Nixon administration has taken a big first step towards "Vietnamizing" of the war—and for the first time in 4 years United States troops are being withdrawn.

There are growing numbers of Congressmen who question whether or not we can wait until the financial burdens of Vietnam are over until we meet such pressing domestic priorities as education, air and water pollution, housing, hunger and nutrition.

The vote in the House on the 1970 HEW Appropriations Bill is a sign that we are ready to tackle the problems facing the Nation's schools.

Speaking of tackling, maybe you have heard about the halfback having a tryout with the Kansas City Chiefs. He was being interviewed and said:

"Yes, I run a hundred in less than 10 seconds in full uniform. I block so well that last season 4 of our opponents had to be carried off the field with broken legs. In forward passing, I average about 60 yards a throw—against the wind.

"But son," the impressed coach said,— "Everyone of us has some weakness or deficiency. What's yours?"

"Well," replied the player, "I'm inclined to exaggerate a little."

In the past there has been a tendency to exaggerate what the Federal Government could deliver in implementing so many new programs.

Better legislation and the money to implement it is going to have considerable impact on that portion of the population which concerns each of you tonight—namely, the disadvantaged inner city child.

Torn as our urban areas are by poverty, ignorance and unrest, we might do well to recall the words which ring from the preamble to the UNESCO constitution:

"Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."

The battle to save our cities must be fought largely in our Nation's classrooms. And it is to you, who are striving to improve the quality of teaching and learning in the inner-city, that we must turn for help.

The Commissioner of Education, James Allen, has already indicated to my subcommittee that the problems of the urban student and his teachers will be receiving considerable attention under the Nixon administration.

Already, poor students at all levels of education are enjoying greater services than ever before:

Project Headstart and its companion programs, project follow through and parent and child centers, are helping to prepare many young children to make the most of their primary education. The recently announced Office of Child Development will contribute greatly to the success of these programs by coordinating the Government's many efforts in the fields of early childhood education and day care.

Title I of the Elementary and Secondary Education Act has had a measurable impact on the achievement of disadvantaged students throughout the Nation.

The Vocational Education Act amendments of 1968 included special provisions for the training of disadvantaged youth for the world of work.

Over 1 million adults have emerged from the twilight of illiteracy thanks to programs authorized by the Adult Basic Education Act of 1966.

If we are to achieve maximum effectiveness of both existing and proposed measures to aid the disadvantaged, there are two essential areas in which far greater resources must be concentrated: The training and retraining of teachers of the disadvantaged, and research into the teaching methods which can best meet the special needs of the Nation's poor.

Passage of the Education Professions Development Act in 1967—Title V of the Higher Education Act of 1965—Marked the first congressional commitment to the improvement of the quality of teaching.

Although this act was passed with little fanfare, its potential for improving the quality of instruction in our schools is substantial.

Federal funds can have little impact unless the programs they support are implemented with the enthusiasm and wisdom of dedicated and highly-skilled professionals here at the grass roots.

But improving the quality of classroom teaching is not the whole solution.

At the very heart of educational progress lies education research. Teacher improvement can only proceed as rapidly as the discovery of better teaching methods. In order to devise such methods, a better understanding of the basic processes of teaching and learning is required. We also need better channels through which to communicate the findings of such research.

The contributions of the research activities authorized by Title IV of ESEA have already

had considerable impact on the education of the disadvantaged child. Regional laboratories have been in the forefront of the movement for educational change.

This program, known as cute, in which you are engaged is a very important part of this movement for change.

The work you are engaged in here under the leadership and direction of the Mid-Continent Regional Educational Laboratory is absolutely essential to the improvement of our schools.

The conduct of research and the improvement of urban teaching will provide the key we need to finally open the door to equality of educational opportunity for all.

Tonight as you launch your semester you, like astronaut Neil Armstrong, are in a large sense taking "a giant step for all mankind."

I congratulate you on your foresight and I look forward to sharing with you in a world in which your efforts will have made a better place for all of us to live. Good luck and thank you.

#### WHERE ADDICTS RULE

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MURPHY of New York. Mr. Speaker, in some areas of New York, narcotics addicts virtually "rule" the neighborhood and render it a desperate place to live. This second article in the New York Times series by Richard Severo describes such an area of New York. It demonstrates the horrors of addiction going unchecked and untreated. I commend it to you:

#### HUNTS POINT: RULED BY ADDICTS

(By Richard Severo and Barbara Campbell)

In basic ways, portions of the Hunts Point section of the southeast Bronx have ceased to be a part of New York City.

Many city services, such as police protection, garbage collection, water supply—and citizen obligations, such as payment of taxes, decent maintenance of property, some semblance of civil order—do not occur with any degree of predictability in Hunts Point.

Repeated visits to Hunts Point uncover so much that is not supposed to be America in 1969 that the visitor wonders if he has suddenly entered a time machine and been transported back to frontier days. Nearly everything seems touched by lawlessness.

On three of the worst streets, residents have less than a 1 in 20 chance of dying a natural death.

Drug addiction is a major cause of what is wrong in Hunts Point. But the frequently heard argument that blight conditions may be creating the addicts, rather than the other way around, is both reasonable and meaningless at this point.

Although former addicts agree that the area's physical condition probably contributes significantly to the mental state of the people who resort to heroin, such reasonable explanations are small comfort to residents, who are literally living in a state of siege.

For Hunts Point, which conveys an overwhelming sense of despair, is a neighborhood whose life style is largely determined by the heroin addicts who live there, travel to buy drugs there, and, most important, steal there.

Heroin addicts are everywhere in Hunts Point—on street corners, in abandoned buildings, in occupied buildings, on rooftops, in hallways, in basements—buying and selling dope freely and openly at all hours of the day.

#### ACTIVITY IS BRAZEN

If any one word can describe their conduct, it is brazen—for at the intersection of Simpson Street and Westchester Avenue, junkie prostitutes sell themselves, pushers make deals and addicts purchase drugs. All just a half block from the 41st Precinct station.

And behind closed doors, wedged tight with iron bars bolted to the floor, sit the non-addict residents of Hunts Points, most of them Puerto Rican, many of them with little knowledge of English or what it takes to survive in New York, wondering when they will be mugged, or when their flats will be burglarized, or when their children will come home with a bag of heroin purchased in the schoolyard.

Deputy Inspector Anthony J. McNally, commander of the 41st Precinct, says his men are doing a good job. He thinks that neighborhood critics misunderstand what the police can and cannot do to make arrests that do not violate the constitutional rights of addicts. Moreover, he does not think the heroin problem in Hunts Point is getting worse.

"We are emphasizing the problem more," he said.

The Catholic church that serves the Puerto Rican majority in Hunts Point, St. Athanasius, has no poor box. It was stolen too many times by junkies. There are grocers who drive to distant warehouses to pick up goods, because wholesalers will not deliver; junkies have been known to swarm over trucks, stealing them clean in broad daylight. Women are robbed of their purses at knife-point at high noon, and passers-by scarcely notice it.

Residents telephone the police, explaining excitedly that they are watching junkies stealing a television set from a neighbor across the way. But the police do not come.

Two landlords report that they have to pay policemen as private bodyguards to protect them from marauding junkies on days when they deposit rent money in the bank. The police are paid \$10 a trip.

Protection is a service hard to come by in Hunts Point. On Fox Street, a landlord has hired as his building superintendent a convicted murderer who patrols the halls around the clock between cat naps. He is armed with a machete, an ax and a 160-pound German shepherd.

"I treat people with respect," the superintendent says, "and that's why they respect me."

#### GUN BATTLE IN STREET

While junkies "respect" his building and avoid it, just outside one may wish he had the convicted murderer as his bodyguard. One warm afternoon this summer a visitor to Fox Street saw two men running down the street, the pursuer yelling profanities at the man ahead of him.

In the middle of the block—just two blocks from the police station—the men stopped, pulled out guns and began shooting at each other. As bullets ricocheted from the moldering bricks, junkies nodded in doorways, alcoholics slumped in the shadows of tenements, finger prints of wine and small children waded through garbage-filled gutters gushing with water from a hydrant opened by an enterprising teen-ager.

Some of the children seemed mildly interested in the shooting that was taking place a few yards away.

At the tenement windows above, where people sat to catch a breeze, a few put their newspapers aside to watch the shoot-out. Laborers in a nearby building laughed at the scene but did not interrupt their work.

Then the shooting stopped as suddenly as it had started. The two men again ran down the street. Not a policeman was in sight.

Two days later the visitor was on Fox Street again, accompanied by a former drug addict. Near the corner of Fox and Westchester, two addicts, desperate for a fix but without

money, had just attacked a pusher, stabbing him a few times and leaving him in the street. Ferreting through his pockets, they found enough heroin to provide "half a load"—not enough to make either junkie high, but enough to satisfy the gnawing desire, for a few hours.

The former addict spoke to the two men briefly. One of them had bloodstains on his shirt. As the pair left, the ex-addict shook his head. "Damn," he said, "if that man lives, he gonna be madder 'n hell at them two. Them two better watch themselves."

#### LIFE AND DEATH IN HUNTS POINT

Such outbursts of violence illustrate what happens to a neighborhood overrun by junkies. Here are other facets of life in Hunts Point:

In late August, of the 42 buildings in the 900-1000 block of Simpson Street, at least eight owed \$46,061 in back real-estate and water taxes. Landlords in the area claim junkies drive away good tenants, making their buildings unprofitable. Said one landlord: "If I paid taxes, I'd be in the poor-house."

Two buildings on Simpson Street had neither drinking water nor working toilets (junkies had stolen water pipes, which they sell at a junkyard not far from the police station), an estimated 25 per cent of the families on the block paid no rent or paid it sporadically and drug addicts were living in at least six buildings declared uninhabitable by the city.

Ex-addicts from Odyssey House, an institution for the rehabilitation of heroin users, are at work in Simpson Street and estimate that 9 out of 10 teen-agers in the 900-1000 block are using drugs. "We don't care about marijuana here," said one Puerto Rican mother. "If our kids take marijuana only, we consider ourselves lucky."

Heroin flows so freely that a casual visitor to the neighborhood was able to buy a \$3 bag in the street in broad daylight. Moreover, he saw at least 10 other sales in the same area over a three-week period.

If statistics compiled by Dr. Michael Baden, associate medical examiner, are taken as a guide, residents of three of the worst streets in Hunts Point—Simpson, Fox and Tiffany—have less than a 20-to-1 chance of dying a natural death. Of the 37 deaths the Medical Examiner's office investigated there between Jan. 1 and Aug. 10, only two were of natural causes. Only 7 per cent of all deaths in New York City are of other than natural causes.

The Medical Examiner's office investigates all deaths in the city in which a private doctor has not been in attendance a week or more before death. Since this sort of medical service is rare in Hunts Point, Dr. Baden believes his office has investigated virtually all the deaths there.

A breakdown of Dr. Baden's figures on the 35 people who died from other than natural causes showed:

There were five homicides, including a strangled 75-year-old widow, three fatal stabbings and one fatal shooting.

Seven persons died after injecting heroin into their veins. They ranged from a 16-year-old Negro to a 30-year-old Puerto Rican, both residents of Fox Street. Actual death was accompanied by a variety of ailments triggered by drug use, including hepatitis and acute vitamin deficiency.

Eleven persons died of alcoholism, almost all of them with severe liver damage. The youngest was a 30-year-old Puerto Rican; the oldest a 58-year-old Negro.

One man died of alcoholism complicated by drug use and another died of alcoholism and tuberculosis combined.

One man got drunk and died after he fell down a flight of stairs. Another man died of a brain hemorrhage. The medical examiner is not sure how the hemorrhage occurred, ex-

cept that it was "traumatic" and caused by other than natural causes.

#### THREE CHILDREN BEATEN TO DEATH

Four children fell out of windows, just on Fox, Simpson and Tiffany Streets. During the same period, only 16 children fell from windows in all of New York.

Three more children were battered to death, the Medical examiner's office reported, all of them on two consecutive blocks in Fox Street.

A fourth child was classified as a "crib death." Dr. Baden is not sure whether the death was natural or deliberate but suffocation has not been ruled out.

Only one traffic fatality took place during the period studied in Simpson, Fox and Tiffany streets. "Well, of course we don't get too much auto traffic," one addict explained. "Drivers know what can happen to their cars." An empty car can lose its tires in eight hours and be picked clean in 24.

Both deaths attributed to natural causes were heart failures. Nobody committed suicide.

Among the survivors in Hunts Point, a few have a tenacity that can only be compared to that of the pioneers who crossed the Great Plains.

One who has remained is Mrs. Margaret Hajos, a widow of 74 who looks 15 years younger. At one point during the summer she was the only resident of the five-story tenement at 1003 Simpson Street.

She was found in her \$1-a-month basement apartment (the city had reduced her rent from \$33.54 in recognition of the fact that the building had been declared unfit for human habitation). The place was quite neat and clean except for about 2 inches of water on the floor.

"The junkies," Mrs. Hajos explained, "They stole the pipes upstairs; all the water came down here."

#### TV SET STOLEN

Mrs. Hajos was upset that day. Junkies had stolen her year-old 18-inch Emerson television set, which had cost her \$256—a major investment for a woman who receives \$89.20 a month in Social Security and \$44.90 from a union pension, earned for years of work in a handbag factory.

"Yes, they stole it," she said. "While I was out on the front steps and God only knows how they got in. They steal everything."

Asked how she managed without running water, she replied: "Oh, I get water from my neighbors. All I need."

Why didn't she move from the neighborhood? "No. My father always told me to work hard. He said, 'You gotta be tougher than they are.' I stay."

A few weeks later Mrs. Hajos moved next door to 1007 Simpson, which had running water of sorts; it took 20 minutes to fill a glass.

"I remember," she said, "40 years ago when there were cows in Hunts Point. It was beautiful. Trees everywhere. Nice people, too. Russians, Jews, Hungarians—all nice people. All hard workers. It could happen again."

Another resident who will not move is Mrs. Clara Spindler, 79, who lives at 957 Fox Street. Also a widow, she suffers from asthma, cancer and bad eyesight. She has been pushed and punched by her neighbors. A junkie recently threatened her with a knife. But she will not move in with her son in New Jersey ("I am independent") or apply for public housing.

"My husband and I lived in this block together," she said. "We lived just up the street and it was very nice."

#### LANDLORDS HAVE TROUBLE

Landlords as well as tenants are having trouble in Hunts Point. A landlord who owns two houses on Fox Street said he paid \$600 a year just to replace broken glass.

"No, I don't pay any taxes," he said. "I

figure the city is going to take this building for urban renewal some day. I'll get shafted when that happens, so I'm taking steps to protect myself now."

The residents complain that "dope is everywhere." Putting the statement to the test, a visitor, accompanied by a former addict, made a purchase at 2:30 P.M. on July 10, a couple of blocks from the 41st Precinct station.

The pusher, a fat man in a blue T-shirt, made the sale without hesitation. The visitor asked his companion if the pusher might suspect a stranger as a police undercover agent.

"Come on, man, you must be kidding," he replied.

Later, the contents of the package were analyzed. It contained 7.5 milligrams of heroin—about 10 per cent of the total contents, which was a normal dose. The rest was quinine and milk sugar.

In Hunts Point, as in other neighborhoods in the southeast Bronx—Mott Haven, Morrisania, South Bronx—pushers were hawking heroin. The words heard in front of the Bronx Casino on 149th Street were heard over and over again:

Hay, baby, you wanna deuce (a \$2 bag of heroin) . . . you wanna a tres (\$3 bag) I got cibas, man, cibas cibas (Doriden, a sedative manufactured by the Ciba Corporation) . . . tengo, la tengo (I have it) . . . pito, pito (reefers) . . . you wanna bolsita (a little bag) . . . you wanna eye dropper . . . I know where you can get it . . . you looking' for action . . . I got bams, baby (a kind of liquid stimulant, occasionally taken with heroin) . . . you wanna buy coke (cocaine) . . . whatchoo lookin' for?

Apathy and fear pervade Hunts Point in almost equal measure.

Morris Leschins, a pharmacist who owns the Farmacia Latina at 1429 Wilkens Avenue, keeps 30 brands of cough medicine, none of them with codeine. He will fill no narcotics prescriptions, even legitimate ones. He gets repeated requests for any medicine that comes with an eye dropper, since the dropper is used by addicts to pump liquefied heroin through a hypodermic needle.

"I never drive my car to work," he told a visitor. "You didn't drive up here, did you?" Then he added: "I'd sell this business in a minute, even at a loss. But nobody wants it."

Mrs. Sarahlyce Dabney, director of the Bethany Family Circle, a community organization that works with the poor of Hunts Point, had her purse snatched just after 5 p.m. last April 1. Some men stopped the purse snatcher, for which she was grateful. But nobody would be her witness against the man in court.

"They all said they were too busy working," she said, amused at the excuse since 80 per cent of the people in her neighborhood are on welfare. "Everybody," she said, "is afraid."

Ex-addicts from Odyssey House have taken over the operation of 1007 Simpson from a landlord who doesn't want it. They call tenants' meetings twice a week. They want to motivate the people in the building. But they can't even motivate the people to come to the tenants' meetings. "Nobody cares," said one of the former addicts, Alton Johnson. "They are afraid."

"Afraid of what?" he was asked.

"Of everything," he replied.

The Rev. Louis Gigante, assistant pastor of St. Athanasius, has advocated the formation of defense groups to "confront" addicts and drive them from the neighborhood. But he can't find anyone willing to do the confronting.

"These people do not think of the streets as theirs, but as somebody else's," he said. "They are afraid of their problems. They want somebody else to solve them—the city, the police, even the parish priest."

Unlike Puerto Ricans on the Lower East

Side, residents of Hunts Point are not "turf"-oriented. They tend to be older, more submissive, more unclear as to what they should expect from life in New York and less inclined to defend their neighborhood against junkie invaders.

In Hunts Point, they look fearfully toward abandoned buildings and complain about drug addicts, who emerge periodically to get fixes and to prey on the community. But nobody talks about getting them out. They are waiting for the police.

A visitor entered 999 Simpson Street at 8:30 P.M. last July 17 to determine whether the tenement was as empty as it appeared from the street.

Inside, he found a young man and his girl. Both were Puerto Rican. He was 22 and had recently completed a stay in a facility of the State Narcotic Addiction Control Commission. "They let me out when I was cured," he said. The girl was 19 and had recently served two weeks in jail for prostitution.

The young man was cooking heroin in a bottle cap, held over a small candle with twisted wire. He frowned as the stranger approached.

"You the man [police]?"

"No."

"Then why you here?"

"I want to know about the drug problem here."

"LOTTA KIDS HOOKED"

"That's good," the young man said, intently watching the heroin. "We got a terrible problem here. Lotta kids getting hooked."

The heroin had cooked; he pulled some of it up into his hypodermic needle and matter-of-factly injected it into his girl's shoulder. He did not give it to her in a vein (mainlining), but just through the skin (skin-popping). "She ain't ready for no mainlining yet," he said.

Then he tied a piece of rubber tubing around his arm, and whirled his arm around to make his veins bulge. "Everybody keep still," he warned, "or I mess this up." The needle went in. Immediately his head began to nod. "Youuuuu ain't the mannnnn," he said from another world. His girl was still unaffected.

"It'll take a while," she said, "but in an hour we'll be together. Don't you understand?"

## THE TAPPING REEVE LAW SCHOOL

**HON. THOMAS J. MESKILL**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MESKILL. Mr. Speaker, for more than 60 years members of the bar have been arguing over the location of the oldest law school in America. Depending upon where your sentiments lie, the argument boils down to a choice between whether the first, formal legal education began at the Tapping Reeve Law School in Litchfield, Conn., or at the College of William and Mary in Virginia.

The September issue of the American Bar Association Journal pictures the Litchfield Law School on its cover. The cover story on Tapping Reeve's law school, located in the beautiful foothills of the Berkshires, sheds some new light on "The Best That Is in the Old."

Mr. Speaker, for the benefit of my colleagues and historians of the bar, I would like to insert this brief article on the history of the Nation's first law school in the CONGRESSIONAL RECORD. The article follows:

### THE BEST THAT IS IN THE OLD

When the National Parks Service selected the Litchfield Law School at Litchfield, Connecticut, as a National Historic Site in 1965, it failed to note that this particular site was of special interest to some more contentious citizens than the average road-weary tourist, and so it erected a sign declaring that Litchfield was the nation's first law school.

For some sixty years members of the Bar had been arguing whether formal legal education in America began at Litchfield or at the College of William and Mary. The Department of the Interior had had no intention of attempting to resolve the dispute, which was just as well, since the National Parks Service had three years earlier added William and Mary's Wren Building, with its claim of being the nation's first law school, to the same National Historic Sites program. Interior made a judicious retreat, changing Litchfield's sign: "Tapping Reeve's law school, the first in the United States" to: "Tapping Reeve's proprietary law school, the first in the United States not associated with a college or university."

Tapping Reeve took his first student, his wife's brother, Aaron Burr, into his office in 1774, two years after being admitted to practice and settling in Litchfield. Reeve was prepared to offer more than the customary office apprenticeship, with its incidental instruction and bits of advice, for after being graduated from Princeton, he had tutored there for several years. More students followed Burr, and in 1782, perhaps motivated by his conception of law as a science, Reeve began presenting to his students an organized body of formal lectures. Two years later he had fifteen students, and, unable to accommodate them in the office in his home, he erected a small frame structure (pictured on this month's cover) nearby. There he assembled his law library, and there his scholars diligently pursued their note-taking despite the fact that Reeve included neither stove nor fireplace to ward off the bitter New England winters.

By this time William and Mary, whose chair of law had been established in 1779, was also offering formal preparation for the Bar. The two schools remained the only alternatives to legal apprenticeship during the period between the Revolution and the turn of the century, when the states were establishing legislatures, the common law had to be adapted to the needs of a new nation, and both the courts and the public were facing the problem of interpretation of the new Federal Constitution.

The demands on the legal profession were great, but attainment in the law was, at least in terms of formal training, a simpler and a briefer procedure in those days. An advertisement in Litchfield's first catalogue, issued in 1828, describes a comprehensive coverage that no law school would dare to claim today:

... the Law is divided into forty-eight Titles, which embrace all its important branches, and of which [the lecturer] treats in systematic detail. . . . The Lectures . . . embrace every principle and rule falling under the several divisions of the different Titles. . . . Whenever the opinions upon any point are contradictory, the authorities in support of either doctrine are cited, and the arguments, advanced by either side, are presented in a clear and concise manner, together with the lecturer's own views of the question. In fact, every ancient and modern opinion, whether over-ruled, doubted, or in any way qualified, is here systematically digested.

The entire term lasted fourteen months, including two four-week vacations. Students paid \$100 for the first year and \$60 for the remainder. An hour-and-a-half lecture was presented each day. Students were expected to take down the lecture in full, to spend the rest of the day examining the cited au-

thorities, and then to transcribe their notes "in a more neat and legible hand". By the end of the term these notes generally comprised five volumes, which were to serve as basic reference works for future practice. On Saturdays an examination covering the preceding week's lectures was given, and each week's schedule also included a moot court session.

The students adopted a code of rules of conduct, regulating such matters as use of books in the library and disorderly behavior. The copy that remains in the law school is partly illegible, leaving the last resolution to the imagination: "Any . . . shall be hung."

When Tapping Reeve was appointed to the Superior Court of Connecticut in 1798, he selected a former pupil, James Gould, to help him carry on the instruction of Litchfield. Gould was particularly interested in the law of pleading, and his treatise on the subject, published in 1832, remained the authority for many years. Reeve concentrated on the law of domestic relations, publishing a treatise in 1816. Reeve and Gould divided the courses along the lines of their interests, the students passing from one house to the other with their inkstands and portfolios.

Reeve was passionate in his sentiments and particularly in his enthusiasm for the law, which he conceived of as the application of religious principle to the business affairs of life. Gould was a social favorite, handsome and elegant in his appearance, concise and lucid in his thought, forcible and eloquent in his rhetoric. It is said that the students respected Gould, but loved Reeve.

In 1820 Reeve retired, leaving Gould to carry on the school until 1833. By that time leading universities had added law to their curricula, and students found it more advantageous to be associated with a university.

During the fifty-odd years of its existence, Litchfield prepared over a thousand students for the aBr, a number that can be better appreciated in light of the fact that Harvard graduated a total of 1,066 students from 1809 to 1826. Two thirds of Litchfield's students came from outside Connecticut. They were from every state in the Union, Georgia alone contributing seventy. Two students, Aaron Burr and John C. Calhoun, became Vice Presidents of the United States. Three became Justices of the Supreme Court (Levi Woodbury, Henry Baldwin and Ward Hunt). Six became Cabinet members; fourteen, governors; sixteen, chief justices of states. One hundred and twenty-nine were elected to Congress. Some—Horace Mann, for example—pursued fields other than law. George Catlin painted life in the Far West.

The breadth of the school's influence on the legal profession is apparent. Equally evident, though more difficult to delineate, was its influence on the course of this nation's history. For instance, Tapping Reeve was an ardent Federalist, adamantly opposed to the policies of Thomas Jefferson and to the burgeoning Democratic movement. In 1804, the year John C. Calhoun, later to be known as "The Great Nullifier", came to study at Litchfield, Reeve wrote to his close friend and former pupil, Senator Uriah Tracy:

I have seen many of our friends; and all that I have seen, and most that I have heard from, believe that we [New England] must separate, and that this is the most favorable moment. The difficulty is, How is this to be accomplished?

Litchfield was undoubtedly a cradle of many of the legal and political attitudes that first began to mold this nation. Today, when "the trend is towards new and untried theories . . . [Litchfield reminds us that] while reaching out for the new, our young men must still tie back to the best that is in the old", Arthur F. Ellis observed in an article about the law school, written when he was a judge of the Superior Court of Connecticut. That was in 1928.

A COMMON MARKET FOR THE  
UNITED STATES

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. RODINO. Mr. Speaker, I was very interested to read in the Washington Sunday Star of September 21, 1969, an article by the distinguished Senator from California (Mr. MURPHY), which most effectively describes the damaging effects of the present chaotic system of taxation by the individual States. I heartily concur with his statement that it constitutes "a piling up of individual State rules and laws which collectively make deep slashes in the principle of free trade between States."

A solution to the problem, as Senator MURPHY has pointed out, would be enactment of my bill, H.R. 7906, the Interstate Taxation Act, which passed the House on June 26 and is now pending in the Senate committee. Mr. Speaker, for the information of our colleagues I would like to include in the RECORD Senator MURPHY's excellent analysis of the urgent need for action to establish what he so aptly terms a "common market" for the United States:

SENATOR MURPHY URGES A "COMMON MARKET"  
FOR THE UNITED STATES

(By Senator GEORGE MURPHY)

American businessmen today find trying to trade across a series of state lines is like trying to bid at an auction while blindfolded.

There is a hodge-podge of conflicting state laws and regulations that thwart the Constitutional principle of a national common market. These laws tend to discriminate against any business that is located outside the taxing state's borders.

The latest Congressional study shows that in 1965 there were 38 sets of state corporate income tax laws, 38 sales and use tax laws, 37 capital stock laws and eight gross receipts tax laws of general application.

In addition, sales taxes were imposed by more than 2,300 localities; gross receipts taxes by more than one thousand and corporate income taxes by more than 100 local governments.

The result is the businessman has no uniform guidelines on which he can rely in dealing from state to state. He must grope through reams of paper work and at the same time deal with what amounts to home-grown protectionism in order to sell his product.

The United States has long recognized that protectionism and high tariff policies prevent economic development consistent with the modern industrial age. That's why, since the end of World War II, five Presidents have urged liberalized trade policies and the establishment of common markets abroad.

Yet, the idea of a common market at home—written into our Constitution—has been frustrated in many instances at state borders. How does a typical business face this problem in the United States?

Take wine, one of the principal agricultural industries of my state. The California wine industry is now 200 years old and the state is the Nation's leading wine-producing area.

Surveys across the country show wine is becoming an increasingly popular mealtime beverage. In fact, the average American last year drank 2½ more glasses of wine than he did the year before.

Yet, despite this, restrictive trade policies from state to state prevent the wine indus-

try from reaching this consumer group in a normal, unrestricted way.

Eight states levy higher wine taxes on any wine produced outside the state than they impose on domestically-produced wine. Fourteen states impose license fees on out-of-state firms who solicit orders from wholesalers within the state. Another 14 states place high license fees on those who "import" wine into the state.

How is the principle of free flow of goods in interstate commerce observed when one Southern state can impose a tax of 20 cents a gallon on locally-produced wine, yet tax all other wine at one dollar a gallon?

Some states justify these policies on the grounds they are trying to develop new industry. But in the cases of the Southern state just mentioned, there is only one winery in the entire state—and it has been in operation for more than 30 years!

Nor can such policies be justified on grounds of temperance.

The pattern is repeated in many forms. Four states tax manufactured products made outside the state, yet will exempt the identical product if it is made within the state.

Six states have rules which discriminate against the consumer who trades in a car which he purchased out-of-state. In some states, certain commodities—such as insecticides—are exempt from sales taxes but not use taxes.

One Southern state allows local publishers to sell magazines by subscription without having to pay sales tax. Out-of-state publishers are denied this exemption.

And so it goes—a piling up of individual state rules and laws which collectively make deep slashes in the principle of free trade between states.

There may be several ways to help restore the vitality of the national common market intended by the framers of our Constitution.

One would be a multi-state tax compact under which participating states would share uniform methods of dealing with this problem. The difficulty with this is that completion of the pact is a time-consuming process, and not much headway has been made to date on such efforts.

The second would be adoption of a Congressional bill to set some national standards for interstate taxation of business. The House has twice passed such a bill by large majorities (a vote of 311-87 this year and 286-89 in 1968.)

A Senate version of this bill is still in committee. Senate action this year could wrap up the Federal law. Continued delay, however, will only mean the erection of more "Berlin Walls" to impede the free flow of commerce.

THE JEWISH NEW YEAR

**HON. JOHN J. ROONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROONEY of New York. Mr. Speaker, those who number among their closest friends devout Jews are indeed fortunate to witness the deep reverence in which Rosh Hashana the beginning of the Jewish New Year is held.

This year, 5730 of the Jewish calendar, has given me a particularly coveted opportunity to sense once more the deep significance which my Jewish friends and neighbors attribute to the 10-day period of penitence, a period where man strips himself of the shams and pretenses to see his true self. It is a period when grudges are to be forgotten, where sins are to be forgiven and where man seeks

to wipe the slate clean and begin his relationship with family and friends on a new and higher level.

One cannot but be impressed with the effect which the observance of such holy days has upon its participants, for the results are self-evident in relationships which worshipers have with their fellow men. These 10 days of soul-searching and somber meditation are a thorough preparation for the observance of the holiest day of the Jewish year, Yom Kippur, the Day of Atonement.

With the sounding of the shofur and the synagogue's call to worship, the ancient sacred rite of Jewry brings men to a revived awareness of God and an intensified awareness of their responsibilities and obligations to their fellow men.

I am sure all America is grateful for the spiritual intensification which has taken place these past days. I am sure, too, that Americans of all faiths and creeds join in wishing our Jewish friends a truly happy and prosperous New Year. I am particularly happy to extend such greetings to my many Jewish friends and to express my gratitude for what Rosh Hashana and Yom Kippur have meant to me over all the years of my life.

MYSTERIOUS MOON

**HON. OLIN E. TEAGUE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the short but informative editorial in the New York Times, Wednesday, September 10, 1969, discusses some of the preliminary scientific results obtained by analysis of samples of lunar soil returned from the moon by the Apollo 11 flight. These preliminary findings, as the editorial points out, indicates that science is in store for a number of surprises as the future of the earth-moon relationship is more deeply probed. More significantly, it is important to note that much is to be learned as to the origin of the earth, moon, and the solar system by continued lunar exploration. This new knowledge plus other benefits derived from our Apollo program will be significant to the Nation and the world in the years ahead. I commend this editorial to your reading:

MYSTERIOUS MOON

The study of the rocks, soil and dust brought back by the Apollo 11 astronauts is bringing to light as many mysteries as it unravels.

The great age of the rocks from the lunar surface has produced the most intense interest for it raises the possibility that much of the terrain is 3 to 4 billion years old, that is it was formed and remained unchanged since long before the first life appeared here on earth. Only slightly less surprising is the evidence that the interior of the moon may be honeycombed by great cracks and fissures reaching far toward the center. Other mysteries are posed by the abundance of glassy material, the great scarcity of organic compounds and the unexplained relatively high percentage of titanium and zirconium among the components of the available moon stuff.

The theorists are made understandably

cautious by realization that the new evidence all comes from one small area, the region immediately adjacent to Tranquility Base. It is likely that the picture will become still more complex when a representative collection of samples becomes available from ten, twenty or thirty areas spread over the entire lunar surface.

But even the limitations of the present data suggest strongly that the moon is very different from earth, and therefore has much to teach human science about the origin and evolution of the solar system. The case for intensive scientific study of the moon—conducted in part by geologists and other scientists sent there for on-the-spot investigation—is strong.

## BIG TRUCK BILL

### HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. SCHWENDEL. Mr. Speaker, as I indicated yesterday, I plan to insert into the RECORD, each day, editorials from the several States relative to the big truck bill. Today's editorials are from the Montgomery Advertiser and the Birmingham Post-Herald in the State of Alabama, and are as follows:

[From the Montgomery (Ala.) Advertiser, July 28, 1969]

#### GETTING HIT BY HIGHWAY TRAINS

A damaging blow to the trucking industry's strenuous efforts to get bigger, heavier and more dangerous trucks legalized was delivered by the executive vice president of the American Automobile Association, George Kachlein, in testimony before the House Public Works Committee recently.

Kachlein said that truckers were attempting to get double and triple bottoms, as the monsters are called, legalized before Congress realized how dangerous they were. Research into the safety factors of the larger trucks hasn't been completed. But what is known is frightening.

Kachlein said that trucking industry statistics show that heavy trucks, those weighing over 26,000 pounds, account for only 1.54 per cent of vehicle registrations and 5.33 per cent of the total mileage driven annually in the nation. Yet, the heavier trucks are involved in 11.6 per cent of the fatal accidents. Kachlein said:

"When a truck collides with a passenger car, it is the operator and passengers in the smaller vehicle who are most likely to be killed."

In collisions between automobiles and small trucks, such as pickups, the fatality rate is low. Between passenger cars and semis, the rate is 7.1 fatal injuries per 100 persons involved, Kachlein said:

"When the collision is between a passenger car and a tractor-trailer combination, the rate increases drastically to 13.3. This is a 173 per cent increase in severity in a collision between a passenger car and a double bottom over a collision between a passenger car and a conventional tractor-trailer."

A report from the Bureau of Motor Carrier Safety supports Kachlein's testimony. The Bureau said that in 1967, more than half of the accidents reported to it involved passenger cars. These collisions accounted for 66 per cent of the fatalities and 64.5 per cent of the injuries resulting from truck accidents.

While trucks figured in each of these accidents, only two per cent of the deaths were

truck drivers. The other 98 per cent were drivers or passengers in automobiles.

The import of Kachlein's testimony is that accidents between heavy trucks and passenger cars are one-sided affairs, with the occupants of the passenger cars coming out on the fatal end. Furthermore, the chances of tangling with double and triple bottoms and surviving uninjured are even worse.

Congress should not approve the legislation before it that would allow the behemoths on federal highways. And the bills asking the privilege of the Alabama Legislature should die in the Senate and House Committees where they currently reside. The highways of this state and the nation are not safe now. Double bottoms would increase highway perils.

[From the Birmingham (Ala.) Post-Herald, July 19, 1969]

#### THE TRUCK BILL AGAIN

Congress, which last year shelved a bill to permit longer, wider and heavier trucks on the interstate highway system, is engaged now in studying a somewhat modified version.

The new bill would lift the present 73,280-pound weight limit, extend the width limit from eight to eight-and-a-half feet and impose a length limit of 70 feet. This last provision was absent from last year's bill.

The trucking industry argues an axle-spacing formula set out in the new bill would permit more even weight distribution, thus easing the strain on bridges and highways despite heavier loads and greater length.

These factors, the truckers contend, also would promote safety by permitting improved braking ability for big rigs and better road visibility for their drivers.

The industry's primary interest in the bill, of course, is the greater "economic return" larger vehicles would provide for truckers and lower per unit hauling costs for customers—a legitimate interest, certainly.

But that interest must be weighed against the public's interest in the use of the interstate system—a \$60 billion, taxpayer-financed project—and the other highway arteries onto which it empties.

Executive Vice President George Kachlein of the American Automobile Association, which opposes the bill, charges the extra truck weights permitted (up to 108,500 pounds for a nine-axle truck) would cost \$1.8 billion for road repairs in 10 years.

And even if the bigger rigs could operate safely on the interstate, millions of feeder roads on which some of them would have to travel are far below the interstate's design and safety standards. Congress has been warned by the National Association of County Engineers, the National Association of Counties and other opponents.

Further, the improved safety factors of the bigger rigs are projected rather than proved. And the sight of a passing truck 15 feet longer and tens of thousands of pounds heavier than the 55-foot vehicles now permitted throughout most of the east seems unlikely to steady the nerves of the average motorist.

On balance, the truckers' interest are outweighed by the public interest in safe and economic use of the highways. The new bill should join the old one on the congressional shelf.

#### A CLARIFICATION

### HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. VAN DEERLIN. Mr. Speaker, last June 24 I addressed the House about an

unfortunate incident which had occurred earlier that day at Dulles International Airport. My remarks appear on page 17015.

Subsequently, the airline involved, Overseas National Airways, furnished me with a detailed explanation of circumstances which had led to the problems at Dulles, and the accompanying inconvenience to passengers.

I would like at this point to insert the letter I received from G. F. Steedman Hinckley, president of Overseas National, in the interest of fairness and in order to complete the account of the incident:

OVERSEAS NATIONAL AIRWAYS,  
July 15, 1969.

HON. LIONEL VAN DEERLIN,  
House of Representatives,  
Washington, D.C.

DEAR MR. VAN DEERLIN: As a result of the complaint of one of your constituents which caused you to insert some remarks in the Congressional Record concerning the unfortunate situation at Dulles Airport whereby some of our passengers were delayed on their flight to Europe, we asked our Washington Representative, Mr. Ralph Slater, to personally explain the circumstances to you and the purpose of this letter is to follow-up Mr. Slater's verbal briefing with a written account of the circumstances.

The two trips involved were our flight 1381/1322 bound from Los Angeles to London with a scheduled fuel and service stop in Bangor, Maine, and our flight 1203 from Los Angeles to Frankfurt with a traffic stop in San Diego and a scheduled fuel and service stop at Bangor. Presumably your constituent was on flight 1203.

As the two aircraft proceeded eastbound, we were advised that all major airports north of Baltimore were below weather minimums and, therefore it was necessary to divert the two flights into Dulles. Each flight was to have picked up a navigator in Bangor for the over-water flight to Europe. Since the Bangor stop was to be by-passed, we immediately made plans to fly two other navigators from New York to Dulles to meet the incoming aircraft.

We scheduled these two navigators, plus two ground services personnel, on a Braniff International flight which was to have arrived at Dulles before the arrival of our airplanes. As an added precaution, in case the Braniff flight was delayed or canceled, we made ready a limousine to drive our personnel to Dulles.

Braniff assured us that its flight would depart on time and we learned that the aircraft to be used for the flight was on the ground at Kennedy International Airport ready for departure. Later, however, Braniff began to inform our flight operations personnel, at 30 to 40 minute intervals, that its flight would be late in leaving, but continued to assure us that it would depart. These delays continued until it was too late to fly our people to Dulles in time. Eastern Airlines had shut down its Air-Shuttle because of the bad weather, and no other air transportation was available. By this time it was too late to use our limousine. The Braniff flight finally took off, seven hours late. Because of this delay and other factors it became necessary to hold flight 1203 on the ground at Dulles until the weather improved at Bangor so the aircraft could be routed through that station for crew change.

To complicate things further, telephone communication between New York and Dulles Airport had broken down during the night, so that our transportation services people in New York were unable to get through to the airport to arrange for food or hotel accommodations for the stranded pas-

sengers, although they tried for hours to do so. Even though our representatives at Dulles alerted the Dulles Airport officials that we were diverting two aircraft there with 430 people aboard—other airlines were diverting aircraft there also—the terminal, including its restaurant and bar adhered to its customary 11 p.m., closing time. A small coffee bar remained open, but we were told it was too small to handle our 430 passengers.

When our ground services people arrived from New York, they arranged for complete breakfasts for all the passengers and the flights continued. Our London flight had incurred a two hour and forty-five minute delay at Dulles and the Frankfurt flight had been delayed there eight hours and thirty-five minutes.

As you can see, this was a complicated set of circumstances, which defied our best efforts and plans. Weather, the delayed Braniff flight and the unfortunate closing of government operated Dulles Airport terminal facilities made for a very unhappy situation.

I assure you, Mr. Van Deerlin, that we are completely aware of our public responsibility and constantly strive to improve the service to our passengers. As a member of the House Interstate and Foreign Commerce Committee you surely know and recognize our role in the air transportation system as established by the Congress in 1962. By law the supplemental carriers are to provide charter services to supplement the individually ticketed services of the scheduled route carriers. Through the exercise of this authority we have become the charter specialists of our national air carrier system and have historically provided a competitive spur to create and develop new markets and to maintain economic rates. In your remarks before the House you spoke of many of our charter passengers being elderly citizens who have scrimped and saved for years to take these trips. Our experience corroborates your statement and we have found that most of these people are flying for the first time, at prices they can afford, and all this is possible because a far sighted Congress in its wisdom created the supplemental carriers to develop low cost charter transportation as an integral part of our national system. Yes, Mr. Van Deerlin, we put 250 passengers on our stretch DC-8's and in so doing your constituent who very rightfully complained of the lack of service at Dulles Airport paid less than \$280.00 for a round trip charter flight from the West Coast to Europe instead of \$794.00 for an economy class ticket on a scheduled carrier whose economy seat spacing is no more comfortable than ours.

Indeed we regret the inconvenience caused the passengers at Dulles. However, I have reviewed all the factors associated with this incident and am confident that we did everything we could reasonably be expected to do to minimize the discomfort.

The tone and content of your very damaging remarks in the Record convey the impression that this incident was a typical example of the slipshod operations of charter carriers in general and ONA in particular. Based on the information you received from your constituent you undoubtedly believed the remarks to be justified. However now that you have both sides of the situation which indicates the existence of circumstances beyond our control and clearly shows that our actions were those of a responsible professional airline operating in the best interests of safety and public concern, I hope you will now publish our side of the story in the Congressional Record.

I take this opportunity to enclose one of our recent brochures that will give you some further information on Overseas National.

Sincerely,

G. F. STEEDMAN HINCKLEY,  
President.

## INTERNATIONAL ASSESSMENTS OR WORLD TAXES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. RARICK. Mr. Speaker, a cadre of international money manipulators, headed by former Canadian Prime Minister, Lester B. Pearson, has unveiled their interesting plan to assess all industrialized nations at least 1 percent of the gross national product to assist the World Bank in leveling the wealth of the world by subsidizing unfair economic advantage against productive nations.

Interestingly enough, the figures of the OED for last year indicate that \$12.9 billion was contributed to the wealthy few in countries poorer in comparison by 16 major non-Communist nations.

The full study, which is to be released at the World Bank meeting on October 1, should prove most enlightening; especially their program to use the SDR's, "paper gold," as a source of new funds for the international bankers. The suggestion of multinational corporations to be chartered by the UNO looms as the latest portent in massing power into the hands of an international few. And all of this, of course, under the guise of relieving poverty of nations.

I include herewith a news report from a local paper setting forth the gist of this intriguing world cartel blueprint:

[From the Washington Post, Sept. 23, 1969]  
INTERNATIONAL COMMISSION TO LAUNCH NEW  
MOVE TO AID DEVELOPING NATIONS

(By A. D. Horne)

A major effort to renew the industrialized nations' lagging commitment to aid the developing world will be launched here next week by a prestigious international commission headed by former Canadian Prime Minister Lester B. Pearson.

The end-product of a year long study, the commission report has attracted intense interest in advance of its publication Oct. 1 during the annual meeting of the World Bank.

The report, early drafts of which have been circulating among government officials who deal with international economic policy, is expected to set forth a new rationale for the developed nations' efforts to channel government funds and private investment to the poorer nations, and to make 80 specific recommendations on ways to increase the effectiveness of such aid.

Sources familiar with the report's contents say the Commission has accepted as a starting point the 1968 United Nations Conference on Trade and Development (UNCTAD) target for industrialized nations to send the poorer nations aid and private capital equal to at least 1 percent of their own gross national product.

Last year, according to Organization for Economic Development figures, the 16 major non-Communist aid-giving countries sent \$12.9 billion to the poor nations, or 0.77 percent of their own combined GNPs. This percentage has generally declined since 1961, although the 1 percent target has been widely accepted.

The Pearson Commission, informed sources said, has attempted to make this 1 percent measure more meaningful by suggesting specific goals within it.

One hint was provided last week by the Commission's West German member, Wilfried Guth, who told a Nobel Foundation conference in Sweden that the report will urge specific allocations for research and education to the poor countries based on each developed nation's budget in this field.

The report is also said to endorse the "Horowitz Plan," advanced by Bank of Israel governor David Horowitz, which would cope with the rising cost of development loans through international subsidies to offset high interest rates to the poorer nations.

Some experts see a significant new source of funds for international development in Special Drawing Rights (SDRs), the "paper gold" which the International Monetary Fund will begin activating next week. The 10 major nations which worked out the SDR system as a safety valve against gold price rises resisted attempts to link the new currency—\$9.5 billion is to be created in three years—with development efforts. The Pearson report, it is understood, will endorse the principle of linking SDRs and development aid, while leaving open whether this should be done through the World Bank's International Development Association or otherwise.

The Commission also will make recommendations in the trade and investment areas. One idea mentioned in the report, although not a recommendation, is United Nations chartering of multinational corporations presumably less vulnerable to expropriation than direct investors.

The report will come at a critical time for the United States, now re-examining its aid and trade policies under domestic and international pressure.

The Pearson report was commissioned by World Bank President Robert S. McNamara in August, 1968. The Commission members—Chairman Pearson, Sir Edward Boyle of Britain, Roberto Campos of Brazil, former U.S. Treasury Secretary C. Douglas Dillon, W. Arthur Lewis of the West Indies, Robert Marjolin of France, Saburo Okita of Japan and Guth—served as individuals, not as representatives of their governments.

## LETTER FROM CONSTITUENT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. NICHOLS. Mr. Speaker, like most of my colleagues, I receive hundreds of letters each week. From time to time, one of these letters impresses me so much that I share it with other Members by placing it in the CONGRESSIONAL RECORD. I received such a letter this week from a constituent of mine who is vitally concerned about the war in Vietnam. Mrs. Ernest C. Pharr of Selma, Ala., has a son in Vietnam. I believe that she expresses the feelings that many thousands of Americans have about this war. I include her letter in the RECORD at this point:

SELMA, ALA.,  
September 18, 1969.

HON. BILL NICHOLS,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: My husband and I were seriously debating to whom we should write to be most effective in our plea to impress upon our Congress and President our feelings about the Vietnam war. We decided that you have shown a deep interest in this matter and would be in a favorable position to vocally relay our opinions to our higher echelons of Government.

If we, as a nation, are indeed threatened by a communist takeover and overt action by any foreign power as a result of a communist takeover in South Vietnam, then by all that is reasonable let us provide all the fighting strength, arms, money and effort necessary to conquer the enemy and not just have an ineffective, perpetual police action in a far off geographical section sacrificing our finest young men to a horrible death and the grave before they have even been given a chance to exercise their inalienable rights to the pursuit of happiness which they had been taught was theirs by virtue of their birth in this still freest of all societies. If we are not so threatened, then let us withdraw all our troops, except for volunteers, and if the South Vietnamese are concerned about their country and their freedom, they will stop deserting and courageously fight for what they believe instead of continually taking advantage of our benevolent politicians and the American people's acquiescence in obeying our leaders' commands by sending our boys to offer their lives and giving our tax dollars to give our far off foreign neighbors a more prosperous life. We would not mind so much supplying their weapons and money if they would just display a more concerted effort to liberate themselves from an undesirable political rule, but to give the lives of our sons, husbands and fathers in place of their own is more than a true friend would ask of us.

I, as one of legions of mothers, cannot sleep at night for listening to every news cast until I fall asleep from exhaustion, straining for the glimmer of hope that our 22 year old son, who is stationed on a small army post just outside of Saigon, has maybe not undergone the latest mortar attack; and in the morning, following on the map the attacks reported having taken place through the night.

Yesterday, another of our handsome, healthy young nephews boarded a plane in Montgomery enroute to his next Marine Base in Saigon. He had decided not to marry his fiancée while he was home on leave from boot training because he didn't want to take the chance of leaving a widow. As long as they could see a speck of the departing airplane his sisters were in tears shouting, "Please, please come back to us Eddie", their only brother. The plane he boarded had just unloaded one more \$80.00 GI coffin draped with our Country's Stars and Stripes—I can imagine the anxiety that must have crossed through his mind.

The whole situation of helping the South Vietnamese people seems to have gotten hopelessly muddled as to its objective and we all wonder where and if it will ever be brought to any semblance of a conclusion. We feel as if our 14 year old son has a better than ever chance of being sent there for the police action in a few years the way things are shaped at the present. We feel that our leaders must take positive action now, not to withdraw just a few men by replacing them with new recruits, but to send all our citizens home by Christmas time, or else take positive steps now to bring the North Vietnamese to their knees from where they just might be willing to negotiate for a peace settlement.

My husband was a part of the last invasion into Germany during WWII, my brother served two years in the barren, iced Aleutians and most of my friends volunteered to fight and some didn't return; my younger brother served in Japan during the Korean war and now our son and many acquaintances are in Vietnam. We all felt justified in protecting ourselves against the German and Japanese invasions and would again if we were so threatened again. However, I have never heard one single person qualify himself as truly understanding or believing there is any sense in sacrificing our men in South Vietnam; and if our rulers know that there

is, let them put out a real effort to make us believe there is the need now to defend ourselves and then we all, men, women and children, would be willing to put our hearts and minds into a just cause, instead of enduring this slow torture of defeatism.

According to what I have been able to comprehend of the North Vietnamese's thinking according to statements they have upheld through the many years of conflict, they will never make concessions of any kind unless they are somehow brought to a desperate impasse. No action presently being taken will encourage them to offer beneficial overtures towards South Vietnam or the United States of America. They are determined to realize their goal of uniting South Vietnam with them until their last man shall stand and we had better believe it. They understand no defeat or compromise except by force.

I hope you can present these feelings to our higher echelon officials in such a way that they will take definite action and not just meaningless measures with which they hope to pacify the people of our country while stalling for more time. I often hear people saying, "We should all write letters and make our feelings known"; well, I have written mine and thank you kindly for taking up your time and for any efforts you put forth to solve this terrible dilemma from which our country is having such a difficult time extricating itself.

Sincerely yours,

Mrs. ERNEST C. (ANN) PHARR.

#### DO WE NEED 50 STATES?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROSENTHAL. Mr. Speaker, I recently discussed with Gov. Nelson Rockefeller, of New York, at a public meeting of the Intergovernmental Affairs Subcommittee of the House Government Operations Committee, the need for reorganizing our State governments. One suggestion I made was that the 50 States be abolished and regional governments substituted for them.

This suggestion, while it has enormous political implications and problems, raises, I believe, the important question of why and how we are wedded to a system of State government and State boundaries which no longer corresponds to the problems our country faces.

Prof. Raymond J. Phillips, Jr., of the State University of New York, discusses some of these problems and prospective solutions in his previously unpublished article which follows:

#### Do We Need 50 States?

(By Raymond J. Phillips, Jr.)

"Not content with surveying our institutions bathed in the mellow radiance of a glorious past, we would examine them in the cold glare of the present."<sup>1</sup>

Over the years, and particularly in recent decades, numerous proposals have been submitted with the intended purpose of strengthening and revitalizing the governments of the several states.<sup>2</sup> These proposals, in the main, have started with the premise that the states should be preserved in much their present form and that somehow their governmental structures can be revitalized

in a manner that will make them both responsible and responsive. Upon careful examination, however, it appears that much of the frustration emanating from the failure to implement these proposals, or even a meaningful part of them, is that they have been predicated upon the assumption that there are no alternatives available outside of the present structure of fifty separate entities.

Fully aware of the arguments that it is politically not feasible to consider a scheme of government that does not include the current structure of fifty states, this writer, nevertheless, would like to suggest a plan that departs radically from most suggestions for strengthening our federal system.<sup>3</sup> This is done not with any illusion of the plan's immediate adoption or general acceptance even in theory, but with the purpose in mind of removing the blinders that have restricted much of our thinking in this area and of encouraging new ideas for improving the structure of American federalism. With increasingly meaningless state lines, the result of a mobile people, it would appear appropriate, if not entirely necessary, to begin a national debate in this area and to create an environment that will free even public officials who have for too long been restricted in their public pronouncements in this area. The laboratories of the physical sciences are not so confined, nor should they be for the social sciences.

Very briefly, then, what is suggested here is that the federal system could operate more efficiently and meet the demands of society more effectively with fewer than fifty states. In addition to the fifty states, we have approximately 90,000 units of local government—counties, townships, special districts, municipalities—whose boundaries and jurisdictions no longer realistically reflect the shifts in population of a people on the move to wherever opportunities present themselves. As Professor Grodzins observed in referring to our multiplicity of governmental units, "... government in the United States is chaotic."<sup>4</sup>

As was noted earlier in this article, numerous suggestions have been made in the past for establishing regional governments, and in 1933, Luther Gulick opined, "The American state is finished. I do not predict that the states will go, but affirm that they have gone."<sup>5</sup> Although the states have not yet vanished, they have failed in many instances to meet their commitments, and plans for upgrading the states have remained primarily plans.

Everyone is familiar with the historical basis of our federal system, but in view of the wide geographical area that comprises the United States and of its large population, it would not seem practicable to replace it with a purely unitary system such as England has. There is available, if we are willing to search for a meaningful alternative, a plan that would fall somewhere between our present fifty states and a unitary system. Our present situation in which the necessity of maintaining fifty states is open to very serious question should not alarm any citizen, for this represents the natural course of any mature federal system. This was observed many years ago by a particularly clairvoyant scholar:

"The two natural elements in our system are now the Community and the Nation. The former is the point of real local self-government; the latter that of general self-government; and in the adjustments of the future these are the forces which will carry with them the determining power. The commonwealth government is now but a sort of middle instance. Too large for local government, too small for general, it is beginning to be regarded as a meddling intruder in both spheres—the tool of the strongest interest, the oppressor of the individual. This has been its history in other lands and other times;

Footnotes at end of article.

and the mere fact that it professes to be popular here, while it has been princely or aristocratic elsewhere, will not save it from the same fate."<sup>6</sup>

The fact of the matter is that the problems which confront government today are either relatively small ones that can be attended to by local units or they are major ones beyond the capacity of any state to deal with effectively. The states lack the resources, or the geographical size commensurate with the problem, or in some instances the will to attack these problems. The mobility of a people in an industrial society is not determined by artificial or even natural boundaries. Employment situations are not mandated by state lines. Water and air pollution does not respect political boundaries. The quality of education should not be determined by geographical considerations or political boundaries. Professor Willbern remarked several years ago, "Most of us are so deeply immersed in these transformations [changing patterns of life] that we do not understand their nature very well, and we see even less clearly the governmental adaptations that will be associated with changes in living patterns."<sup>7</sup> Thirty-five years ago one writer noted that "... the multiplicity of forty-eight states ... has no valid social or political reason for being preserved."<sup>8</sup> More recently an international city planner observed: "This confusion [concerning the development of policies to approach the problems of the urban areas] does not allow us to see the overall picture of the problem. It binds us too much to presentday notions about remedies. It concentrates our attention too much on the idea of an individual project, a single city, or a single urban area, whereas we should be thinking about regions and the nation as a whole."<sup>9</sup> The development of sprawling population centers will dramatically reverse the population patterns of the past, and Doxiadis concludes, "... the picture has become reversed. Settlements were once isolated spots within the countryside; now the open areas are isolated within an urban network, although those areas are much larger than were the earlier urban settlements within the countryside."<sup>10</sup>

We possess, and have for many years, the know-how necessary to cope with the situation. A quarter of a century ago it was observed, "There is no question but that modern communications and organizational methods make it physically possible at this time to rearrange our federal system into larger units and someday this may come to pass."<sup>11</sup>

The indictment against the states represents a long and serious list of charges calling for dramatic changes in the federal system. The fact remains that the most significant revitalizing change in state government in recent years has come in the form of a mandate from the United States Supreme Court,<sup>12</sup> and it has been resisted by the states with such effort that we have come closer to petitioning Congress to call a national convention than at any other time since the adoption of the Constitution.

A recent study by the Committee for Economic Development concluded that the failure of state governments to meet their commitments was attributable to geographic handicaps, outmoded structures, inadequate resources, and political weaknesses.<sup>13</sup> The report noted that a single state cannot be expected to solve problems that transcend its boundaries, nor can a state solve internal problems when it is hampered by archaic constitutions, figurehead governors, parochial-minded legislators, and judges elected on partisan ballots for short terms. Even in states where governors have a real commitment to move ahead, political expediency too often dictates against recommending tax programs necessary to implement needed pro-

grams. One-party politics in far too many states has contributed to entrenched machine politics where the major concern is with electoral successes rather than with providing the services that can reasonably be expected of government in the second half of the twentieth century.

An adequate tax base is the single most important element necessary for any government that desires to be responsive to the demands of the people it is intended to serve, and although the Heller Plan<sup>14</sup> has much to recommend its adoption, it would nevertheless fall far short of enabling the states to meet many of their obligations.

Too often those who are loudest in their defense of state sovereignty are the individuals who contribute most to the destruction of the system they desire to preserve. As Elliott stated in 1935, "Always in such a crisis of constitutional development it is the stand-pat conservatives who ultimately make the destruction of the system inevitable—because they demand impossible things of antiquated machinery. It is not those who would reform but those who would ossify a constitution who would bring about its destruction."<sup>15</sup>

This writer submits that in view of the growing urbanization of this country and its resulting blurring of state lines, in view of the development of a national constituency with lessening ties to states carved out a century or more ago, and in view of the increasing awareness that the problems of this century are either local or national in scope, the only effective way to modernize state government is to abolish it in its existing form and to substitute in its place regional governments between the national and local levels.

The plan that is suggested here is not intended as the final solution of the problems engendered by a federal system. Rather, its purpose is to serve as a beginning, as a working paper that can be refined by involving representatives of all areas of the country and all levels of government. To replace the existing structure will necessitate many mechanical problems which need not concern us at this stage. What is intended here is a broad and general outline of the form that the new structure might follow, and to think in terms that represent a radical departure, and not to become lost in the technicalities of implementation in the early stages.

The plan proposed here would call for substituting a number of regional governmental units for the present fifty states. The boundaries of these regions would recognize sectional differences and also reflect more realistically than the present state boundaries the large concentrations of population and the directions in which they appear to be spreading. Standard Metropolitan Statistical Areas (SMSA) would no longer be divided by artificial lines. The entire population of an area that is economically and socially integrated would be subject to the same regional government. Nor would these new regional lines necessarily be permanent, but would be subject to periodic redrawing as required by population changes.

Each region would serve in a dual capacity. On the one hand they would be administrative units of the national government, charged with the implementation of federal programs which would have replaced many of the existing state programs. On the other they would have the responsibility for supervising local programs. Changes in the latter area would call for a dramatic alteration of existing units of local government through the development of fewer but more viable local governments.

With the demise of the existing states we could develop a national court system, standard suffrage legislation, a national public school system that would include higher education, uniform marriage and divorce laws, standard automobile registration and

licensing, and many others. Although national programs and standards would be established under this plan, provision is made for regional implementation to avoid a completely unsensitive central bureaucracy that might well be unaware of local peculiarities.

Many of the inconveniences that now confront many individuals as they move from state to state would be removed through the adoption of this plan, as would the competition among the states in such areas as taxation.

The people of this country are not yet ready for the adoption of a plan of this nature, but they must be prepared for the implementation of a governmental structure that is radically different from the present system. Everyone who is concerned with the viability of government must help to initiate a national debate that will result in seeking alternatives to the present system. Proposals for revitalizing government cannot be made in the narrow confines of the system to which we have become accustomed. Governmental machinery adequate to meet the exigencies of one era is not necessarily adequate for all periods in our history. Make-shift and patchwork government eventually becomes irresponsible government. We cannot live by tradition indefinitely, although we will, unfortunately, somehow struggle along with the present structure for some time. The problems encountered in stirring a people to accept change has never been stated better than in the Declaration of Independence: "... all experience hath shown that mankind are most disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

There is a pervasive attitude among many Americans that the activities of the national government must be curbed and that the affairs of state must be returned to the state and local governments. Consider, for example, the following hypothetical, but perhaps not completely unreal, situation:

A postal employee and his wife, whose only source of income is the national government, attend a public address by a member of Congress. The congressman's grave concern with the increase in power in the government in Washington evokes almost the same reaction as if he had referred to the government in Peking. His ringing call for a return of government to the people at the state and local levels elicits applause which reverberates through the rafters of the partly federally financed municipal auditorium. Having had their faith in state and local government renewed and their fears of the federal government reaffirmed, they depart for suburbia. On the way home they travel over an interstate beltway, 90 per cent of which has been financed by the federal government, and they remark to each other about the convenience of the new highway. (What they are saying, in effect, is that the interstate highway is far superior to the state and locally financed streets through the ghetto.) As they enter their suburban community, they drive over streets under which lie sewage lines partially financed by the federal government. When they arrive at their house, the mortgage of which has been guaranteed by the Veterans' Administration, they turn on their FCC regulated television. Before falling asleep that night they ponder over how much better things would really be if somehow the scope of activities of the national government could be restricted.

It is this particular type of attitude that must be transformed as a necessary prelude to the radical restructuring of our federal system. In this area, the schools and colleges of this nation have an opportunity and a responsibility to educate a generation of students who will think in terms of alternatives that transcend the present federal structure. Too much attention in the past has been devoted to discussing the problems

Footnotes at end of article.

of government within the narrow confines of federalism. The kind of departure called for here in the halls of academe will not only make them livelier centers of learning, but will also produce a generation of students who can begin to alter the climate surrounding the discussions of public issues. We must remove from our thinking the idea that there is something sacred about our federal system of government. When we have achieved this, then we will be in a position to develop the specific forms and structures of regional governments.

We do not need to establish more commissions to examine ways of strengthening and revitalizing state government, for we are aware of the problems that confront our governments, we have the resources and the expertise necessary to cope with these problems in a meaningful sense. What we need now is the courage to embark upon a different course and to attack these problems. How long are we willing to permit the problems of an urban and industrial society to be administered by governmental machinery developed in a rural and agrarian society of two centuries ago?

## FOOTNOTES

<sup>1</sup> William Kay Wallace, *Our Obsolete Constitution*, New York: The John Day Company, 1932, p. 17.

<sup>2</sup> Among the most recent studies is the report of the Committee for Economic Development, *Modernizing State Government*, New York, 1967.

<sup>3</sup> There were, however, some earlier studies that called for the establishment of regional governments to replace the states. For example, Wallace, *op. cit.*, and Alexander Heymeyer, *Time for a Change: A Proposal for a Second Constitutional Convention*, New York: Rinehart & Co., 1943.

<sup>4</sup> Morton Grodzins, "Centralization and Decentralization in the American Federal System" in Robert A. Goldwin (Ed.), *A Nation of States*, Chicago: Rand McNally & Company, 1963, p. 1.

<sup>5</sup> Luther Gulick, "Reorganization of the State," *Civil Engineering III* (August, 1933), pp. 420-421.

<sup>6</sup> John W. Burgess, "The American Commonwealth: Changes in Its Relation to the Nation," *Political Science Quarterly* (March 1886), p. 23.

<sup>7</sup> York Willbern, *The Withering Away of the City*, Bloomington: Indiana University Press, 1964, p. 5.

<sup>8</sup> Wallace, *op. cit.*, p. 184.

<sup>9</sup> C. A. Doxladis, *Urban Renewal and the Future of the American City*, Chicago: Public Administration Service, 1966, p. 51.

<sup>10</sup> *Ibid.*, p. 78.

<sup>11</sup> Heymeyer, *op. cit.*, p. 119.

<sup>12</sup> *Baker v. Carr*, 369 U.S. 186 (1962) and *Reynolds v. Sims*, 377 U.S. 533 (1964).

<sup>13</sup> *Modernizing State Government, op. cit.*, pp. 14-19.

<sup>14</sup> Walter W. Heller, *New Dimensions of Political Economy*, New York: W. W. Norton & Company, Inc., 1967, Ch. 3.

<sup>15</sup> William Y. Elliott, *The Need for Constitutional Reform*, New York: McGraw-Hill, 1935, pp. 207-208.

PRESIDENT NIXON AND THE  
SAIGON GENERALS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BINGHAM. Mr. Speaker, in a speech on the floor of the House yesterday I noted the increasing evidence that General Thieu is the major obstruction

to progress at the Vietnam peacetable. I called on President Nixon to serve notice on General Thieu to abandon his continuing opposition to any peaceful settlement or accept an early, total withdrawal of U.S. forces. New York Times columnist James Reston, in an article published today, expresses a similar point of view. His article, "President Nixon and the Saigon Generals," follows:

PRESIDENT NIXON AND THE SAIGON GENERALS  
(By James Reston)

It is clear from the recent statements of President Nixon at the United Nations and Generals Thieu and Ky in Saigon that the United States and South Vietnamese Governments are now running into a serious crisis over their divergent objectives in the war.

The main difference between them is that Mr. Nixon says he is fighting for what the South Vietnamese people want, and this cannot be ascertained without free and fair elections which Generals Thieu and Ky oppose.

## ELECTIONS AND COALITION

There cannot be free and fair elections for all the divided and tormented factions in South Vietnam under the Thieu Government, which puts its leading political opponents in jail. And the Communists in the National Liberation Front and in Hanoi will not agree to elections unless they are supervised by a new cabinet representing all the contending groups including the N.L.F.

In his speech at the U.N. the other day, President Nixon said: "We in the United States want to end this war . . . but let there be no question on this one fundamental point: We will not accept a settlement that would arbitrarily dictate the political future of South Vietnam."

"What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam. To secure this right and to secure this principle is our one limited and fundamental objective."

In contrast, General Ky told Terence Smith of The New York Times the other day in Saigon: "The Americans are deluding themselves if they think they can replace this government with another and then bring about a coalition. If the new government tried to make a coalition with the Communists, there would be a coup inside ten days."

General Thieu took a similar line both on South Vietnamese television recently and again in a private talk with a British Parliamentary delegation. He is reported to have told the British visitors that he was opposed to any direct Communist participation and predicted that it would take twenty to thirty years for the Communists to make their politics acceptable to the South Vietnamese Government. This was interpreted as a warning to the Nixon Administration not to expect any further concessions in the Paris peace talks.

These differences are obviously fundamental. How can anybody know what the South Vietnamese people want without elections run by a coalition of all the parties concerned? How is the President to achieve his "one limited objective" if he continues to back Generals Thieu and Ky in their opposition to a new coalition?

## THE SIMPLE DILEMMA

The dilemma can be reduced to a simple formula: No coalition, no elections; no elections, no genuine test of the will of the people; and no peace.

Meanwhile, General Ky has been threatening to use military force to oppose political concessions if necessary. He recently told

a gathering of South Vietnamese Air Force officers:

"The future of our country is in your hands—yours and mine. We cannot afford to leave our destiny in the hands of dirty politicians. I tell you we will replace them, we will replace them in leading this country to victory. . . . No country, including the United States, can determine our future for us."

## A BASIC DIFFERENCE

This is considerably different from Mr. Nixon's "no military victory" policy. Even when allowances are made for the generals' political problems in Saigon, it is fairly clear that they are taking a harder line as Mr. Nixon takes a softer line.

They are saying that what is important is what the South Vietnamese Government wants while President Nixon is saying the important thing is what the South Vietnamese people want.

Nor is this fundamental difference likely to be removed by evading it or denying that it exists. For the President cannot really be faithful to his one peace objective and responsive or obedient to the Saigon generals at the same time.

## ROTC IN DECLINE

## Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the following article on the ROTC program at Mississippi State University. I believe the article is a good example of what can happen to the ROTC program when it is placed on a voluntary basis. I hope this does not foretell of the complete demise of the ROTC program in America. The article reads as follows:

## ARMY ROTC IN DRASTIC DECLINE AT MISSISSIPPI STATE

STARKVILLE, Miss.—Officials at Mississippi State University, the state's first university to abandon compulsory Reserve Officer Training Corps training, report a drastic decline in ROTC participation since the program went on a voluntary basis.

Col. Charles R. Cadenhead, professor of military science, said the harder hit of the schools' two military programs was Army ROTC.

"We are asking ourselves what we did to last year's boys to come up with so few (this year)," Cadenhead said.

"We have a very disturbing figure in our sophomore class—only 73 boys are signed this year, whereas last year we had almost 300."

"Last year we had 50 boys in the band, but this year we don't have enough to have a band."

Cadenhead reported the total number of freshman and sophomore cadets in the Army program this year is 196, compared to 687 last year when participation was required.

Col. Ralph H. Lane Jr., professor of aerospace science, said the Air Force ROTC is in somewhat better shape but also showed a heavy drop in signups.

"We had 780 freshmen and sophomores last year, compared with this year's 447," Lane said.

"Of course, the Air Force was in favor of making training voluntary as we are interested in career-motivated men rather than the two-year men the Army wants."

The University of Mississippi and Southern Mississippi, both of which subsequently dropped compulsory ROTC, reported a similar decline in participation.

JUDGE HAMILTON S. BURNETT

**HON. JOHN J. DUNCAN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DUNCAN. Mr. Speaker, today I would like to pay tribute to the Honorable Hamilton S. Burnett, who retired the first of this month as chief justice of the Tennessee Supreme Court. Judge Burnett justly deserves the respect and admiration we Tennesseans hold for him. The distinguished judge was first appointed to our high court in 1947 and served with great wisdom and diligence.

The judge's own words should be included here and I now place in the RECORD an interview from the Knoxville, Tenn., Journal in which the judge gives some of his opinions and philosophy. Too, I want to share an editorial from the same newspaper which lauds his comments.

The material referred to, follows:

RETIRED JUSTICE BURNETT CRITICIZES SOME RECENT HIGH COURT DECISIONS

(By Dudley Brewer)

Hamilton S. Burnett, just retired as chief justice of the Tennessee Supreme Court, expressed some forthright criticisms Thursday of the high federal judiciary for decisions in criminal cases, civil liberties actions and the Adam Clayton Powell affair.

His comments were made at his office in the State Supreme Court building here and were in response to questions put to him during an interview. They follow in question and answer form.

Q: "Does Judge Burnett feel U.S. Supreme Court decisions, of recent years have strained constitutional rights to the benefit of criminals rather than the public?"

A: "I unquestionably think so. In my own judgment it's due to lack of previous judicial experience. There are some brilliant minds there, but they lack the necessary experience. The highest IQ is not enough without experience. The Supreme Court is supposed to be the check and balance between the legislative and executive branches. Its members should be men who have come up the judicial ladder."

Q: "Does Judge Burnett have any comment on U.S. Supreme Court decisions and ensuing executive actions in civil liberties and desegregation cases?"

A: "The same answer would more or less apply to this question—the same criticism. The principal criticism from the bar is that a judge should not go to a partisan political convention and listen to a partisan argument that might involve questions on which he might have to rule later. But the justices of the U.S. Supreme Court attended sessions of Congress when President Lyndon Johnson made speeches on civil liberties. As a human being, it seems to me, a judge cannot hear one side of a thing and keep unbiased when it comes to a judicial opinion."

Q: "Can Judge Burnett comment whether the US Supreme Court decision in the Adam Clayton Powell case as to his membership in Congress truly adhered to the Constitution?"

A: "I do not think so. From what I have been taught all my life, those bodies (Senate and House) are the final judges of who their members should be. That's just common sense. Otherwise crooks and criminals would be there. Anybody knows it's wrong."

Q: "What are Judge Burnett's thoughts on the need for judicial reforms in Tennessee and what directions should they take?"

A: "The main thing is what is back of my own retirement. There are men on the bench

today in the lower courts who have lived beyond their time. We should have compulsory retirement of judges. I know of some chief justices in other states who are much too old for the demands of their positions.

"Another thing is this. Five years ago I named three men from each congressional district of the state, the best men regardless of politics. They worked five years and drafted changes in practices and procedures. These should be legislated into action. I think the next time the General Assembly will do it. That will be the greatest improvement in my 50 years at the bar."

Q: "Will Judge Burnett be kind enough to state his philosophy of jurisprudence and the administration of justice?"

A: "I think this was stated over 100 years ago by one of our great judges in the Tennessee Supreme Court, Justice Robert L. Caruthers. The sense of what is said is that justice is done when we no longer are hunting for technicalities to affirm or reverse a judgment, but all we are looking for is whether the person has had a fair trial. That ought to be all anybody would want. That's what you're after—a fair and honest trial. If you want more, you are not wanting justice. But judges always must be on guard not to do an injustice."

Judge Burnett, 4072 Kingston Park Drive, was elected chief justice in 1963, having become the senior member of the Supreme Court. He was appointed to the high court in 1947 and had been a member of the State Court of Appeals five years prior to that.

Born Aug. 20, 1895, in Jefferson City, Judge Burnett's father was a Baptist preacher who later became president of Carson-Newman College. His mother died when he was born.

He is a graduate of Carson-Newman, Class of 1916, and was principal of a two-year high school in Cleveland for one year, then became manager of the Bluefield, W. Va., Gas and Power Co. a short time before joining the Marine Corps in 1917. Later, he entered the University of Virginia Law School and practiced in Richmond until 1924 when he came to Knoxville to begin law practice.

The judge has been a member of the Carson-Newman Board of Trustees for more than 20 years and served as chairman of the board from 1953 to 1956. He also was a member of the committees which selected the college's last two presidents, Dr. D. Harley Pite, now retired, and Dr. John Albert Fincher.

Judge Burnett's political career started in 1928 when he was elected to the Knoxville Board of Education. He was Knox County Circuit Court judge from 1934 to 1942.

The former chief justice and Mrs. Burnett are now at their other home in Linville, N.C., but will return to Knoxville in a few weeks. Their plans for the future include a lot of travel, probably first to the British Isles and Europe.

## JUDICIARY CRITICIZED

It's one thing when laymen take pot shots at the U.S. Supreme Court, but when a distinguished jurist follows suit, it's quite another matter.

Ordinary citizens may be quite correct in their observations, but one schooled in the law stands on firmer ground. Such is the case with Hamilton S. Burnett, who has just retired as chief justice of the Tennessee Supreme Court and whose comments appear elsewhere in today's Knoxville Journal.

Burnett was rather outspoken in his criticism of high federal courts. He is now in a position as a private citizen to make statements which he could not properly make as a member of the judiciary.

The former chief justice criticized U.S. Supreme Court decisions on criminal matters, on civil liberties cases and in the Adam Clayton Powell affair.

Burnett likewise has some strong feelings about the need for judicial reforms in Tennessee. He advocates compulsory retirement of judges and urges enactment of other re-

forms. "There are men on the bench today in the lower courts who have lived beyond their time," he said. "We should have compulsory retirement of judges."

Former Chief Justice Burnett will find considerable agreement with his opinions among the citizenry. We are indebted to him for such frank appraisals of both national and state judicial circumstances and practices.

WILLIAM (BILL) CLAY

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. STOKES. Mr. Speaker, last Saturday evening I was privileged to attend the annual awards banquet of the distinguished Capitol Press Club. One of the main speakers at the dinner was my good friend and colleague, Mr. WILLIAM "BILL" CLAY, Democrat, of Missouri.

BILL gave what I found to be an extremely trenchant and interesting address on the philosophical and economic priorities of the current administration. I believe that he did an excellent job of articulating the hypocrisy and hollowness of many of these priorities, and thus respectfully insert the following excerpts in the RECORD so that the remainder of my colleagues will have an opportunity to share his thinking:

EXCERPTS FROM SPEECH BY CONGRESSMAN WILLIAM L. CLAY, CAPITOL PRESS CLUB, SEPTEMBER 20, 1969

I could think of no more relevant topic for today—than today itself. I want to discuss with you the temper of the times in which we live and the issues facing us—those issues demand that we stand up and speak out.

The strength of our nation is not in the Government—but in the people. Regardless of which party is in power—the needs of people must be served and the rights of minorities must be protected.

The question today is—will injustice and inequality be rooted out of our system—or will the people sit idly by and let an insensitive administration continue to repress and exploit the poor.

The question is—will we use our energies and our determination to rise to the challenge—or will we wait and hope that by ignoring the pain—the cancer will go away. The challenge facing us is to save our nation. This country is clouded with internal unrest and external wars. There are 5½ million known alcoholics, 3½ million known drug addicts—10% of our adult population—and we ask is this a sick society! We deny employment to many—and when they seek welfare we degrade and ridicule them. When they steal and rob we imprison them. By our refusal to give jobs we force them to steal or beg. And when they do we use that as a reason for not giving them employment. Do we need understanding? But understanding is the one thing we don't have today. "Our leadership thinks it must meet force with force—power with power—violence with violence. The majority in this country believe that the only choice we have is between change that results from violence—or violence that results from lack of change."

Our leadership does not understand the real problems of this nation—does not understand the causes of the great division in our land. The warnings expressed in the Kerner Report are completely ignored.

Our President finds security in the past and popularity among those who relish 18th Century ideas. In my opinion, Mr. Nixon has not distinguished himself by accelerating the missile race, stalling school integration and attempting to sabotage the 1965 Voting Rights Act and appointing reactionaries to the courts. Our Government is becoming a Government not of the people but of big corporations and big defense contractors. Our Government is more interested in the profits of the rich than the problems of the poor."

Constantly we are told about honoring some vague commitments to Vietnam—but nothing about honoring long standing commitments to citizens of this land. Is there any sense in this sort of honor to weapons and dishonor to human beings?

This nation is spending over \$80 billion on defense—only \$3 billion on education and \$2 billion on poverty. It costs us \$20,000 for the ammunition to kill one Vietcong—but we only spend \$44 to educate one American child for a year. Last year we spent over \$1 billion in tax money to subsidize farmers. Four thousand farmers collected more than \$100,000 each for not growing crops. Last month our Government paid four farmers in California over \$10 million for not planting crops on their land. We pay some not to grow food—yet others go hungry and undernourished."

Mississippi's Senator James Eastland received \$116,000 last year from the Government for not growing food. But in the State of Mississippi a child on welfare only receives \$9.50 a month. That's \$114 a year. In Alabama each poor person on welfare gets \$1.40 for one week's food. In Missouri a person on welfare only gets \$2.50 per week for food. And in Mississippi, only 80¢ a week or 4¢ a meal.

Our President has become a world traveler. He has traveled 85,000 miles since he took office: 25,000 in foreign lands—he has been to the Philippines, Indonesia, Thailand, South Vietnam, Midway, India, Pakistan, Rumania, France, England and the Vatican. Mr. Nixon has become the "Marco Polo" of the White House—and his travels would be meaningful if at the same time he had travelled to Watts, Harlem, Fillmore, Anacostia, or Hough.

Any man who's been elected to the White House and who spends 111 of his first 230 days—away from the capitol—and then moves the White House to California—must not be very comfortable in Washington—that move to California was not an economy move! Although our President stresses economy. It costs the taxpayers \$9,000 to drive limousines to California, \$36,000 for motel rent for aides, \$100,000 first year lease on Western White House, \$70,000 to furnish and partition—\$400 per hour to fly persons. Last week the Secretary of Defense told us he would cut his spending by \$3 billion. He *did not* tell us that he is still spending \$77 billion.

Secretary Laird told us he would cut back 100,000 troops. He did not tell us that in West Germany alone, "we maintain 228,000 men and their dependents—not for defense—but to boost the German domestic economy. There are 1,400,000 American troops on foreign soil, 500,000 dependents. The Secretary could release 100,000 servicemen without seriously impairing our national security. He could release 500,000 without harm to us—but it might impair the economy of Japan, Germany, the Philippines and Thailand. But is the purpose of large American armies for Defense or for foreign policy to boost the economy of our allies?"

The President finally took the spotlight and presented us with his solution to poverty. He apologized more than once in his speech because we might have to spend \$4 billion to relieve poverty in this country.

He recommended we spend \$4 billion for

the total welfare package. Yet the Senate Hunger Committee reported this month—that it would take at least \$5 billion—just to feed the poor. The President's recommendation of \$4 billion did not include the need for food. Only after great pressure did he agree to include food stamps as part of his program.

There are 25 million poor Americans whose incomes right now—together with the food assistance they receive—is not sufficient to provide them with the basic necessities another 13 million people have incomes sufficient to meet the costs of a low-budget diet and still provide for other basic needs. These 38 million people indicate the width and depth of poverty and hunger in America. Why must we apologize in order to spend \$4 billion to alleviate the suffering of our own people.

The overriding concern in the President's speech was a regard for money. When on that occasion, it should have been clearly a concern for people. If this is new federalism, then I fear it means warfare—not welfare or workfare. Mr. Nixon addressed old prejudices and called it new federalism—and thus reinforced distorted views.

Now there are those who have told me that I should not criticize the President. There are those who have told me that Black people did not support Mr. Nixon therefore he does not owe us anything politically. However, I happen to believe that a man who becomes President should have the capacity to rise above political considerations—he is obligated by the office to serve all the people. He is still my President—and by remaining silent while observing injustices—I would do no service to the office of the President, to my conscience or to my constituents.

When a U.S. Senator says poor people should help themselves and then helps himself to a large chunk of federal farm money—should I remain silent?

When the Civil Service Commission in Washington is charged with assuring equal opportunity in Government jobs—and when that commission itself turns out to be a prime discriminator against Black employees—should I remain silent?

When the Federal Government grants \$265,000 to a club in Natchez, Mississippi so that they can have a golf course—and when I know that the Black folks in Natchez, Mississippi don't all have shoes—much less golf shoes—Isn't it my obligation to speak out?

When a peace-loving people such as the Quakers are arrested for standing on the steps of their nation's capitol—when they are jailed for reading the names of soldiers killed in Vietnam—when peaceful dissent in Washington becomes a crime punishable by imprisonment—all Americans should speak out.

In light of all this, the President told us a few weeks ago that man had lived his greatest day—that man's greatest day came when he set foot on the moon." How incredible it seems that the President could decide for us our greatest day.

Congressman Louis Stokes summed it up well when he said, "something is drastically wrong when a nation can set foot on the moon and cannot put shoes on all its citizens."

Yes, I am afraid that too many Americans must disagree with the President about our greatest day. Setting foot on the moon has not brought us one step closer to brotherhood on earth. Our greatest day will be when every American can get food and lodging in any public place—when every American can work commensurate with his ability and training—when every child receives quality education regardless of his race or status of life—our greatest day will be when every American can live in a decent home in a decent neighborhood.

America will not see its greatest day until Black mothers will no longer die in child-

birth at a rate four times as great as white mothers—until Black babies no longer die of rat bites at a rate eight times as great as white babies. We will see our greatest day when people no longer go to bed hungry or when people no longer turn to dope or alcohol as an escape from frustration and despair.

Our greatest day will be when all the slums are destroyed. When Americans attack injustice and prejudice with a determination to end both—when every man enters a community without fear of disgrace or embarrassment—when every man is judged by his character not his color—when every American is proud of his manhood and his country.

We will see our greatest day when we no longer expect a man to be born in a segregated hospital, reared in a segregated neighborhood, educated in a segregated school, married in a segregated church, die and be buried by a segregated undertaker in a segregated cemetery and wake up in an integrated heaven.

## CRIME IN THE DISTRICT OF COLUMBIA

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. HOGAN. Mr. Speaker, on September 15, I placed in the RECORD a letter from a constituent, Mr. Walter L. Green, which dramatically and graphically described the appalling condition of crime in the District—a crime which was committed with impunity but two blocks from the White House. Again, Mr. Green has written to me with more criminal tragedies.

And again, I come before you to persist in my question as to when the Congress and the administration are going to take action?

Two of these crimes and their victims, about which Mr. Green has written in his letter, concern constituents of mine. But aside from the crimes themselves, Mr. Green asks some interesting questions about so-called law and order in the Nation's Capital. If the seat of government itself can be threatened by criminals, how can its vital work be accomplished?

I hope every Member of this body will read the cogent letter written by Mr. Green:

GREEN, BABCOCK & DUKES,

Hyattsville, Md., September 17, 1969.

HON. LAWRENCE J. HOGAN,  
Congress of the United States,  
House of Representatives,  
Washington, D.C.

DEAR LARRY: With further reference to our conversation of yesterday about the crime situation in the District of Columbia, I am inclosing page C-1 of this morning's Washington Post in which you will notice an article to the effect that a guard was killed at a Safeway store at 1231 11th Street, N.W., which is only a few blocks from the Ebbitt Hotel, Eugene C. Good, the guard who was killed, resided in Seat Pleasant and was your constituent.

You will notice also under that item "Gas Worker is Wounded by Thief After Joining Chase on NW Street", and that person is Francis Thorne, who resides at 7708 Kittridge Drive, Forestville, Maryland, your constituent.

You will also notice that on the same page it is reported that an Ecuadorian visitor to the United States was killed by a robber while walking with a friend at Connecticut and Cathedral Avenue, N.W., which at one time was a very safe address. Also on that page is a picture of three District of Columbia policemen in the Council chambers and an item to the effect that 71 policemen and building guards were in the City Council chambers yesterday. What kind of government requires 71 guards to be in a council chamber?

The thought occurs to me that one or two of those 71 policemen in the council chamber might have prevented the robbery at the Ebbitt Hotel, one might have prevented the death of our visitor from Ecuador, another might have prevented the wounding of your constituent from Forestville, and another might have prevented the death of your constituent from Seat Pleasant; and if they had been so rationed there would still have been 67 men to guard the City Council, which would have been, in my judgment, an adequate number as the situation developed.

Also inclosed is page C-5 of the Washington Post which reports 17 additional robberies, some of them in broad daylight in the District of Columbia. Another of your constituents appears in that group, namely Joseph Haslinger of Greenbelt, who was held up in the 1300 block of C Street, S.E., at 3:30 P.M. on Monday by a man who said "Give me your money or I'll blow your brains out." That occurred only a few blocks from the nation's capitol.

It is notable that that list is considerably shorter than the list in the Washington Post the previous day. You will also notice on that page that a cab driver was shot in a robbery in the 3200 block of Hiatt Place, N.W. We have previously been led to believe that that was a fairly safe address in the nation's capitol.

I am likewise inclosing page 5 taken from the Washington Daily News of September 16. You will notice that there is a further report that Mr. Medina, of Quito, Ecuador, was slain in a street robbery. Two suspects were quizzed; apparently no arrests.

Below that you will notice the headline that a woman, 82 years of age, was raped in her northwest home by a man in his early 20's, and the woman was taken to Doctor's Hospital in a state of shock.

Also on this page is the headline "A somber street picture here" "Chief Wilson warns of 'a long winter of crime.'"

Where is the law and order that was predicted for the District of Columbia? Somehow, somewhere we need a champion of this cause, and if you care to make the speech that you referred to I think you can probably get some help from the material which I have sent to you.

My very highest regards.

Sincerely,

WALTER L. GREEN.

#### RUSSIA AS A NEWS SOURCE

**HON. EDWARD J. DERWINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DERWINSKI. Mr. Speaker, an interesting commentary on the validity and objectivity of news coming out of the Soviet Union appeared in the September 12 New World, the official publication of the Catholic Archdiocese of Chicago. It must be properly emphasized that the Soviet Union controls news and continues to use the communications

media for propaganda purposes. The following editorial properly reminds us of the fact:

#### RUSSIA AS A NEWS SOURCE

I only know what I read in the papers, is the old saying. More often than not, that is not enough these days, if it ever was.

Take the Soviet Union, and the reporting we read in our papers from that vast and powerful country.

Henry Kamm, head of the New York Times' Moscow bureau for two years, recently wrote about the reporting situation there. It is worth noting this was after he had returned to the United States.

Mr. Kamm writes that the Soviet Union has been "remarkably successful in creating conditions in which Western news media find it difficult to present a true and complete image of the country."

The methods, he notes, are "crude pressure or gentle persuasion," and adds: "they work."

He points out the threat of expulsion hangs over the correspondents of the Western press; the government pressures have frightened the bulk of the Western correspondents so they think twice before writing an article that might cause warnings, retaliation or expulsion.

The Soviet government is able to do this, Mr. Kamm writes, because of the "extraordinary controls" it exercises over their activities. Any contacts foreign correspondents have with Russians to gather news must be cleared through the press department of the foreign ministry; so must all travel beyond the suburbs of Moscow.

Mr. Kamm suggests that "with the total absence of reliable Soviet sources, and the secrecy in which the leaders of the Soviet Union conduct their affairs, newspaper readers should have the right to demand that Moscow correspondents take a pauper's oath confessing that they do not and cannot know what goes on inside the Kremlin."

And if the newspaper correspondents do not and cannot know what goes on, how much less so their readers!

#### JUSTICE OF PEACE HANNAH O'ROURKE

**HON. JAMES G. FULTON**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Pittsburgh (Pa.) Press, June 29, 1969]

#### JUSTICE OF PEACE HANNAH O'ROURKE

(By Ruth Heimbuecher)

Mrs. Hannah O'Rourke believes in marriage. She'd better. She has officiated at hundreds of weddings, and has sometimes married the same person twice. This does not cool her enthusiasm.

A justice of the peace since 1938 in South Park Twp. (formerly Snowden Twp.), Mrs. O'Rourke says firmly: "I think everybody should get married. Your life isn't complete until you do."

Mrs. O'Rourke followed her own advice—she married John M. O'Rourke in 1913. They eloped, married in Wellsville, Ohio, and settled in Large, Pa.

Four children were born—Alice, John, Jim and Joe—over a period of 12 years. From Large they moved to Brucon then to Broughton, and finally to Snowden Twp.,

where the O'Rourkes built their first home in 1934.

John, a justice of the peace in Snowden Twp. for over 16 years, died in 1935, leaving Mrs. O'Rourke with four children and a mortgage.

Fortunately, Mrs. O'Rourke is one of those indomitable types. She wasn't appointed to fill out her husband's unexpired term, but several years later, her neighbors got her on the ballot, and she has been in office ever since.

#### NO TRESPASSING

"I'd never planned to be a justice of the peace," Mrs. O'Rourke, now 83, said. In fact, she never learned anything about law and order from her husband. "He wouldn't even let me in his office."

The "no trespassing" sign was imposed on Mr. O'Rourke's office door after one memorable day. Mrs. O'Rourke said to her daughter, Alice; "Let's go in and listen to a hearing."

They did, and sat quietly in the office-dining room while her husband and the defendant talked. Mrs. O'Rourke stayed as patient as she could, listening to the man call her husband a crook and other equally uncomplimentary epithets.

Her patience exhausted, she finally got up and slapped the man.

Sue never got inside her husband's office again—until she took over as justice of the peace.

All sorts of cases have come before Mrs. O'Rourke's jurisdiction—everything from disorderly conduct to murder. And all of those weddings—hundreds of them. She even married one of her sons, two nephews and two nieces.

One man—not a relative—took the marriage ceremony hard. He cried and cried and cried. "No! just a few tears," Mrs. O'Rourke said. "It was like somebody had poured a bucket of water on him. I never had a wedding like that."

#### IT'S NOT PAY DAY

She did have a ceremony where the bridegroom was casual, to say the least. "He wore his working clothes, his mill badge, and carried his pail," Mrs. O'Rourke laughed. "When the ceremony was over, the bridal party was walking out and I said, 'Haven't you forgotten something?'"

"The bridegroom said: 'It's not pay day, you know.'" Then the best man said: "How much?" I said; "Whatever you want to give." He gave me a dollar."

Actually, Mrs. O'Rourke is a popular squire, partly because of her kindness, partly because of her low, low prices. In spite of inflation, weddings still reap a meager \$5, and often, when youngsters come in for learners' permits with a half dollar, she doesn't have the heart to ask for 50 cents more.

Busy all the time, Mrs. O'Rourke sandwiches her housework between hearings, sometimes keeps going until 5 in the morning. Last week, she had a case every night.

Now working on her sixth six-year term, Mrs. O'Rourke has five years yet to serve. Then she plans to retire. "I won't run anymore," she said. "Would you, if you were 83?"

#### IMPORTANT CASE BEGINS TODAY

**HON. JOHN M. ASHBROOK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ASHBROOK. Mr. Speaker, the trial of the eight dissenters charged with conspiring to incite mob action during the Democratic National Convention last year was scheduled to begin in Chicago

today. The case is an important one for it is the initial test of the anti-riot provisions of the 1968 Civil Rights Act. The defense contends that the Federal anti-riot provisions are unconstitutional and that the law, instead of requiring an overt act, imposes criminal penalties for a state of mind. If guilty, the defendants could be sentenced to 10 years in prison and fined \$20,000. Most of the defendants are public figures and well known in leftist circles: Rennie Davis, Dave Dellinger, Tom Hayden, Abbie Hoffman, Jerry Rubin, and Bobby Seale. Because of the importance of the trial on future radical attempts at disruption, I insert in the RECORD at this point the extensive article which appeared in the New York Times of September 24 by J. Anthony Lukas which gives short sketches of the individuals involved, the charges, and various legal factors which make this case a truly important one:

**EIGHT GO ON TRIAL TODAY IN ANOTHER ROUND IN 1968 CHICAGO CONVENTION STRIFE**

(By J. Anthony Lukas)

CHICAGO, September 23.—More than a year has passed. The grass has grown over the scuffle marks in Grant Park. The tear gas and stink bombs have been flushed from the Conrad Hilton's lobby. But there is still no truce in the Battle of Chicago.

The struggle between the young dissenters and constituted authority that erupted during last year's Democratic National Convention will resume at 10 A.M. tomorrow when eight of the activists go on trial in Federal District Court here. An official of the American Civil Liberties Union calls it "probably the most important political trial in the history of the United States."

Tonight a number of dissenters gathered in Lincoln Park to demonstrate support for the defendants.

The trial of the Chicago Eight has a dual significance. It is the first prosecution under the 1968 Civil Rights Act's anti-riot provisions, which prohibit the crossing of state lines to provoke disorders. Therefore, it is an important test of the limits of radical dissent in America.

**DEMONSTRATIONS PLANNED**

But, beyond that, it is an event in the radical movement itself. It will be a focus for further demonstrations against the war and racism. A major demonstration is planned outside the courthouse tomorrow, and others are scheduled every week of the trial. These demonstrations could well lead to further arrests and further trials.

It will be an opportunity for radical organizing. The eight defendants have organized themselves into a group that they call—half satirically, half seriously—The Conspiracy, after the conspiracy charges brought against them. They hope to enlist thousands of other young Americans behind this banner in a happening that would give expression to political, social and cultural changes.

A Conspiracy spokesman has predicted that it will be "a combination Scopes trial, revolution in the streets, Woodstock Festival and People's Park, all rolled into one." And The Conspiracy has enlisted two promoters of the Woodstock Festival, attended by 400,000 young people in Woodstock, N.Y., this August, to help organize the event.

Chicago, to say the least, is not enchanted with the prospect.

Federal and city officials have declined to talk about the case publicly. "We try out cases in court, not in the press," an assistant United States attorney said here today.

But there are indications of a tough line from the courts and City Hall. Last week the chief Federal judge here banned all photographers and television crews from the Federal Building and the plaza outside.

He relented somewhat after several cameramen challenged the ruling by getting themselves arrested, but there are now rumors that the city may try to ban all demonstrations in the plaza. Chicago policemen have been deputized as Federal marshals to maintain security in and around the building.

This may take a host of deputies if the defendants' supporters show up as predicted. For the eight reflect virtually the entire spectrum of what is now generally called "The Movement"—from the pacifists to the hard political radicals to the cultural revolutionaries and "crazes."

**THE DEFENDANTS**

The eight, who were indicted by a Federal grand jury here on March 20, are:

Rennard C. (Rennie) Davis, 29 years old, a founder of Students for a Democratic Society who has since been active in the National Mobilization Committee to End the War in Vietnam and served as one of the committee's project directors for the demonstrations during the Democratic convention.

David Dellinger, 53, a Yale graduate who has been active in the pacifist movement for three decades, serving two prison terms for his failure to register for the draft. He is editor of Liberation Magazine and chairman of the National Mobilization Committee.

John Fronines, 30, who entered the radical movement through the civil rights struggle of the early 60's and through politics at Berkeley. Now an assistant professor of chemistry at the University of Oregon, he helped to found the Radical Science Information Service and was on the Mobilization Committee's convention staff.

Tom Hayden, 29, a founder of S.D.S. and the main drafter of its 1962 manifesto, "The Post Huron Statement." He was the moving spirit behind S.D.S. community organizing projects and worked as an organizer in Newark for two years. Since then he has made two trips to Hanoi and was codirector of the Mobilization's convention project.

Abbott (Abbie) Hoffman, 31, a Brandeis graduate who worked briefly as a clinical psychologist before going South in the civil rights movement. Later he became a spokesman for the new youth culture in New York and a founder of the Yippies (Youth International Party), which sponsored demonstrations during the Democratic convention.

Jerry Rubin, 31, a native of Cincinnati, where he worked briefly on a newspaper. He became involved in radical politics through the Berkeley Free Speech Movement and later was project director for the 1967 March on the Pentagon before becoming a founder of the Yippies.

Bobby Seale, 32, a graduate of Merritt College in Oakland, where he met Hughie P. Newton with whom he formed the Black Panther party. He is now national chairman of the radical black organization.

Lee Weiner, 30, the only Chicagoan among the eight. After receiving a master's in social work, he worked for the Mayor's Commission on Youth Welfare and then as a community organizer. Now a teaching assistant in sociology at Northwestern, he was on the Mobilization Committee staff during the convention.

The anti-riot provisions they are accused of violating were tacked on as a rider to the 1968 Civil Rights Act by Senator Strom Thurmond, Republican of South Carolina. During the debate in Congress, the "agitators" most often referred to were Stokely Carmichael and H. Rap Brown, both former chairmen of the Student Nonviolent Coordinating Committee.

The anti-riot bill, before being tacked on to the Civil Rights Act, was often known as the "Rap Brown law."

But the law has not been used against these Negro leaders. It became law only on April 11, 1968, after most of the major black riots in the cities were over. But four months later the disorders broke out in Chicago and leaders of the Chicago demonstrations became the first defendants under the law.

The defendants are being charged with conspiracy to do the following:

Travel across state lines with the intention of inciting a riot.

Teach the use of incendiary devices with the intention that they be employed during a riot.

Obstruct firemen and law enforcement officials in the performance of their duties during a riot.

In addition, each defendant is charged with an individual "overt act"—making a speech, attending a meeting or a training session.

If found guilty, the defendants can get a maximum of 10 years in jail and a fine of \$20,000.

At a news conference yesterday, Leonard Weinglass and William M. Kunstler, two defense attorneys, indicated they would make a broad attack on the law.

Mr. Weinglass said the law boiled down to "prosecuting people for crossing a state line with an intent, and intention is pretty hard to prove or disprove."

Moreover, he contended, the law's definition of a riot is so vague as to include almost any kind of demonstration.

The American Civil Liberties Union says of the law:

"The effect will be felt most keenly not by those who are bent on causing death and destruction, but upon those who desire to work for social change within the framework of the law."

For its part, in a brief already filed, the Government argues that no Fifth Amendment rights are curtailed by the law.

"Congress can properly pass legislation prohibiting traveling in or using the facilities of interstate commerce with the intent to engage in criminal conduct," the brief says.

The defense has filed a motion to bar Government use of wiretaps. But Judge Julius J. Hoffman, the 74-year-old judge who will preside in the case, has reserved his ruling on this motion until the trial is over.

Judge Hoffman had denied 13 other defense motions, including a motion that the judge disqualify himself because of "personal hostility" to the defendants and their points of view.

At yesterday's news conference, Mr. Weinglass said the defense would make a final motion tomorrow asking Judge Hoffman to disqualify himself.

Mr. Weinglass also said the defense would make a motion tomorrow calling for moving the trial from Judge Hoffman's courtroom on the 23d floor of the Federal Building. He said the judge had allowed only 75 reporters and 100 spectators to be present, "which is entirely inadequate." He said the defendants were entitled to be tried "in the company of their friends."

Mr. Weinglass said the defense would be hampered by the fact that two of the defendants are in the Cook County jail. They are Mr. Rubin, who is serving a 45-day sentence for a California sit-in, and Mr. Seale, who had been arrested on charges growing out of the murder of a Black Panther in Connecticut.

Last week the defense made a final appeal to the United States Supreme Court for a continuance, based largely on the illness of Charles Gary, chief trial counsel for the defense. The motion was denied this week.

## CALIFORNIAN WRITES TO AUTOMOBILE EXECUTIVES ON SMOG

**HON. GEORGE E. BROWN, JR.**  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BROWN of California. Mr. Speaker, the following letter which I insert into the RECORD outlines in a direct and powerful manner how one man views the role of the automobile industry and its "struggles" to fight smog.

Samuel Orlich, Jr. of Riverside, Calif., is writing automobile company executives because he believes only they can take the action needed to reduce air pollution. One reason he wrote to them—and, not, for example, to us here in Congress—is because he sees the executives as the only persons who can act.

And, given the Government's performance in this area, I do not really blame him. If he was not already discouraged, last month's Justice Department request for a consent decree in the antitrust case against the auto manufacturers who were accused of conspiring to retard development of effective smog controls should really convince him whose side the Government is on.

I commend Mr. Orlich for his efforts, and I would like to see thousands of other concerned Americans peppering the automobile companies, pressuring them to do something about air pollution before we have no air to pollute.

Mr. Speaker, I insert Mr. Orlich's letter into the RECORD at this point:

LETTER TO EXECUTIVES OF THE AUTOMOBILE INDUSTRY

General Motors Corporation: Mr. James M. Roche, Chairman of the Board, Chairman, Executive Committee, Chief Executive Officer, General Motors Building, Detroit, Michigan.

Ford Motor Company: Mr. Henry Ford II, Chairman; Mr. Arjay Miller, Vice Chairman; Mr. Semon E. Knudsen, President; The American Road, Dearborn, Michigan.

Chrysler Corporation: Mr. Lynn A. Townsend, Chairman; Mr. V. E. Boyd, President, 341 Massachusetts Avenue, Detroit, Michigan.

American Motors Corporation: Mr. Roy D. Chapin Jr., Chairman, Chief Executive Officer; Mr. William V. Luneburg, President, Chief Executive Officer, 14250 Plymouth Road, Detroit, Michigan.

Kaiser Jeep Corporation: Mr. Edgar F. Kaiser, Chairman; Mr. E. E. Trefether Jr., Vice Chairman; Mr. S. A. Girard, President, Chief Executive Officer, 940 North Core Boulevard, Toledo, Ohio.

Dear Sir: I'm launching an attack on you and your colleagues in the Automotive Industry because you, in a sense, have driven me to make some important decisions:—to put my home up for sale;—to quit my job;—to move from this area!—Big decisions for any man.

You, a leader in industry, a creator of jobs, one whose decisions affect millions;—you, who have the power to act,—haven't! That's why you're my target! The casual observer might make the trite comparison of David and Goliath. How wrong! It's more like Goliath against Goliath! For you see; I'm not alone. I'm one of *Two Hundred Million!*

Weekends, we work in our yards, mowing, weeding, sprinkling, whatever one does to keep it green, or just to relax. At the end of a day in the open air, my throat and chest ache, I'm short of breath, and I cough and

gasp excessively! No, I don't have a bad heart. My physical condition is excellent. And when my children run and play hard all day in the *fresh* air, it hurts me more to hear their heavy wheezing and hacking half the night. The statement of our parents, "Go outside and play; it's good for you," is no longer true. There are schools which have issued surgical-type masks to children for playground period, and there are times when they won't let them go out at all. No, the weather isn't inclement; the sun is shining,—faintly,—it's warm, and there isn't a cloud in the sky;—that is,—that one can see. This is a terrific manner in which to combat the problem which exists in the air we breathe;—or don't you agree?

Today, I looked down the hill and couldn't see the end of our street,—only ½ mile away. A bluish-brown fog slops over the hills and streets, chomping and mushing our lungs and lives away. There was a time when this town was immune to it. Now,—people move away, and in so doing, unconsciously spread the cancer—*smog!*

California, lovely state that it is—when you can see it—with its browning and withering pine forests, its wilting and shrinking food crops, isn't the only place affected by the problem. It's spreading like a rampant epidemic, ignoring Hollywood movie jargon of "Head it off at the pass!" because it knows no boundaries.

Why pick on you and the auto industry for this? Air pollution is caused by many factors. It's common knowledge that, depending on the place, manner of measure, type of pollutant, etc., the car is attributed with anywhere from 60% to 90% of the garbage tossed into the atmosphere. After we stop the automobile, the rest will be easier.

A TV program recently put on by KNBC, Los Angeles, *really* brought the problem home. I commend them for producing this extremely informative program, "*The Slow Guillotine!*" Mr. Jack Lemmon, without leaning on his fine acting talents, did a superb job of narration, really laying it out straight and forward. I recommend it highly for extra-curricular study.

KNBC had interesting interviews with officials of the automotive Big Three—all of whom praised your work in trying to meet government smog specifications on automobiles. However, not one could pin-point the amount spent on smog control. Yet I would venture that you could tell, to the penny, your re-tooling costs for yearly changes in designing and styling. I doubt whether your corporation has slip-shod accounting methods so you wouldn't know. In that case, I would say you've relegated air-pollution to a secondary position—something not too important, but worked on to possibly pacify extremists. It doesn't make money.

You're probably saying, "We're very aware of the problem and are doing everything possible to combat it!" This I cannot believe! If it were so, the Federal Government wouldn't have jumped you this past January. The states wouldn't have to push laws controlling the amount of exhaust emission cars throw into the air. And the experts wouldn't pass out glum information that if we're lucky, and really drive hard, we may have liveable air in 20 years; or we have no air at all. I won't wait for that answer.

The industry has supposedly cooperated within itself for over 15 years in a program designed to control auto emissions contributing to smog. It's come up with crankcase emission valves, ventilating valves, and other means of control. Good, but not good enough to pat yourselves on the back. If you're really putting forth your fullest effort to combat air pollution, then why?—why did you fight federal controls and scream, "Foul!" with all your lobbyists, when California set up emission standards exceeding the Federal Gov-

ernment's? And the kicker really hit when after the California State Senate passed a resolution to either clean up the internal combustion engine or outlaw it by 1975, your lobbyists descended on the state assembly like vultures to insure defeat of the measure. Too extreme a law? This problem has dragged so long, it's time for extremes. Why do you fight legislatures? You and your cohorts are all intelligent men! Why don't you sit down and say, "Okay, fellows, this is a big problem; join us and let's work it out together and get rid of it by 1975!?"

This is the whole point!!! Your entire program is geared to modify and control smog,—not eradicate it!!!

July 20, 1969: The culmination of roughly the same 15 years' work was realized by the first men walking on the moon. That accomplishment seems much more remote, much more impossible than cleaning up our air on earth!

"Aha!" you say! "The Federal Government spent billions on the moon project!—We don't have that kind of money available!" This money was most likely expended because the prospects of men walking on the moon is more exciting, adventurous, and romantic than cleaning hydrocarbons, carbon monoxides, or oxides of nitrogen from the air.

The basic problem then, is lack of funds! Or is it the lack of initiative to spend funds in the correct places? Do you, as an individual, know how much effort or expenditure commensurate with your gross has been put forth in the past 15 years to combat air pollution? Compare this with your expenditures on restyling. To some it was more important that we put man on the moon in 1969 than to preserve air on the planet we're already on. To some, it's more important to spend billions on an Anti-Ballistic Missile System which could be ineffective in the event an enemy did attack. How much more good and safety would be realized by channeling these funds to fighting an enemy which has already attacked and is daily taking a terrible toll? And,—to some,—it's more important to make an extra dollar profit than maintaining a safe level of health and life itself.

Now, let's figure out how to get these much needed funds and channel them in the right direction.

Today, auto styling is truly artistic, and I imagine your designers have some fantastic things on the drawing boards. However, if we're really going to dig into the main problem, let's forego the esthetics of automobile styling and think of the esthetics of the world in which we live. Let's say all auto manufacturers eliminate style changes on all models from 1971 through 1975—five years. How many million dollars could then be channeled into smog control instead? If you're concerned about the American public not buying cars because of lack of change, it would be a baseless worry. Cars are beautiful and they are necessities, and people will buy them because they need them. Change the grill work if need be to designate the model year. I don't believe you'd have much to worry from foreign manufacturers, such as Volkswagen, who change their models so extensively every year.

Now, we the public, can't expect you, the manufacturer, to shoulder the entire brunt of the cost. After all, we drive the manure spreaders. I'm sure no self-respecting citizen would argue against paying—\$10.00 additional for a new car if the funds were set aside to operate a Smog Eradication Center. The \$10.00 wouldn't be in the cost or profit base, merely an amount tacked on to find a cure for the problem. That's approximately \$100,000,000 per year! Could we breathe clean air by 1975 with these additional monies?

If each auto manufacturer put into the Smog Eradication Center \$5.00 per car sold,

without increasing the sales price,—foreign companies as well, or they couldn't sell their products in this country;—we'd have about another \$50,000,000 per year!! Utilization of air pollution information by the foreign companies could be used to abolish this plague worldwide.

Your counter-parts in the oil industry should not be adverse to adding to the Smog Eradication Center. (Cars can't make smog without gas and oil.) One quarter cent a gallon, matched by the motorist, could add millions for the cause.

The awesome financial power of the Auto Industry, Oil Industry, and the American Public, backed by state and federal governments, would be unstoppable. Other smog-creating industries wouldn't dare buck it.

So you see, I really don't want to attack you; I'd rather join you. (No,—I don't mean, "If you can't beat 'em, join 'em!") This air pollution problem is such that mankind must act *now!*—and we can't work in contradictory directions.

I realize you must think of making a profit first. That's why you're in business. However, in your position, when you said, "I do!" and took over your present status, you married not only the job, but accepted countless civic responsibilities above and beyond those which the average man may have, simply because in your position, you affect more lives than the average man. You have a duty to perform,—perform it! If this seems like a naive approach to the problem, maybe it's time we started simplifying our manner of getting things done.

To make you, individually, truly aware of what we face, and of further discuss methods of getting this crash program underway, I extend to you a personal invitation to be my guest so that you may see, smell, and feel, the pollution of which the car is the main spoiler. I'll show you what's happening to man on the surface, in every day living. We'll also visit the Air Pollution Research Center to see their findings in the laboratory. You won't have to read their mailings, (which you may never see anyway:) sent to your public relations departments. Also, we'll fly over this sagging, smothering blanket to see how widespread this plague has moved. If you've never seen a wall of smog move in, you can't imagine how frightening it is!—One minute, it's clear, shining, becalmed—then a tidal wave, thousands of feet high, boiling and plowing, blots out the sun, smothering, enveloping,—and you are lost, and gasping.

I also invite you to write me and tell specifically what you intend to do about this problem. I'll detour from social convention and make this invitation more of an expectation. Letting me know what your firm is doing at present isn't acceptable;—because it's quite evident it's not enough. You must study the problem, decide on an all-out program and let us know of it. No,—I won't accept a letter from your public relations department:—"Dear Mr. Orlich, Thank you for your interest, however, due to a strenuous schedule, etc.,—we are doing everything possible, etc.—No, sir, this won't do; because your public relations officers have no authority to make decisions necessary to combat smog. I want *your* answer, which will be made available to the public through the media which will also receive copies of this message.

A negative response can only result in our declaring all-out war on you! This attack can take on the aspects of a Ralph Nader campaign, or possibly one similar to what the tobacco industry is now experiencing. T-V ads condemning smog-producing autos can be just as effective as ads which are condemning cigarettes for health reasons. Ask the tobacco companies what a concerted public opinion effort can do.

Is this a warning?—a threat?—possibly.

The air pollution program has been snailing along for 20 to 25 years. Politics, which is a compromising manner of doing things, has had some say in the dragging program. However, there is no longer any time for compromise. It has to be a "Damn the torpedoes, full speed ahead!!" program or we can forget the whole thing! Nature's balance may have been tipped too far. The *Slow Guillotine* may have dropped beyond being pulled back.

The American people can write, news commentators can comment, legislators can pass laws,—but you,—and men in your position are the only ones who can finally say, "Okay, Let's go!" I'm putting pressure on the heart;—the ones who can act,—*You!!* And, if you and your peers don't act, or ignore this message, or answer it with a courteous brush-off;—then, sir, you'll hear from the other 199,999,999!—That is,—unless the smog gets them first.

Sincerely yours,

SAMUEL ORLICH, Jr.

### PITTSFIELD STUDENTS IN NATIONAL MERIT SCHOLARSHIP COMPETITION

#### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. CONTE. Mr. Speaker, it is, I trust with pardonable pride that I call attention today to the latest accomplishments of high school students from my own area of Pittsfield, Mass.

All told, some 28 students from Berkshire County have been selected as semifinalists in the prestigious National Merit Scholarship competition.

Sixteen of these bright young people are students at Pittsfield High School which this year again produced more semifinalists than any other public school in Massachusetts.

But, while school administrators can rightly take pride in this record, the real credit, of course, must go to the students themselves. I congratulate them and their parents for their outstanding achievement.

I include as part of my remarks a recent news account of their selection, published in the Berkshire Eagle of September 17, 1969:

TWENTY PITTSFIELD STUDENTS NAMED SEMIFINALISTS IN NATIONAL MERIT SCHOLARSHIP COMPETITION

(By Richard K. Weil)

Twenty Pittsfield students were named semifinalists in the 1969-70 National Merit Scholarship competition today.

All took the merit qualifying test last spring when they were juniors at Pittsfield High, making PHS the numerical leader among public schools in Massachusetts.

Other Berkshire County schools contributed a total of eight semifinalists in the competition for the most coveted academic honor a high school student can win.

Among these, Berkshire School in Sheffield, a private school, placed three semifinalists and Mt. Greylock Regional in Williamstown, two.

Some 750,000 students from 17,500 schools nationwide took the qualifying test. Only 2 per cent of the contestants—a total of 15,000—became semifinalists. They constitute

less than 1 per cent of the class that will graduate next spring.

Only 3,000 will actually be awarded merit scholarships in the spring.

#### THE SEMIFINALISTS

Three of the Pittsfield semifinalists are now at Taconic High. One is studying in Kentucky. Sixteen are at PHS. They are:

David R. Arnold, PHS, son of Mr. and Mrs. Reginald Arnold of 82 Strong Ave. He wants to major in electrical engineering with an eye toward a career in that field.

Paul Atcheson, PHS, son of Mr. and Mrs. William H. Atcheson of 115 Stratford Ave., who also is working toward a career in electrical engineering.

Susan F. Burke, Taconic High, daughter of Mr. and Mrs. Raymond E. Burke of 124 Fort Hill Ave. She is undecided about her career.

Alan Cutler, PHS, son of Mr. and Mrs. Maurice Cutler of 120 Livingston Ave., who wants to major in biology toward a career in medicine.

Stephen M. Frenkel, PHS, son of Mr. and Mrs. George Frenkel of 22 Ann Drive, who plans to pursue a liberal arts course in college.

Michael E. Keegan, PHS, son of Mr. and Mrs. John Keegan of 248 Cheshire Road, who wants to major in business administration.

Richard D. Levinson, PHS, son of Mrs. Beatrice Levinson of 331 Williams St., who wants to major in electrical engineering toward a career in business.

Larry A. Litscher, PHS, son of Mr. and Mrs. E. Christian Litscher of 62 Sampson Pkwy., who wants to major in biological sciences.

#### SECOND IN FAMILY

Frederick Perkins, PHS, son of Mr. and Mrs. Milton Perkins of 456 Hubbard Ave. and brother of Clifford Perkins, who won a merit scholarship in 1967. Fred is undecided about his major.

Theresa Pink, PHS, daughter of Mr. and Mrs. Andrew Pink of 30 Lillian St., who wants to major in biological sciences toward a career in the health fields.

Thomas A. Propst, Lafayette High in Lexington, Ky., son of Mr. and Mrs. Richard Propst, who moved from Pittsfield to Lexington in the summer. Thomas wants to become an engineer.

Jonathan Samel, PHS, son of Mr. and Mrs. Arthur I. Samel of 25 May Ter., who is undecided about his major.

Kathi L. Sawyer, PHS, daughter of Mrs. Marolyn Sawyer, undecided about her major.

Carol Shepardson, PHS, daughter of Mr. and Mrs. Alan Shepardson of 45 Northumberland Road, who is undecided about her major.

Darlene P. Sigda, Taconic High, daughter of Mr. and Mrs. Stanley Sigda of 24 Park St., who wants to become an occupational therapist.

#### OTHERS ON LIST

Robert B. Stanley, PHS, son of Mrs. Ruth Stanley of 14 Harwich St., who wants to become a physicist.

Polly A. Steele, PHS, daughter of Mr. and Mrs. Charles P. Steele of 72 Strong Ave., who wants to pursue a liberal arts course.

Christopher van den Honert, PHS, son of Mr. and Mrs. Leonard van den Honert of 115 Mountain Drive, who wants to become a physician.

Carol Vandergrift, Taconic High, daughter of Mr. and Mrs. Wayne Vandergrift of 35 Morewood Drive, who wants to become a social worker.

William Wakefield, PHS, son of Mr. and Mrs. Walter Wakefield of 53 Northumberland Road, who wants to go into the field of archaeology or anthropology.

#### OTHER SEMIFINALISTS

Other Berkshire County semifinalists, listed by school are:

Lenox Memorial High. Barbara K. Ducharme, daughter of Mrs. Louise H. Ducharme of 663 East St., Lenox, and Joseph M. Ducharme of 507 Church St., Pittsfield. She wants to major in psychology.

Cranwell School in Lenox: Francis R. Richards of Birmingham, Mich., who wants to be an electrical engineer.

Monument Mountain Regional in Great Barrington: Wayne Gannett, son of Mr. and Mrs. Ernest Gannett of 43 Castle St. in that town. Wayne is attending Manzano High School in Albuquerque, N.M., but is expected back in Great Barrington in November. He is undecided about his major.

Berkshire School of Sheffield: Morris C. Hancock of Gladwyne, Pa., who wants to be an architect; Stephen M. Lincoln of Longmeadow, undecided about his major; and Charles W. Neuhauser of Westfield, N.J., also undecided.

Mt. Greylock Regional of Williamstown: David W. Armstrong, son of Arthur H. Armstrong of Williamstown and Mrs. Armstrong of East Greenbush, N.Y., undecided about his major; Gianni C. Donati, son of Mr. and Mrs. Richard C. Donati of Colonial Village, Williamstown, also undecided.

St. Paul's School of Concord, N.H., Nathaniel T. Wheelwright, son of Dr. and Mrs. Henry J. Wheelwright of Lenox.

The National Merit Scholarship Corporation, which directs the competition from home offices in Evanston, Ill., warns that the semifinalist list should not be used to compare schools or school systems.

The theory is that IQ and family interest in education have more to do with the tiny percentage of semifinalists than their courses or teachers.

But the PHS record over the years has been impressive. In 1963-64, the school had 10 semifinalists but no winners; 1964-65 a state-leading 15 semifinalists and three winners; 1965-66, four semifinalists, no winners; 1966-67, four semifinalists, two winners; 1967-68, six semifinalists, no winner; 1968-69, eight semifinalists, no winners.

This year PHS produced more winners than an other single public school in the state. There were one or two other communities that, on a basis of population, produced more semifinalists than Pittsfield. For example, Wayland with a population of 12,200, compared to Pittsfield's 56,500, produced 11 semifinalists.

Pittsfield High achieved its highest total ever with students who had known nothing but double sessions for their sophomore and junior years, which hints to some that, for the best students at least, double sessions are not damaging.

#### PRINCIPAL COMMENTS

In a statement of congratulations today, PHS Principal Lawrence J. Murphy said: "Perhaps the most remarkable aspect of their (the students') success, in addition to being at one of the top secondary schools in the state is . . . that this record was achieved despite crowded physical conditions and shorter class instructional time occasioned by two years of double sessions.

"Their success must be attributed to the spirit of the students, their desire to work under adverse conditions and the efforts of the teachers . . . throughout their school years."

#### BYZANTINE ARCHBISHOP

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to insert an

editorial on the elevation of an outstanding Pittsburgh religious leader, Archbishop Stephen J. Kocisko as head of the Byzantine Rite's new Metropolitan See. This editorial appeared in the Pittsburgh Press on Thursday, June 12, 1969:

#### BYZANTINE ARCHBISHOP

Once again, the Pittsburgh district has been honored by the elevation of one of its religious leaders.

The installation of Archbishop Stephen J. Kocisko as head of the Byzantine Rite's new Metropolitan See of Munhall is a noteworthy event in the history of religion in America.

As the then Bishop Kocisko noted when the new archeparchy was established by Pope Paul VI earlier this year:

"It brings great joy and satisfaction to our dedicated clergy, religious and faithful, not only in the U.S.A. but also in the land of our forefathers in Europe. This is the first time that the Ruthenians have a Metropolitan See of their own."

The new archeparchy, which extends from Western Pennsylvania to Texas, has 80 parishes and approximately 140,000 communicants.

Archbishop Kocisko, who was bishop of the Pittsburgh Byzantine Catholic Diocese before becoming leader of the newly created See, was installed yesterday in Holy Spirit Church, Oakland, in a ceremony attended by representatives of various denominations.

In this spirit of ecumenism, all people of good will in Western Pennsylvania and throughout the U.S. will wish Archbishop Kocisko good fortune in his new position of eminence in his church.

#### SMALL BUSINESS HAILS PASSAGE OF PROCUREMENT COMMISSION BILL

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. CORMAN. Mr. Speaker, as chairman of the Subcommittee on Government Procurement of the House Select Committee on Small Business, I am particularly gratified by the action of the House yesterday in passing H.R. 474, to establish a Commission on Government Procurement, which I had the privilege to cosponsor.

We are greatly indebted to my distinguished colleague from California, CHET HOLIFIELD, and to the subcommittee he chairs, for this legislation. Mr. HOLIFIELD has served for some 17 years as chairman of the Subcommittee on Military Operations of the Government Operations Committee. During these years, he did everything humanly possible to preserve the integrity and efficiency of the procurement process. He has long been aware of the need for a Commission on Government Procurement. As he stated on the floor yesterday, he became convinced that "this is such a tremendous job that no committee of Congress, unless it gave its full time for a couple of years to the subject, could do the job." It was through CHET HOLIFIELD's persistent endeavor that the proposal to establish this Commission finally reached the floor yesterday and that it was accepted with overwhelming support.

H.R. 474 has been endorsed not only by various departments of the Federal Government, but also by numerous organizations and associations, whose membership includes small business firms that supply the Government. Just a few days ago, I had the occasion to address one such group—the Western Electronic Manufacturers Association, whose representatives testified before the Holifield subcommittee in support of this bill. In my conversation with their members, they reaffirmed their belief that the establishment of such a Commission would benefit them in their procurement dealings with the Government.

In my opinion, the proposed Procurement Commission is long overdue and urgently needed. There has been no overall, fullscale study of the Government procurement system since 1949. Its need today is far greater than it was in 1949. Government requirements for goods and services have greatly increased. Today, our Government is the largest purchaser of goods and services in the world market. Defense and civilian agency purchases represent a significant portion of our entire gross national product. Understandably, the manner in which procurement agencies use this immense purchasing power has a profound effect upon our competitive free enterprise system and the economic well-being of our people.

As chairman of the Procurement Subcommittee of the House Small Business Committee, I have a special interest in this legislation, as I am sure does each and every member of the subcommittee. In this era of mounting conglomerate mergers and economic concentration, we find an emergence of industrial "giantism" in the present multi-billion-dollar procurement market. To preserve our free economic enterprise system, we must heed the repeatedly declared policy of the Congress that the agencies of the Government assist and protect the interests of small business and place a fair share of their purchases with small business enterprises.

It is gratifying to know that these policies have been protected in the concept of the legislation establishing the Commission. Also, many of the problems encountered by small business firms in the procurement process have been considered in this legislation. With the establishment of the Procurement Commission, small business can look forward to long-awaited solutions of such problems, particularly those caused by paper profusion, complex and complicated rules and regulations, references and cross-references, and the requirement in some cases to hire professional personnel in order to compete for and perform a Government contract.

Mr. Speaker, I am confident that the establishment of the Procurement Commission will benefit industry; that it will increase the efficiency and effectiveness of the procurement process—and, at the same time, result in cost savings to the American taxpayer.

I am hopeful that the overwhelming support of the bill on the House side presages favorable and immediate action in the Senate.

MORATORIUM TO MARK NEW PUBLIC PRESSURE TO END WAR

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BROWN of California. Mr. Speaker, procrastination, token withdrawals, partial cease-fires will not end the war in Vietnam. Strong, positive efforts by the Nixon administration are imperative if we ever will get out of the morass we have created in Southeast Asia.

A year ago, candidate Richard Nixon toured the Nation promising a solution to the war. President Nixon might do well to read those utterances and vows.

I have always felt that public consternation over the Johnson administration's stance on the war was a key factor in the Nixon victory. Time after time, in last year's primaries and throughout the torrid campaign, national sentiment swung increasingly for a rapid disengagement from Vietnam.

I do not think the public has changed its mind.

Mass demonstrations against the war have been curtailed so far this year. Most war critics went along with the theory that the new administration needed a little time to get set on its course out of Vietnam.

Now, that patience wears thin.

Since January, over 9,000 Americans have died in Vietnam. Nearly 60,000 have been injured. Meanwhile, the rhetoric drones on.

Next month marks the opening of a series of national observances and demonstrations which will once more show the massive support behind those of us who advocate to end the war as soon as possible.

On October 15, the first of the Vietnam moratorium days will take place. I endorse the efforts of the moratorium planners, and I actively support their program and policies. And I hope that the moratorium will do what our leaders have not been able to do—speed up the eventual climax of our tragic adventurism in Vietnam.

Mr. Speaker, at this point I would like to insert in the RECORD a statement made by the Vietnam Moratorium Committee and a story on the moratorium by Mary McGrory of the Washington Evening Star:

STATEMENT BY VIETNAM MORATORIUM COMMITTEE

In 1968 the candidacies of Senators Kennedy, McCarthy, and McGovern challenged the basic assumptions of the United States Vietnam policy. Their successful campaigns, together with the shattering experience of the "Tet" offensive, forced an end to the policy of continued escalation. By the summer of 1968 all major candidates had abandoned the myth of a military solution to a political conflict, and had adopted the slogan, "Peace with honor". Those who had long opposed American military involvement in Vietnam had been vindicated.

The Vietnam Moratorium Committee, however, feels that those who oppose the war must now be more vocal in their opposition

than ever before. The present administration is vacillating between policies of withdrawal and military victory through massive use of our technological supremacy. All who desire peace must be disappointed that the United States continues to press large scale military operations while the N.L.F. has shown a willingness to lower the scale of fighting. We can rest assured that the President is advised by the Pentagon and some members of Congress to hold fast, and wait for the inevitable military victory. If he should follow this path the political, military, and moral disasters attendant upon past American Vietnam policy would only be compounded. It is imperative that those who desire the quickest possible American disengagement in Vietnam make their views known.

In light of these considerations the Vietnam Moratorium Committee proposes that on October 15 all who desire an end to American military involvement in Vietnam should make their views publicly known. Students, workers, clergymen, and interested groups of citizens are asked to cease from their normal activities on that day, and make their anti-war position known as they see fit. The Committee proposes these actions as expressions of public opinion, and hopes they will serve to educate the administration and the public at large. As expressions of legitimate political opinion these public demonstrations are envisaged by the Committee as being totally lawful and orderly. The Committee does not encourage any acts of civil disobedience or violent confrontation.

In the hope of stirring widespread public support for the October 15 demonstrations, the Committee is asking endorsements of its aims by leaders of business, labor, civic groups, and of elected public officials. It is hoped that many of these well-known, and respected citizens will lend their support to an attempt to continue the New Politics of 1968, and to bring an end to a disastrous episode in American history.

[From the Washington (D.C.) Evening Star, Sept. 23, 1969]

MORATORIUM: MCCARTHY DRIVE REVISITED  
(By Mary McGrory)

The Vietnam Moratorium Committee is the McCarthy campaign revisited, except there's nobody over 30 around occasionally telling them what to do.

The eighth-floor Moratorium offices on Vermont Avenue are full of miniskirts, fat ties, bare feet and bustle. The young men's hair is longer, allowed to grow in protest against what happened to their candidate last year.

This time, they're running the show themselves. Sam Brown, McCarthy's youth captain and 24-year-old Harvard Divinity School dropout, is the head man.

He is assisted by David Mixner, the husky, sunny 24-year-old veteran of 1968, and David Hawk, 26, a Cornell graduate and all-American swimmer who is under indictment on a charge of refusing induction.

Marge Sklenkar, 22, the canvass, supervisor of the McCarthy effort, is in charge of the office.

SHUTDOWN PLANNED

Their plan is to close down classes for a day while students study the war as conducted by Richard Nixon.

They're using the skills and lists acquired in last year's fruitless effort to elect a peace candidate, and they are being financed by McCarthy angels. They are sending out huge shipments of buttons and bumper-stickers that say, "Work for Peace on October 15."

They think the country has been radicalized on the war since they went around last year rather timidly advocating a negotiated coalition government. Now they say the cry is for unconditional, complete and immediate troop withdrawal.

President Nixon's efforts to slow down protest have only spurred them on.

"Some people have called in," reports Miss Sklenkar, "and said we ought to quit because he's going in the right direction. But they're mostly over 40, and sound like World War II veterans. The campuses just aren't buying it."

"The President did us a favor," says Brown. "Now we're really mobilizing. And we're hearing from parents who say that now the commitment has been made to withdraw, they don't want their boys to be killed or lose a leg while the withdrawals are going on."

The young activists don't think "Nixon's sitting over there in the White House thinking about us," but they have been pleased at a report from a Republican source who said, "The same people who did it to Johnson are starting all over again."

They have a lively liaison with peace-minded members of Congress. They don't ask much of them, but Sen. George McGovern of South Dakota has offered to speak at an areawide rally in Boston.

"Mostly we want them not to worry," says Brown.

BACKING CITED

Some 500 colleges have now signed up to suspend normal activity. The Moratorium has the endorsement of the Americans for Democratic Action and the New Democratic Coalition.

Their biggest lift came from an announcement from Mason Gross, president of Rutgers, who called upon the university community to exercise its role "as teacher, as guardian of civilized values and as the critical and moral intelligence which compels the country to ponder its courses of action."

The committee has asked its agents in New Haven to propose a similar declaration to Yale's President Kingman Brewster.

The Colorado School of Mines in Golden is one of the smaller schools participating. Students there are planning to read the list of war dead beginning at midnight Oct. 15, attend a mass for the Colorado dead in the town square at noon and march in a torchlight parade in which high school students will carry signs saying, "Please don't send me to war."

David Hawk does not think the Moratorium will reactivate the universal antagonism stirred by the campus rampages of last spring. For one thing, he says, it will be non-violent.

For another, he says, "I think older people look to the young for leadership on the war. They think we have a right to speak out on that."

THE 25TH ANNIVERSARY OF THE CAPTURE OF MONTE CASSINO, AUGUST 15, 1969, AT THE WAR CEMETERY AT MONTE CASSINO, ITALY

**HON. JOHN J. ROONEY**

OF NEW YORK

Wednesday, September 24, 1969

Mr. ROONEY of New York. Mr. Speaker, a few weeks ago during the course of my appropriations committee work in Europe, I had the unique privilege of attending the impressive ceremonies commemorating the 25th anniversary of the battle of Monte Cassino in Italy. Here in this historic monastery won by the heroic Polish Army from the Germans at great cost a moving ceremony was conducted in the war cemetery. Paying homage to their fallen com-

rades were many Polish war veterans, the most illustrious of whom was that renowned World War II hero, Lt. Gen. Wladyslaw Anders.

The mere presence of this great soldier and his aging comrades gave deep meaning to depth to which a grateful world acknowledges the sacrifices made 25 years ago to wrest Monte Cassino from enemy hands. The attendance of many thousands of men, women, and children of Polish birth and lineage from all over the world signifies the particular significance of Monte Cassino to them.

I was truly gratified to see the fine representation from the leadership of our great Polish American organizations. It was a real thrill for me to see the splendid representation of Polish American Boy and Girl Scouts who were participating in these ceremonies with several thousands other Scouts from all over the world.

Subsequent to the Masses for the Greek Orthodox and Roman Catholic Poles and the Protestant religious rites a massive convocation took place in which many eminent persons participated, such as General Anders; Withold Zahorski, the chairman and president of the Polish War Veterans in Italy; Dr. Antonio Farraro, mayor of Cassino; His Excellency Bishop Rubin; His Excellency Bishop Wesoly; and Ambassador Kazimierz Pappé.

Mr. Speaker, I count it a distinct honor to have been the only American invited to address this deeply spiritual meeting. I shall always cherish the memory of General Anders rising from his chair at the conclusion of my remarks to step forward and thank me publicly for my statement and for the greetings which I brought from the American people. It was a real thrill to have a chance to chat with General Anders after the ceremony as well as to meet the many other dignitaries and to shake hands with Boy and Girl Scouts from many countries.

I consider as most meaningful of all the impressive ceremonies and moving addresses, the transfer of the responsibilities for preserving the ideals of freedom from the hands of the old soldiers to the Polish Boy and Girl Scouts in attendance and to their fellow Scouts in all the countries of the world. The acceptance of the torch of freedom by those with youth and vigor to meet the future from those who fought on those sacred mountain slopes and from those who gave their lives there a generation ago was impressive indeed.

Mr. Speaker, I include my remarks given on this historic occasion at this point in the RECORD:

REMARKS OF CONGRESSMAN JOHN J. ROONEY OF NEW YORK UPON THE OBSERVANCE OF THE 25TH ANNIVERSARY OF THE CAPTURE OF MONTE CASSINO, AUGUST 15, 1969, AT THE WAR CEMETERY AT MONTE CASINO, ITALY

For all of us the opportunity to visit this world famous and historic monastery provides a moving experience. All of us are deeply moved as we stand looking down the precipitous slopes of this fortress where such a valiant battle was fought twenty-five years ago. We cannot escape the feeling that we are treading upon holy ground and that we stand in an eternal shrine consecrated by

the blood of valiant soldiers of the Cross. To those who are of Polish birth or lineage a visit to Monte Cassino is truly the attainment of a Holy Pilgrimage.

It is no wonder that those of Polish blood revere this mountain stronghold for over the centuries Polish blood has been spilled both in its defense and in its capture. To them the history of this lofty bastion is as personal as it is thrilling.

These walls built and rebuilt date back to 529 A.D. when St. Benedict founded the Abbey of Monte Cassino. This was an event of tremendous importance to all mankind since it represented the first gleam of civilization returning to this area of Italy after the darkness which fell subsequent to the barbaric invasions.

You of Polish ancestry are entitled to be proud not only of the role your valiant forebears played when the Polish legions under General Henryk Dabrowski guarded this mountainous area for the armies of Napoleon in a vain hope for freedom, but of the strong stand made by Polish soldiers again in 1918 throughout this same battle area.

I am sure your greatest pride comes from the magnificent achievements of the Second Polish Army Corps under the leadership of one of the greatest World War II heroes, Lt. General Wladyslaw Anders.

A fortnight ago I had the privilege of attending the impressive meeting in Washington celebrating the 25th Anniversary of the Polish American Congress. The principal speaker on this occasion was General Earle G. Wheeler, USA, Chairman of the Joint Chiefs of Staff.

All of us were thrilled to hear General Wheeler's extensive praise of the accomplishments of Polish soldiers, particularly during World War II. Every person of Polish blood can take particular pride in the courage and effectiveness of Polish fighters which General Wheeler so graphically outlined for us. All of us shared in a tremendous pride for the valiant stand the people of Poland took in defying Hitler's 80,000,000 Germans on their Western frontier and the armed forces of Russia's 175,000,000 people on their Eastern border.

The free world recognized this and remembers today the manner in which the people of Poland stood up against terrible odds and fought to preserve their freedom from Hitler's tyranny. We cannot forget those seventeen days of horror as Poles fought and fell to the crushing pincer of the Russian columns and the Panzer divisions.

We remember with real satisfaction that the thousands of heroic Polish people refused to accept defeat and made their way to the West to join the Allies in the never-to-be-forgotten battles which were waged from Tobruk to Norway.

I think it is particularly fitting and proper that we of the Western World remind ourselves of the successful efforts of General Anders and his loyal Polish troops in achieving the fall of this mighty mountain stronghold from which the Germans had successfully resisted four Allied Army attacks to persist in blocking the allied northern offensive.

It is fitting that the free world join in observing the 25th Anniversary of the epic battle which raged for eight days with great loss of life among the Polish attackers and even greater casualties among the Nazi defenders.

How gratifying it was for the people of the Allied nations to receive the news on May 18, 1944 that General Anders' victorious troops had raised the Polish white and red flag over the smoldering and blood-drenched Abbey.

Let us never forget that when the smoke of battle had cleared away; when the noise of cannon and the whine of shells had been

silenced; when the suffering of the wounded had been eased; and when the dead and dying had been tenderly removed from the bloody field of battle, these Polish fighting men began at once to help restore the famous Abbey.

To the Polish Boy Scouts and Girl Scouts privileged to attend this world-wide jamboree this visit will always remain one of the high points in their lives. To the Boy and Girl Scouts from Polish American families this visit has special importance. I am delighted that 22 boys and girls from my Congressional District in Brooklyn, New York, are in attendance, among them the charming daughter of my good friend Joseph Dubicki, Brooklyn Editor of *Nowy Swiat*. All of these American children are ambassadors of goodwill as they make friends with Scouts from all over the world.

And let all of us, boys, girls, and adults, not forget the words of that glorious dedication which has been left to posterity on the slopes of Point 593 just below "Phantom Ridge,"

"We Polish Soldiers,  
For your freedom and ours,  
Have given our Souls to God,  
Our bodies to the Soil of Italy,  
And our hearts to Poland."

How wonderful it is that this younger generation of patriotic Polish people are today inheriting from their fathers the noble ideals of dedicated service to the cause of freedom for all.

May all of these youthful leaders representing many nations keep ever alive and burning for all mankind the glorious record of courage and patriotic zeal which characterized the Polish fighters who for so long fought and died on this famed mountain-side.

#### A NEW HISTORY

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROSENTHAL. Mr. Speaker, Barbara Ward is one of our most valuable resources in trying to place events in a proper historical setting. Her insights into the merits and limitations of the contributions of the Western countries make her a truly international historian.

Barbara Ward has earned so many honors that only a full-time biographer could assemble them. But a recent speech she gave, at the University of Cape Town, in South Africa, provides us with such an extraordinary perspective that it deserves, I believe, the widest possible readership.

Her talk, "A New History," is not addressed to South Africans although she speaks, on this occasion, to them. She perceives and relates the basic problems of how we, the Westerners, intend to pursue our course in an increasingly related world. We cannot, she says, continue in our present ways. We owe something to the world which we cannot pay in dollars or resources, material or human. We owe the world—including ourselves—an understanding of where we fit into that mammoth ebb and flow which we call history.

We can start on that understanding by listening to Barbara Ward whose talk follows:

## A NEW HISTORY

(The 10th T. B. Davie Memorial Lecture, delivered in the University of Cape Town on June 11, 1969, by Barbara Ward)

I

We are all of us immersed in the stream of time. As history bears us onwards over its cataracts of change we cannot be certain where we are or where we are tending. I am sure that Charlemagne's followers never thought of themselves as "coming out of the dark ages". The men of the late Middle Ages did not know their period was giving away to the Renaissance. In fact, as far as they were concerned, their age was not in the Middle but right out in front—like every other age to its contemporaries. It follows that there can be a very real degree of scepticism about any attempt to define historical epochs. I may believe that a momentous period in human history has come to an end. I may say that I agree with Pope Paul VI when he speaks of our times as "a new history", so profound are its changes and upheavals. But I fully realize that nothing is more difficult to share and perhaps easier to refute than a particular angle of vision on human affairs. Historical change has a way of deluding its observers. "We are progressing", cried the Gadarene Swine.

Perhaps the complexity of our times comes from the fact that two processes have been going on simultaneously—a recession in the political control exercised for centuries by the peoples of Western Europe and a worldwide expansion of the technological and egalitarian revolution they set in motion. Throughout history there have, of course, been these sudden violent incursions of particular groups of peoples who, leaving their homelands, stream out over everyone else's. Sometimes, like the Mongols, they take little with them and after a period of dominance, leave little behind except, perhaps, a legend of ferocity. Sometimes like the Arabs they take with them a conquering religion and change the culture of a whole region. The West Europeans have changed everything because as their dominion grew, they invented and carried through the decisive modern revolutions based on the drives of equality, science and technology. Their own total transformation affected everybody else. There has never been anything like this before. The "new history" is precisely our planet as it emerges, totally transformed, from the West European incursions. It is so new, so unlikely, so breathtaking that we can hardly take our soundings. We are all thrashing about in mountainous seas of change. But we must try to get our bearings and make for calmer waters. Our hold on other planets is still too tenuous for us to risk drowning the human race on planet Earth.

What have we to say about the West European eruption? Since we are West Europeans or descendants of West Europeans, we are being asked to think about ourselves. I need hardly underline the point that most human beings try to think well of themselves. We are no exception. We have talked a great deal about our civilizing mission. We have, in our own minds, rescued peoples from barbarism, converted the heathen and made three blades of grass where none grew before. We have even claimed some special endowment and privilege for the colour of our skin. Perhaps, I should make clear at once that I know of no fundamental value that does not belong to human beings as such. The white inhabitants of Iberia were less sophisticated but not intrinsically less valuable than the brown Moors who invaded them and ruled them for four and five hundred years. The white peoples of the Principality of Kiev were weaker but not inferior when they were conquered by yellow Mongols. Conquest and power do not confer intrinsic value. That lies in Man's being alone, the humanity he

shares with all God's creatures. The fact that the latest world outburst of conquest was conducted by men of white skin tells us only that, during that period, they had the edge in strength, the weaponry and new techniques.

Indeed, if they had been all they claim, at times, to be in terms of superiority, we would now be living in a well-ordered Utopia. Our world is still largely the world they made. The confusion and violence in which our planet is now immersed suggests that the white West Europeans are not supermen. They are men. And so are all the other inhabitants of this globe.

So let us, in spite of our blinkers and prejudices, try to look as objectively as we can at the impact of the West Europeans as they explode out of the maritime fringes of Europe and (from the sixteenth to the twentieth centuries) deploy their power and their interests round the world.

Let us try to see ourselves, not as we appear to ourselves, but as we appear to two-thirds of the human race who are not, by origin, white, West European, Judeo-Christian, mercantile, individualist, ruthless, adventurous, meritocratic—and all the other adjectives which could be applied to that imperious race of men who, between 1500 and 1900, virtually took over control of the planet and, in doing so, have created a planetary community.

The odd thing is that we did not intend any such thing. The West Europeans and their descendants—North Americans, Latin Americans, Australians, Boers, New Zealanders—together with the Slavs and their descendants, acquired sovereignty over most of the world's land masses and all the oceans without really meaning to do so. They had no imperial plan. So long as strong governments whose writ they could recognize, stood up to them, they did not indulge in conquest. They expanded by two main routes—in a way like nature in a vacuum. When the governments of sophisticated and populated countries weakened, they came in, took over the reins of governments and carried on, in order to safeguard their own economic interests which local disorders had disturbed. When temperate land proved to be in the possession of tribal people at lower levels of technology, they tended to settle on the land and either kill or enslave the earlier inhabitants. By these two routes, they took over, almost inadvertently, in the celebrated "fit of absence of mind", the whole of Planet Earth.

You probably know as well as I do the steps by which this process went forward. The sixteenth century is the century of take-over in the Americas. The Iberian conquerors had meant—again the inadvertence—to get to India and do away with the Arab Middlemen who sold to Europe the silks and spices and precious metals which our uncouth forefathers could not produce in Europe's dank swamps and forests. In South America, Cortez and Pizarro defeated Aztec and Inca, took the land and the gold, turned the Indians into serfs and helped to decimate the Caribbean where climate and soil promised new spice islands. To the north British and French settlers began the three centuries of war which drove the American Indian from his forests to the meagre, latter-day reserves. Thus the world's largest stretch of temperate land lay open to the Europeans.

In Asia, Portuguese ships outflanked the Arabs and reached the gorgeous, populated, rich and powerful East. They established maritime posts on the coasts of these wealthy lands and began to break the Arab monopoly of spices and silks. At this stage, as the sixteenth gave way to the seventeenth century, all the maritime powers of Europe joined in and fought each other ferociously for the monopoly of the spice trade. The Dutch, settling a few of their number to establish a trading post in the Cape, went on to fight the Portuguese for their Asian Bases. Local

power in the Spice Islands collapsed at about that time. By backing this sultan and then that, the Dutch threw out their European rivals and began their three hundred years of control. Thus by the end of the seventeenth century, the first wave of West Europeans had established their power in the Americas, created footholds in Africa and accomplished the first Asian take-over.

The eighteenth century consolidated European power in the Americas; in Asia, the collapse of Moghul authority permitted the British to repeat in India the earlier Dutch take-over in Indonesia. They maneuvered the French out of and themselves into sovereignty. And European involvement with Africa began to grip and spread. It was not at this point a matter of settlement. The Portuguese did little with their coastal footholds in Angola and Mozambique. The Boers clustered below the mountains. At this stage Europe's involvement with Africa was both more external yet more ferocious than any settlement. Once again it was in a sense inadvertent, a by-product of something else—the growth of the commercial plantation economy in the Americas.

The Caribbean, the northern states of Latin America and later the Southern States of North America were discovered to be potential producers of many of the raw materials once traded for in the East. Spices, cotton and above all sugar could be sent back to Europe without the need of shipments to Asia of precious bullion. But success demanded fairly large scale plantation production. Machines had not yet been invented. There were either no local "hands" to do the work, or survivors proved too few and too untameable. Thus began the vast, appalling, ferocious and sustained development of the slave trade which over three centuries may have taken out of Africa to death or enslavement some 40 million souls.

To control this trade the West Europeans fought each other as savagely as they had done over spices. The British were the winners as the eighteenth century advanced. And this savage trade must be seen as only the largest strand in the astonishing reweaving of the Earth's demographic and racial fabric under the energies and greeds of West European investment in raw materials—in plantations and mines. Sugar took not only Africans but East Indians to the Caribbean and to Guyana. Sugar took East Indians to Fiji and Mauritius, rice took them to Burma, later still, railway building to East Africa. Tin took the Chinese to Malaya. Sugar and rubber and trade scattered them through the East Indies and out to Hawaii and even, very briefly, to South Africa.

At the same time, the West Europeans themselves filled up every available cranny of more or less temperate land. They spread across North America. They filled up the South American coasts and the pampas. They spread clear across Northern Asia adding Siberia and the Turkish and Mongol lands to Russia's empire. They settled Australia. They settled New Zealand. They appeared on the Pacific Islands. Not the Arabs, not the Mongols at the height of their power had every spread so far or so fast. If one could have taken a speeded up movie of Planet Earth from the Moon, one could have seen moving currents of West Europeans—energetic, driven by curiosity, by trade, by missionary ardour, by greed—scurrying like white ants across the surface of the globe, moving, conglomerating, driving back other groups, consolidating and all the while bringing into being a wholly new kind of inter-related, interwoven world economy, its destiny increasing with each movement, each investment and each exchange.

Into this thickening web, Africa was the last to be drawn. The chief effect of the earlier centuries had been not an involvement but the terrible haemorrhage of slavery.

This above all prevented anything creative from developing in the Portuguese footholds. The interior remained unknown, cut off by nonexistent harbours and unnavigable rivers. The only tiny tip of settlement—the Dutch at the Cape—was more a by-product of the Indies trade than a local occupation. The West Europeans there had the effect not unknown elsewhere—of strongly reducing, by pressure and disease, the local people, the Hottentots. But in the vast expanse of Africa, this was still only a small trickle from the already thundering West European floods elsewhere.

When the full impact came in the nineteenth century, it had many of the features of earlier changes elsewhere—and also two decisive new features, the abolition of slavery and the coming of the new technological society, based on science and savings.

Taking the more familiar issues first, we can say that just as spices drew Europe to Asia, now the search for raw materials brought the traders to West Africa's palm groves to find enough soap for Europe's filthy industrial cities. The passion for discovery sent men in search of the sources of the Niger and the Nile. At the Cape, with land for settlement nearly used up between the mountains and the sea, one motive behind the Boer's trek northwards was, as with Middle Western farmers in America, the desire to open up new land. But, unlike the American farmers, they could not disperse but only defeat the local peoples. The Bantu stayed on the land to work as farm serfs.

Then in the 1870's came magnets of material attraction as brilliant as any offered to the Spanish Conquistadors. The lure of diamonds and gold brought British "outlanders" streaming in to build up a modern mining industry on the high veld.

This revolution had two consequences. Externally it speeded up a new struggle between the West Europeans for territorial control in Africa. Just as they had fought for the spice trade and then fought for the slave trade, the West Europeans now fell into a new struggle—the "scramble for Africa". In a couple of decades, coastal footholds became vast areas of occupation in the interior with Europe's language frontiers imposed across Africa's tribes. Internally, in South Africa, the gold rush created today's largely tri-partite society of Bantu, Boer and Briton—a mix in some ways more complicated than any in colonial history, yet bearing a family resemblance to such Andean states as Peru or Ecuador where Spanish feudalism, American business and the Indian peasantry co-exist in a fragile and unstable social order.

When we turn to the new factors, we begin to confront the ambiguity of the West European world view. Unconsciously, almost as a by-product of trade, of national self assertion—of cupidity, daring, curiosity and missionary zeal, the West Europeans had, by the end of the eighteenth century, got control of much of the world's remaining temperate land and almost all of its growing network of trade. At the core of that trade was slavery. In fact, in Britain's complicated global trading triangle, slavery and gold from West Africa, were the indispensable hinge. The slaves sold to the Caribbean produced the sugar sold to Britain for resale to Europe for the iron and timber needed in the ships trading with Asia whose silks and spices were still paid for with "guinea gold". Guns and gin compensated the West African section of the great triangle. Without slaves and gold, Britain's balancing act would have been virtually impossible. And without it, how long would Britain's technological revolution in the late eighteenth century have been delayed?

Yet it was precisely in Britain that the movement to abolish slavery took hold—Britain with its vast vested interests in the slave trade, with Bristol and Liverpool living

off the slaveships, with millions of pounds tied up in Caribbean plantations dependent upon slave labour—property which, when emancipation finally came in the 1830's, cost the British government what is probably the equivalent of \$240 million in modern value in compensation to slave owners. It is a fantastic story—the leading slaver becomes the leading anti-slaver, the chief beneficiary of the slave trade turns abolitionist for his own country and policeman for everyone else. True, the value of the slave plantations had declined with the ending of the century. But the slave trade, now supplying the Southern United States, was booming as never before. We have therefore to look for more than economic reasons. And these bring us clear into contemporary history—the egalitarian and technological society which mankind is being driven to establish on a world-wide scale.

Anti-slavery was one strand in the new, evolving, world view of Western man. From his Judeo-Christian vision of souls equal before the judgment and majesty of God, from his classical inheritance of Greek democracy and Roman citizenship, he was feeling his way towards wholly new concepts of what it meant to be a responsible member of society. Hierarchy, caste, institutionalized inequality—the inheritance of thousands of years of aristocratic civilization—had begun to lose their absolute validity. Throughout the nineteenth century, the erosion went on. The American revolution presaged political equality for citizens and self-determination for national groups of citizens. The Civil War was a first effort to extend these notions of equality to include full racial equality as well.

In Europe, the liberal tradition added to political equality the notion of freedom of economic and social opportunity. Communists and socialists rejecting the idea of "opportunity" as meaningless in a class society based on unequal ownership, opted for economic and social equality as such.

These concepts have remained the driving force for change in this century. "Self-determination" rewrote Europe's map after the first world war; after the second, it ended virtually all direct colonial control save in Southern Africa and Central Asia. And every Western society has struggled on—indeed is still struggling—to discern the meaning of equality inside its own social order. We have none of us reached it—I need hardly say. Men and women are born, right across the spectrum of race and tribe and nation, with different capacities and energies. Some rise, some fall. Those who rise wish to keep their privileges. Lenin's classless society ends with dominant bureaucrats. America's society of equal opportunity creates an enormously entrenched and dominant middle class. I am not aware of any society in which women exercise all their gifts and functions in perfect equality. But the West Europeans put that drive of equality into their culture and they cancel it only by ceasing to be themselves.

This effort has been changed and in some ways eased by the second great driving force of West European civilization—the technological revolution. While the West Europeans were pushing their trade round the globe and settling the New World, some of them began to undergo a total transformation of their own economics. A change as momentous as the change from hunting to settled agriculture appeared in the world and once again, the site for the development was Europe's western fringe. Britain led the way, pushing up the productivity of its farms by the use of manure and machinery, mechanized its traditional handicrafts, inventing the steam engine and then the railway and over the first decades of the nineteenth century, devoting a rising share of its income to further productive investment, moving more and more workers

from farms to factories and launching the first technological society based upon industry and modernized agriculture. The British were followed by Western Europe and then overhauled by the United States.

This new kind of economy played its own part in speeding up the various revolutions of equality. It produced energy and machines to do the backbreaking work once done by slaves. Aristotle had said that if the looms worked themselves, there would be no need for slavery. Now the looms did so—and traditional forms of slavery duly vanished in developed societies.

The new system also depended on brains, energy and applied knowledge. Hierarchies based only on tradition and inheritance weakened before the new men. But the technological society *did* depend upon capital. It rewarded not only the efficient but also those with savings—in other words, the rich. In many societies, the old feudal wealth and the new entrepreneurial wealth fused to form a powerful new hierarchy. For the critics of the new system, Marxist or Socialist, a new "wage slavery" had simply taken the place of the old servitude. It did not strike anyone in the earlier stages of the process that the fantastic productivity of the new system might mean that nearly everyone could be rich, indeed that high general income would be needed to match the rising output of the new machines.

These momentous changes were not long confined to the North Atlantic. Indeed they probably could not have happened without a preexistent network of trade on a world-wide basis. They certainly could not have gathered momentum without a world trading system to sustain them. Britain established what quickly became the dominant form of nineteenth and twentieth century world trade. It sent out capital to open up farms, plantations and mines overseas. It paid for the materials sent back to Britain with its manufactured goods and with further capital. In the process, it knocked out India's old artisan textiles, sold Lancashire goods from Bombay to Benares, opened up the production of tea and jute and cotton—and delayed India's industrialization by perhaps a century. In varying degrees, this pattern of trade became and has remained the typical "North-South" exchange. To-day, the share of the post-colonial continents in the world's trade in manufactures is still not much above 10 per cent—and a quarter of this comes from Hong Kong.

Why has the circuit had so limited an effect? If world trade was one of Europe's preconditions of modernization, why did the other countries drawn into the network not experience a comparable transformation?

The first reason is political. Large parts of the world in the nineteenth century were colonial and their governments did not feel compelled to encourage change. Japan modernized its economy in forty years. But its independent government had determined to do so. India could not even put on a tariff until the 1920's.

The second reason lies in the nature of the exchange. The early industrial system did reward most highly its domestic entrepreneurs and owners. It did not behave differently when it was extended to the world at large. The capital coming in to develop local resources—tea and jute, tin and copper, gold and oil—had been largely produced by the West Europeans (or the North Atlanticists, as we might call them at this stage). The profit, capital gains and senior salaries involved in this investment flowed back to the developed North Atlantic countries. Local purchasing power generated by the mining and plantation activities was mopped up by the purchase of Atlantic manufactures distributed through the big import-export houses—UAC, SCOA, Mitchell Cotts, Jardine Matheson—which also sent their profits back

to the developed world. This market circuit did not of itself generate much local capital for use outside the single export sector to which all the local facilities of railways, power and ports were attached.

In these "dual economies" food production remained traditional—for subsistence and for feudal rents. Local manufacturers could hardly compete with imports and in any case, the saving needed for the whole infrastructure of education, transport and power was simply not available. In Latin America, in the treaty ports of Asia, in Africa, one could discern a comparable pattern, the "economie de traite"—the "milk-cow-economy"—with every modern facility serving the export sector and all routes and services going, like so many drains, down to the ports. In Peru, the installations of a great petroleum company rose alongside an unchanged feudal agriculture with a small minority of Spanish families in control of their remote, alienated, impoverished Indian serfs. To this day, 80 per cent of Latin American land is owned by less than ten per cent of its people. In India, Scottish tea and jute planters and the great managing agencies co-existed with a stagnant countryside where population rose and food did not. In South Africa, for many years, British business, Boer farming and African near-slavery coexisted in a pattern repeated, with variations, all round the colonial continents. It was to this lopsided world economy with its investment controlled from the North Atlantic that Lenin applied his analysis of the inevitable conflicts of an imperial system in which the few industrial nations controlled the markets of the world and fought each other to control them. He, too, could not envisage a system so abundant that the external markets might be largely irrelevant.

When we come to the twentieth century, it must be reported that even the import-export circuit slackened. Two world wars and a long depression halted the expansion of world trade, reduced primary prices and gave little or no stimulus to real growth. When after 1945, the gathering mood of political anti-colonialism in the North Atlantic world led to a rapid ending of formal political dependence, the underlying economic and social structure still reflected the old relations of dependence and "immobilism". Twenty per cent of the world's peoples, living in the main round the North Atlantic, descendants of the West Europeans whose trade and mastery had built the world economy, now inherited eighty per cent of the world's wealth, eighty per cent of its investment, eighty per cent of its trade. They controlled nearly 100 per cent of its banking and insurance, 96 per cent of its shipping and all of its marketing services. In addition, they disposed of virtually all its research funds and included most of its institutes of higher learning.

Wherever the colonial centuries left mixed population coexisting in the same community, something of the same gap could be observed *inside* the country. The Indian tin miners in Bolivia lived at survival level while the Patinos used their vast fortune to marry into the Bourbon family in Europe. The Negro sharecropper in the Southern United States still falls consistently below the minimum family income fixed for subsistence while in the town next door his white neighbour, at an average family income of \$8000 to \$10,000 a year, has the highest standards in the world. And beyond this average, one should mention the new oil and conglomerate barones, pushing fortunes up towards the billion mark. In South Africa, one could compare a family income for white urban households of R4601 in 1966 with the urban African who appears to have about R700 for a rather larger family. These are, as it were, the microcosms of a much larger pattern—the lopsided world inherited from the colonial years

To sum up, we have to say that the drive towards equality among men and nations—which has been the single most forceful political energy in modern Western society—has reached a point in the last part of the twentieth century at which most of the political consequences of white Western domination have been erased, but the social and economic consequences are not yet overcome.

## II

What now? Is this gap between political aspiration and worldwide reality leading us, ineffectually, to a desperate social and racial conflagration? Or can we argue that the sheer productivity and rising wealth of our new technological system can give us time for essential adjustments? After all, the Japanese have joined the new technical society and enjoy wealth enough to be taken into the club as honorary white members. The Mexicans have a booming economy and their age-old practice of mingling European and Indian stock seems to be producing a mestizo class who could also "qualify." The Russians, having modernized their economy by state planning and without giving up their old colonial gains, now find themselves accused of "imperialist revisionism" by the Chinese who want back their "lost lands". So perhaps we can argue that a good dose of successful economic growth does marvels for both racial and ideological differences and that the sheer momentum of wealth-creation, stimulated by the Atlantic lead in modernization, will be enough to carry us through to the next century with enough hope and expansion to keep protest and revolt at bay. Does this hope operate for the whole world-wide white community? Does it hold good for particular communities? If the "trickle down" theory—which at least explains some of the relative stability inside the North Atlantic world—is applicable on a wider basis, just possibly the "new history" will be a little less turbulent than some contemporary prophets suggest.

One can point to some hopeful signs. Spurred on by an almost continuous Atlantic boom, world trade has grown by some 7 per cent a year throughout the last fifteen years. The cramp and strain of the inter-war period could be yielding to better technical management. In 1960's, at least thirty of the ex-colonial lands, drawn from each of the developing continents, have managed to grow by 6 per cent a year; the average for all of them lies between 4.5 and 4.8 per cent, a better achievement than the Atlantic world in the nineteenth century and incomparably better than their own record under colonialism. Average growth statistics are, of course, misleading. There are windfalls of harvests and discoveries. "Average" income can—and does—hide appalling disparities in individual income. Yet the figures do cover a very large increase in investment by governments in education, health and infrastructure. Some break from the "milk-cow-economy", some of the preliminaries for more rapid modernization are taking place. If one wants a local application of these hopes, one could point out that between 1960 and 1970 African wages in manufacturing in South Africa appear to have risen in real terms by over 5 per cent a year. In the United States, over the same period, the average family income of black citizens rose from \$3800 to \$5500 (in 1967 prices).

But other factors suggest that the uncorrected market, operating on the traditional "trickle down" strategy, is unlikely to deal with the more disturbing possibilities of our new post-colonial epoch. At the root of most of the difficulties is a single, baneful fact. To develop in the last part of the twentieth century is quite simply much more difficult than to do so a hundred years earlier. In the Atlantic world, an agricultural revolution both in technology and in the critical structural change of abolishing

feudalism, preceded full-scale modernization. Farming produced a surplus because it was more productive and could respond to market incentives because it had left status and subsistence behind. The workers leaving the land because less labour was needed went to firms hungry for "hands" in the early stages of mechanization. In these urban areas, the control of epidemics and water-borne disease was still so weak that higher birth rates were still checked by early death. The steel mill was invented before the drain pipe, the steam engine before pure water and typhoid control. By the time public health had sent the death rate plunging down, by the time industry began to need more skills and fewer "hands," family size had started to stabilize. By luck, by coincidence, the cycle of Atlantic development allowed for a more or less balanced transfer of manpower from farming to urban pursuits and kept a balance of employment in both.

The fundamental dilemma of the final three decades of this century is that for the developing continents this balance looks virtually impossible. They are caught in a series of obstructions which mutually compound the difficulties. In large measure, they are an inheritance from the colonial period—when governments introduced public health ahead of industry, did little to develop agriculture, gave no spur to industry and allowed the export sector, with its big city port, to "drain" men as well as goods to an urban society still not equipped to employ them. Population is spurting ahead—by over 2.5 per cent in Asia, by 3 per cent and more in Latin America and in tropical Africa. Malaria control, pure water, sewage have been introduced ahead of modernization in agriculture or the growth of urban employment. A relatively stagnant agriculture cannot absorb the new births. In Latin America, for instance, over the last 40 years, some 60 million have entered the work force. Agriculture, still largely caught in a feudal straight jacket, has provided only 12 million jobs. If the choice is between joblessness and hunger on the land or the same risk in the cities, the peasants move en masse to the cities. The urban areas grow twice as fast as the population at large, the big cities twice as fast again.

But the next obstruction is that modern mechanization and automation tend to reduce the need for unskilled workers. In Latin America, many cities have a 30 per cent unemployment rate. Huddled in shanty towns, the migrants live by petty trade and petty crime and all the time their numbers grow. Seventy per cent of Calcutta's families live in one room. No one knows how many live simply on the pavement. At present, in Latin America, nine cities have over a million people. Only twenty years from now, there will be 27, seven of them with over four million inhabitants—and still, perhaps with a 30 per cent rate of unemployment. In these countries, rural unemployment simply picks itself up and sets itself down again as urban unemployment. Skills, habits, training are lacking for city life. But there is no returning to the country either—except, perhaps, by enforcement as in China—and South Africa? Country jobs are not available either and life there seems even more frustrated. If the Tomlinson Report is correct in forecasting a non-European population of 26 million in South Africa by the year 2000, the provision of ten million more jobs—whatever their distribution between factory and farm—offers a formidable challenge to peaceful development.

Nor can the local producer rely on international trade, as Britain did, to extend his opportunities. The developed Atlantic countries control much of the world market. They protect their own farmers. Their population and hence their demand for raw materials are not growing as rapidly as in the nine-

teenth century. As for the poor countries' manufactures, Atlantic tariff structures are designed to keep them out. America just now is going round Asia, pleading for a "voluntary" textile quota to protect U.S. interests. So, for developing states, between stagnant markets at home and blocked markets in the developed world, the vicious circle is complete. A sodden mass of misery weighs down the base of society. People's lack of purchasing power inhibits economic growth. Their despair threatens the stability of the more fortunate. Their alienation could reduce countryside and city to endemic violence. So far, the post-colonial contradictions have neither ruined nor dynamited developing lands. But can we be sure of patience—or passivity—lasting on into the 1990's as conditions grow inexorably worse?

But before we assume that the devastating prospects are inevitable, it is as well to remember that the developing world could be on the verge of a revolution in technology as important as the railway, the steamship and the opening of the prairies to grain production—all changes which in the nineteenth century lifted Europe out of the risk of stagnation at the end of the "hungry forties." This is the technological revolution centering on the new hybrid grains.

If they are given the fertilizer and the water they require, if the credit, the extension services, the reforms in land tenure are introduced to give the farmer capital and incentive to use new methods, if marketing networks and purchasing power are built up to absorb the trebling and quadrupling of the new harvests, if regional urban centres are developed for markets and processing plants, for medical and family planning centres, for high schools and colleges—in short, if the "green revolution" is set in the framework of a full regional strategy with complementary measures for urban and manufacturing expansion, there is an excellent chance, over the next three decades, of deflecting the torrent of population into creative channels and building up a productive economy in which it can be fully used. Already in parts of India and Pakistan, in South East Asia and the Philippines, the harvests are beginning to grow. That essential preliminary to balanced growth—an agricultural surplus—is beginning to appear. Just because farm techniques have been so inadequate, the new seeds, with water and fertilizer, can have a literally revolutionary effect. But there is one pre-condition and one obstacle. Can the massive inputs of capital needed for these transformations be secured—and secured in time?

The countries themselves cannot produce enough. They have been increasing the share of their income going to productive savings. Eighty per cent and more of the growth of recent decades has been provided out of domestic capital and the proportion of savings to national income has risen, on the average, to over 12 per cent. But the needs are so vast and the growth of population still so high that a genuine breakthrough still requires large inputs of capital from outside.

Estimates vary but the World Bank has feasible projects which could absorb four billion dollars a year over and above the present aid flow of about six billion dollars a year. The Scientific Advisers to the President of the United States suggested, eighteen months ago, that the "green revolution" would require an extra four billion dollars in transfers of capital. Since this figure was for seed and fertilizer alone—fertilizer incidentally looks like being an immediate bottleneck—one could add another three to four billion for all the needed regional infrastructure of markets and services. All in all, the one per cent of G.N.P. proposed for capital transfers from rich to poor nations and, with many uncertainties and qualifications, accepted by Atlantic Governments at last year's UNCTAD Conference, seems not far

off the mark. At present rates of Atlantic growth, it would bring in between 15 and 20 billion dollars in genuine assistance. Such a figure could not be reached in one jump. But it should be the target for the mid-1970's.

Could capital on this scale be made available? Economically there is no problem. The collective national income of the developed countries grows these days by not much less than three to four per cent a year. If the United States reversed its present downward trend in aid giving and moved towards the one per cent target, a \$9 billion contribution would be less than a sixth of the annual increase in its goods and services. For the developed world as a whole, the sum of \$18 billion—a one per cent transfer—is added to our abundant wealth roughly every quarter. It is a sobering thought that these additions at the annual level equal the entire national income of Latin America and are twice that of India or Africa. But they simply reflect our control of vast and growing resources, a control rooted in our inheritance of territorial expansion, our conquest of temperate productive land, our early start on modernization, our growing reserves of capital, our intellectual resources, our world-wide investment: our position, in short, as the dominant economic power-centre of the whole world economy.

One can approach the question of resources from another angle. Over the last decade, the spending on armaments in the developed countries—America, Europe and Russia—has passed the horrific figure of 130 billion dollars a year. Scepticism is growing, possibly on both sides of the ideological division, about the security provided by such monstrous expenditures. If both sides command the same advances, scientific experience, research and facilities, they have equal access to the same data and can never leapfrog ahead of each other to produce the absolutely certain nuclear knockout. So each round of ballistic and anti-ballistic sophistication leads to the same stalemate—but at three or four times more "overkill" and with a boost to costs of another \$40 billion.

At the other end of the scale, Vietnam suggests the limitations of the attempt to use large conventional weapons in guerilla wars. The question is being asked whether, say, a tenth of the arms budget devoted to development might not give infinitely more security than the sterile investment in ever more complicated nuclear stalemates or in arms for wars of popular desperation which might never have been fought if land reform, agricultural growth, urban employment and some prospects for the future had been provided in time.

These questions come up again in a domestic context wherever the colonial inheritance has left peoples of different race and culture living in the same community. Some of the colonial and post-colonial societies appear to have ended the fatal divisions which appear when race defines opportunity, when every distinction of wealth, of education, of respect, follows the lines of culture or colour. Mexico, Brazil have outlived the Iberian colour bar. The island societies of the Caribbean have achieved a measure of racial harmony in independence. Slav, Turk and Mongol do not appear to split on racial lines in Soviet Asia.

Yet unresolved divisions are world-wide and arise between many different groups; the conflict between Malay and Chinese is proving especially painful and violent. There is, however, a special edge to the confrontations of West Europeans and their descendants with peoples of other races simply because the Atlantic minority are so entrenched in overwhelming wealth and their position owes so much to the preceding centuries of world-wide Western expansion and conquest. The black citizen in America is not only, in the majority, still paid less, housed worse, fed

less well and treated with less than full human dignity. He knows that he has helped for three hundred years to build up a society which has taken his work and rewarded him with not much more than his bare existence. A fundamental reason for the vast black migrations to the Northern cities of America over the last two decades has been precisely the still "colonial" or near-slave condition of the black farmer in the South and his determination, repeated all over Latin America and Asia and Africa, to move to the cities and to the hope—all too often frustrated—of work and advancement.

Those Americans now who propose a "Marshall Plan for the cities", or a guaranteed annual income for all citizens or a large increase in assistance to public education for the minority groups at all levels—the sums spent have in fact increased three and four fold over the last decade—are in a sense proposing that massive transfers of capital should be made across the internal frontiers inherited from the colonial dispensation. An external effort of aid to development to end the lopsidedness of the post-colonial world economy should be matched by an internal effort on comparable lines so that as the whole Western colonial experience fades into history, pockets of injustice, misery and bitterness should not be left behind.

Clearly, South Africa has inherited one of the most difficult of the post-colonial situations. The conquests and settlement of the nineteenth century have established a white minority in complete control of a large African majority. The work of this group has been incorporated as an indispensable element in the functioning of a successful and rapidly expanding economy. The latest figures speak for themselves. The total labour force is 2,243,000. Of this, white workers are only 527,000. All the rest are non-European and over half are African. In quarrying and mining, 564,000 out of 634,000 are African. Over half the workers in manufacturing are African; so are two thirds in construction. The consumer demand of all these workers is an essential market for the products of the country's growing industry. Yet the present distribution of wealth, rewards and opportunity inside South Africa resembles the larger world-wide concentration of power and wealth in the hands of the Atlantic minority. As whites in world society, we enjoy 80 per cent of practically every material advantage. As white citizens of South Africa, you control 87 per cent of the land, a possibly greater share of industrial wealth and receive incomes on the average seven times larger than that of the African citizen, even when, as is sometimes the case, virtually identical work is being done. This is a lopsidedness of reward which spells danger and instability at the world level. It does so equally at the local level.

It would not seem to an outside observer that present plans for dealing with the imbalance look very promising, either for South Africa's present population of over 16 million non-white citizens—nor for the 10 million more who at the very least will be added over the next decades. The aim of "separate development" is and will be to transfer the bulk of Africans to reserves, to "homelands" with some of the attributes of sovereignty and to build up their economic opportunity by locating industry in border regions to which Africans from the reserves can, as it were, commute.

There are two ways of looking at this policy. The first question we have to ask is whether, within the context of public policy, enough is being done to make the strategy work. The second is to ask whether it is a policy that can be applied without a total disregard for the fundamental rights, opportunities and decencies of a majority of fellow human beings.

"Separate development" or *apartheid* presumably aims at turning South Africa into a common market of white and black "nations". The black inhabitants will occupy the present reserves—13 per cent of the land—with perhaps arrangements for some further settlement in Swaziland, Lesotho and Botswana. But we encounter questions of viability at once. Some estimates suggest that two-thirds of the present inhabitants of the reserves should be moved out of farming in order to check soil erosion. Even so, a very considerable investment in the "homeland" would be needed if the "green revolution" were to be carried to the remaining farmers.

Families moving out of agriculture would presumably be absorbed into "border industries". These industries are also expected to provide work for a rising percentage of the annual increase in the African labour force which, it seems, is some 82,000 a year. In addition there is talk of annually transferring 80,000 workers—or 5 per cent of the present working force—out of white areas into the Reserves. I have seen no convincing account of just how many jobs will have to be provided ultimately, if this separation is to be carried out. But last year, I believe, just over 6000 new jobs were created and some 48 million rand were spent—apart from education—on the homelands. Between 1961 and 1966, the annual average creation of needed jobs has been estimated at about 8000, the annual expenditure at some 90 million rand.

All forecasts of future jobs and expenditures must be very imprecise. But it does seem clear that if a real effort is to be made to absorb a considerable part of the increase in African manpower caused by rising numbers, released by better farming and transferred from white areas, the aim could not be less than say, 80 to 90,000 jobs a year. And such a level would seem to require annual investment of the order of 900 million rand—a figure which is over half the total 1968/69 federal budget and incidentally three times present expenditures on police and defence. It may be that there are plans to renew the reserves and expand border industries on this heroic scale. But possibly, too, there are not.

If capital on this scale were forthcoming, one could perhaps conceive of a development on or near the African's thirteen per cent of the land which would renew agricultural productivity, build up new regional growth points of urbanization and industry and create a new market network exchanging local food for local manufactures.<sup>1</sup> But it would be difficult to be certain at this moment that expenditures on any such scale are intended. Without them, the policy could end by confining Africans to small eroded reserves with inadequate industrial opportunities either in them or nearby. Subsistence income on farms in the reserves could not increase from the present average income of 140 rand a year. Enough jobs to absorb the migrants from the farms and from the white areas would simply be unavailable. A high number of workers would, therefore, stay and work in white areas but without any security of tenure or job employment and even divided from wives and children who would be compelled to live in African areas. All this would indeed be "separate". But it does not really look like "Development".

This brings us to the second question. Does the strategy really redress in some degree the imbalance of power, privilege and prosperity inherited by the white minority from the colonial epoch? With full expenditures, society might be better and more humane.

<sup>1</sup> This, in turn, could be an effective step towards an ultimately equal and integrated society.

But it has certain built-in weaknesses which investment mitigates but does not cure. If most of the work is to be done in border areas and if the reserves are to be, as some of them are, no more than reserved townships of the Soweto kind, then separate development will not put an end to migratory work or to the disruptions in family life or to a high dependence on white areas where at least ten million Africans will probably go on working permanently. But they look like doing so without any rights and safeguards and exposed to the full insecurity of being liable to exile whenever white society so decides. The African will thus provide essential work to the economy. He will receive back little beyond a wage and uncertain shelter. As numbers grow, as a booming South Africa retains more and more Africans in white industry, as skills edge upwards under the pressure of technological sophistication, one can ask whether, with or without capital, the idea of separation is really viable. If, by the year 2000, perhaps 85 per cent of the workers in white areas are black, if the intertwining and interdependence of the society is nearly complete at the economic level, one may well question whether it can continue without a corresponding social and political co-operation, indeed without a genuine effort to achieve for the majority full human dignity and respect.

### III

These questions remind us that for the world's white minorities the real questions are only partially economic. Wealth is now created on such a scale that we could produce 6 per cent growth rates all round the planet, wipe out illiteracy, rehouse the shelterless, make the desert blossom, feed the human family and undertake any of the wide variety of material tasks for which modern science and technology give us the resources. The crucial question—at the world level and again in each local white community—is whether, as inheritors of overwhelming wealth and power, the West Europeans and their descendants have the political will to lessen the disproportions in our society's wealth and opportunity, to cancel our colonial preponderance and join the larger, juster more equal planetary society which, at least in physical terms of access and communications, our science and technology are bringing to life.

The temptation is naturally to want no change. Its very comfortable to be at the top of the heap, to live in clean suburbs, not filthy shanty towns, to live to 70, not 42, to see all our children grow up, not die before 5, to have no experience of hunger, to be literate and skilled, to know nothing of human contempt. All this lulls the conscience, dulls the mind and narrows the heart. Why should we change, we who have never had it so good? As Robert Kennedy said in this place two years before his tragic assassination:

"For the fortunate among us, the danger is comfort; the temptation to follow the easy and familiar paths of personal ambition and financial success so grandly spread before those who have the privilege of education. But that is not the road history has marked out for us. There is a Chinese curse which says, 'May he live in interesting times'. Like it or not, we live in interesting times. They are times of danger and uncertainty; but they are also more open to the creative energy of men than any other time in history. And everyone here will ultimately be judged—will ultimately judge himself—on the effort he has contributed to building a new world society and the extent to which his ideals and goals have shaped that effort."

But how do we mobilize our energies for such goals? I suppose the motive could be fear. They say that it is the beginning of wisdom and if we look back over history at the fate of overmighty conquerors—which, from a world historical point of view, we West

Europeans still are—it does not offer very pleasant alternatives. Privileged minorities who persist in keeping their monopoly of power and wealth seem to become inherently insecure. The options open to total conservatism are not really very numerous. If we arm to the teeth, increase internal repression and live eternally on the *qui vive* for external and internal enemies, we become a different kind of society and one in which, for all our comforts, we might find it intolerable to live. If we lash out and try to drive back opposition, the ring of potential opponents round the world is so vast that they would regroup and reappear. And if we tried, perhaps in some nuclear holocaust, to get rid of them altogether, we could vanish, too.

I hasten to say that I think this scenario at present totally unrealistic. There is, of course, China's alienation and Lin Piao's version of latter-day Leninism in which the world's poor, coloured peasants will surround and conquer the "white urban citadel" of wicked Americans, Europeans—and Russians. But this mood is not yet echoed much elsewhere. With all our wealth, with all our exclusiveness, yes, with all our brutality, we West Europeans are still treated very tolerantly in most parts of the world. I myself lived for eight years in Ghana and can testify that my presence there seemed to evoke not only courtesy but even a certain gaiety and enjoyment. In Kenya, I have seen marvels of reconciliation between European and African in the wake of Mau Mau. African heads of State, Asian statesmen, Latin American opposition leaders do not speak of race-war and annihilation. Recently the Heads of State of Central and East Africa repeated their commitment to the hope of racial partnership. Such leaders plead for co-operation and justice and seem pleased with the relatively small evidence that the wealthy white world does not mean to sit for ever on top of its inherited predominance.

Of course, if through the Seventies and Eighties we in the wider Atlantic society and you in your local offshoot keep our monopolies of wealth, our overwhelming power and our exclusive privileges, we shall end by creating the irresistible enmity we fear. But there is time for manoeuvre, for policy, for imagination. Above all, there are resources, growing all the time, which place in our hands the instruments of creative change.

The world would look a very different place if the West Europeans, the heirs of the conquerors and the colonialists, the inheritors of eighty per cent of practically everything, set to work, with patience and courage, over the final decades of this century—the first century of emancipation—to modify this huge and monstrous imbalance. At the world level, an annual transfer of one per cent of our gross national product could set in motion the "green revolution", create regional centers of urban growth, build up jobs in the cities, stabilize populations, educate the young, house the families, feed everyone. It is no more complicated than conquering the planets. It is infinitely cheaper than bombarding Vietnam.

In the United States, a genuine Marshall plan for the cities, opportunities for employment and housing outside the ghettos, education to take in the disadvantaged young—these are not more impossible than spending 90 billion on highways—or 80 billion a year on the weapons of death.

In South Africa, to begin with, African areas big enough to give the African farmer a prosperous life and regional industrial development in new cities to employ him and his children could lead to the end of unworkable separations. It could pave the way to a society of human partnership and solidarity where all races could earn equal rewards, respect and opportunity in return for an equal contribution to the nation's livelihood.

To change in this way the direction and generosity of our spending does not involve much actual economic sacrifice. We are growing too fast for that. A massive transfer to Atlantic capital to world-wide economic assistance would not entail more than a slight slowing down in the rate of growth of our wealth. For you, a society of greater opportunity for all your people is actually what your growing shortage of skills really dictates. To move away from separatism is to move towards a wider prosperity for all. A policy based upon separate enclaves, even if it were generous enough to provide a decent living for their inhabitants, does not even begin to deal with the problem of millions of Africans working, as disadvantaged un-citizens, in the general economy. A really large scale effort now to make still separate development a reality in income, jobs, education and opportunity could, however, prepare the way for human partnership and equality in the future. And this, in turn, could assure the growth of capacity, trained skills and markets which all races require.

Who knows, if the wealthy minority both at the world level and in the local community were generous enough to take these first steps towards a less biased, exploitative and selfish stance in our narrow world, what came afterwards might go—as it should—far beyond a mere redressing of an inherited imbalance. We might begin to advance towards a society of political, social and economic equality which our Western civilization upholds as its highest civic aim—even as it falters in achieving it.

At present, great gaps in culture, understanding, education and income hold the races apart. It is not simply a question of white and black. It is brown and black. It is brown and yellow. It is all round the world, particularly in every area where the forced migrations of the eighteenth century leave different groups of migrant peoples confronting each other in anger and fear. But with education and opportunity, as we know, the gaps diminish. Today, the yellow is honorary white, provided he is sufficiently rich, energetic and educated. Is it inconceivable that the consequence of a much greater, more sustained and more honest attempt at social and economic development might not begin to fill in the gulfs between white and black, above all, the gulf which today is being gouged ever deeper by separation and fear? Is it totally unrealistic to think of a planetary society in which human beings of all races could meet each other in mutual courtesy and receive the same rewards for the same work, the same responsibility and participation, the same basic respect for the common fact of shared humanity?

I would go further and say that the phase of history in which we have arrived and for which the West Europeans have acted as midwives makes this kind of development the only alternative to human annihilation. In this society which we, West Europeans, or descendants of West Europeans, have created on this planet, certain wholly new facts about the human experiment have emerged. First, we know enough about history to realize that the present predominance and overwhelming wealth of the West Europeans and their descendants are the product of historical chances which will not be repeated and will not, in their present form, be maintained. Secondly, we have the wealth, the machines, the science and the energy to give every "earthling" a share in the good life. Thirdly, the same revolution of wealth and science is creating a single planetary community which the astronauts have helped humanity to see—the small blue vivid world in whose little compass all of us must learn to live. Fourthly, we know that the secrets of power which made this wealth possible are accessible to every trained human intelligence, whatever the outer colour of the

covering skin. Chinese already have atom bombs, Africans will have them. No repression can cancel this counter threat. It only makes the nemesis more certain. Fifthly, and equally, we know that reconciliation over time is a genuine possibility and that, against all likelihood or even all justice, other races are ready to welcome to a fully human community the West Europeans who for so long have ridden on their backs and jumped on their heads. This patience is a miracle which Westerners do not deserve. It gives them a little time for readjustment.

Are we ready for it?

I can only end with my own confession of faith. I am a Christian. I believe that God made this planet for all His creatures. I am white and fortunate and ridiculously privileged. I am so because of good fortune and good inheritance. I have done precisely nothing to earn this, save to be born in the right place. This, I confess, does not give me a feeling that wealth and influence and respect are mine by right. They have to be earned. The talents are not to be buried in self concern. They must be set to work for my neighbour, for my world. How can I, how can any member of this whole powerful, violent, successful West European race come before the judgment of history and of God and say: We thank You that we are not as other men. We'll keep the eighty per cent of Your planet's wealth. We'll hang on to every last cent that conquest and slavery and fortune and our own and other men's work have placed at our disposal. We won't share much, we'll give up very little. And meanwhile we count on You to see to it that the judgements of Your history are diverted from us while we hang on to predominance and privilege and fortune and power.

It may be that in the "new history," the old judgements are cancelled. Perhaps, in the age of planetary unity and nuclear power, it is no longer true to say "God is not mocked". But I doubt it. I still think we reap as we sow. And when I think of our fortune, our injustice and our indifference, I remember the just judgements of God and I tremble for myself and for all who accept their luck and wealth as a right and are ready to base their own fortune on the enslavement and indignity of their fellow men.

#### SPEED ANTIPOLLUTION PROGRAMS

**HON. PHILIP J. PHILBIN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. PHILBIN. Mr. Speaker, this Nation is currently visited with pollution of all kinds that is causing the people great concern and making life intolerable and unbearable for many.

Conditions in our rivers, lakes, ponds, and waterways are incredibly filthy. Our streets and public places are littered with refuse, garbage, waste, and filth in many areas. The polluted air of many places in a country where clear water and clean air were once almost universal is now posing one of the most difficult problems we have; namely, keeping our surroundings, our environments, our homes, and public places and areas clean, wholesome, and healthful and free of noisome stench and foul litter.

We need large sums of money to carry on the fight against pollution of all kinds, yet on the basis of the reduced

budget request of the administration to implement the Clean Water Restoration Act of 1966, the amount requested is only \$214 million and only 1,185 communities in the Nation could be assisted. This would leave 3,889 communities without assistance, representing \$2.55 billion of required projects unfunded.

This situation is to be greatly deplored, because it means that we are losing the battle against water pollution as well as against air pollution and it will increase and spread pollute conditions in the country.

The film, "Who Killed Lake Erie," has been received with acclaim and enthusiasm by the people, because it emphasizes what the true situation is in some areas and points up the great need we have for appropriate action in Congress, and the urgency of united action on a crash basis by local, State, and Federal governments.

There are few things, more important, that this Congress can do today than to provide the authority and the money to fight against the great evils of polluted air, water, and environment, and I hope and urge prompt action to the crying need for a determined, united massive program to rid the Nation and many of its afflicted communities of the evils and baneful effects of pollution in all its obnoxious, injurious manifestations.

The fact is, Mr. Speaker, that if we do not respond to pollution eradication appeals and needs very promptly, this country could be visited by deadly plagues, diseases, and human misery such as it has never known or even conceived possible.

Let us have no further delay at local, State and Federal levels, replace inertia with positive action, cut dilatory redtape which is bogging down progress with irrelevant talk, and cumbersome planning, and in that way, we should be able to banish avoidable delay and get some action in moving and funding necessary antipollution programs. This question deserves very high priority and I urge it be so considered.

POT IS DANGEROUS

**HON. BOB WILSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BOB WILSON. Mr. Speaker, recent scientific research is helping to confirm previous evidence on the dangers of marihuana. The upsurge in marihuana use in the past few years has provided an increasing number of tragic examples of the effects of this drug. The following article from the Chula Vista, Calif., Star outlines some of the new and disturbing findings at the Donner Laboratory, University of California, Berkeley:

POT IS DANGEROUS

About a year ago, when the Surgeon General of the United States took a somewhat ambivalent position on the effects of smoking marijuana, we too were not entirely convinced the drug should be banned.

Now, with new evidence at hand, we are absolutely convinced that marijuana should be absolutely prohibited. It should not be legalized.

The evidence is quite convincing, and mounting every day.

As reported just this month by Professor Hardin B. Jones of the Donner Laboratory of the University of California at Berkeley, marijuana is not only habit forming and productive of hallucinatory intoxication, but also has probable long range physical and cumulative mental effects which can permanently damage the mind and personality.

For example, according to Professor Hardin, the use of marijuana is almost sure to produce the long range (and cumulative) physical effect of causing cancer, in the same way that tobacco—also a combustible vegetable substance—does.

Equally important is the evidence that marijuana, or "pot," produces cumulative, long range mental effects which cause permanent personality changes, together with the loss of purpose, drive and the ability to reason and make decisions clearly.

As Professor Hardin puts it, "Most chronic pot users are incapable of having long-range goals of accomplishment. The hippie cult started four years ago with sweet, naive young people being induced to 'expand their perceptions.' Many of them today look sick and aged. They are."

There has never been doubt in any competent observer's mind, including the over-cautious Surgeon General's, that the amphetamines, LSD, heroin and morphine are permanently harmful. There has been some doubt about marijuana; however, to the point that many well-educated bright adults have even tried it.

It is clear now that these well-meaning persons simply didn't know enough about the drug to sensibly, objectively turn it down. They were "taken in" by the Timothy Leary advocates. Had they known all the facts about marijuana, most of them would never have tried it.

Today, four years after the marijuana craze began in earnest, competent scientists like Professor Hardin have had ample opportunity to gauge the effects of the drug.

Their conclusion is that it has long-range harmful effects which are cumulative. That is, the effects don't "wear off" after smoking one, two or ten marijuana cigarettes. The deleterious effects remain with the pot smoker, permanently impairing his ability to reason and think clearly.

Just as the surgeon general finally published his report on smoking and health, which clearly defined the harm caused by cigarettes, the scientists are today beginning to produce their own reports on marijuana. And their conclusions are much the same.

Thanks to the weight of scientific evidence, the consumption of cigarettes, is finally beginning to go down. Fifteen years ago, for example, 70 percent of all physicians smoked cigarettes; today only 7 percent smoke!

Also in response to the evidence, legislative bodies throughout the country are moving to label cigarettes for the health hazard they are. The tobacco industry itself has agreed to halt all cigarette advertising on TV in 1970, and firms within the industry are scrambling to diversify their holdings so as to lessen the impact on profits as cigarette consumption continues to dwindle.

Should we then outlaw cigarettes altogether?

The time will probably come when this happens.

But it will not happen until the overwhelming majority of the general public is so convinced of the harmful effects of cigarettes that enforcing such a law will not be difficult.

Alcohol may also someday be outlawed. But, again, it won't happen until the vast

majority of the populous is convinced of the death-dealing effects of alcohol.

Prohibition failed because too many people simply didn't realize how harmful alcohol really is. The public still doesn't realize it today.

Yet, as Professor Hardin points out, "... alcohol is the commonest cause of irresponsible and even criminal conduct in the adult population. Each year about 25,000 deaths from automobile accidents (half the total) are attributed to drivers under the influence of alcohol. About half the 2,400,000 traffic injuries are similarly attributed to alcohol, and each year about 50,000 persons die from liver disease of a type which is almost exclusively the result of chronic over-use of alcohol."

Someday if the scientists, the schools, the surgeon general, and the mass media put their minds to it, enough persons may be convinced of the deleterious effects of alcohol to ban it.

But until they do, there will be no laws against it.

What we're saying here, is that education, based on sound scientific evidence, is really the only way a free, democratic society can make laws for its own common good.

If we as parents and responsible citizens care enough to "tell it like it is" when it comes to marijuana and (cigarettes and alcohol too!) then perhaps we can foster a coming generation of voters who will treat these dangers in a more sensible, responsible manner than we have done.

#### SST ANNOUNCEMENT INCONSISTENT

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. WALDIE. Mr. Speaker, yesterday the President announced that the Federal Government would expend an additional \$660 million for development of a commercial supersonic transport aircraft.

I find this announcement to be ill-timed in view of the administration's recent disclosure that Federal construction projects are to be cut back by 75 percent in the interest of curbing inflation.

Upon reading of the President's announcement yesterday, I issued a news release on this subject which I would like to submit for inclusion in the CONGRESSIONAL RECORD:

#### NEWS RELEASE

(By Congressman JEROME R. WALDIE)

President Nixon's call for an expenditure of \$195 million this year for development of the Supersonic Transport (SST), has been sharply criticized by Congressman Jerome R. Waldie, D-Antioch.

"I find the President's announcement to be quite inconsistent with his recent order to curtail Federal construction by 75 percent in the interest of curtailing inflation," Waldie said.

"In my opinion the problem of getting a man to Europe or Hawaii one or two hours quicker than he can now is miniscule in comparison with the increasingly difficult problem of getting a man from his home to his job and back."

Waldie called the request for \$195 million, "doubly distasteful in light of the Administration's expenditure of but \$175 million for rapid transit projects over the entire Nation.

"It is apparent that the Administration is ignoring the greater problems of the cities, too many cars, too little parking and too much auto exhaust-caused pollution, for the competition between nations to rush a member of a highly privileged group across the oceans quicker than the next fellow."

Waldie also pointed out that the impact of the Administration plan to curtail construction projects would be felt by the less-skilled employees, the worker whose job is usually seasonal and who cannot usually find other employment.

"Thus we have the situation," Waldie said, "of an Administration removing one group from the work force of the Nation in the interest of 'economy' and on the other hand, creating new highly specialized jobs for the ultimate benefit of a small percentage of the public."

"That," Waldie said, "is an inconsistency—a most unfair and discriminating inconsistency."

Waldie said he had criticized the Administration previously for its apparent "priority gap" in transportation.

"That gap still exists as long as rapid transit and the cities fall below such dubious and superfluous projects as the SST."

#### THE AMERICAN CHILDREN'S RESEARCH HOSPITAL IN KRAKOW, POLAND

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROONEY of New York. Mr. Speaker, I am sure that all the Members of this body are interested in learning of significant successes in our foreign assistance programs. My colleagues who joined with me some years back to enact legislation permitting the use of some of our surplus zlotys for the building of an American financed hospital in Krakow, Poland, will be particularly gratified to learn the extent to which this investment is paying dividends.

During the course of my recent Appropriations Committee responsibilities abroad, I had the opportunity to again visit the American Children's Research Hospital in Krakow, Poland. My visit was not at all cursory or casual. In the company of Dr. Barbara Kanska, the very competent director of the hospital, I made a thorough inspection of its structure and a detailed examination of its operations and administrative practices. I am sure that our American Ambassador Walter Stoessel and the other American officials who accompanied me were just as impressed as I was with the physical plant and the fine modern laboratories and equipment. We were all equally impressed with the exceptionally high morale of the entire staff of doctors, nurses, administrators, and the patients themselves. Nowhere in any country could you find a more devoted and dedicated staff than in this magnificent hospital.

I was thrilled not only in seeing firsthand the extensive humanitarian services being rendered to thousands upon thousands of Poland's sick and suffering children but I was tremendously im-

pressed with the goodwill toward America which this project has generated.

As Americans we can be justly proud of an institution which excels any other of its type not only in Poland but in all of Central and Eastern Europe. Its achievements in research and its success in treatment have given it a reputation of the highest order. Both the professionals and the lay public feel that the staff of the American children's hospital are "curing the incurables and rehabilitating the hopeless."

I witnessed an appendicitis operation performed by skilled surgeons with every modern hospital facility at hand. I visited countless sick rooms and talked with ill children and their grateful parents. I visited the classrooms maintained for children who are patients able to study. I worshipped in the chapel available for supplying the spiritual therapy needed by the sick.

I was informed of the emergency cases brought to this hospital to benefit from the exceptionally fine facilities and professional skills.

Mr. Speaker, without a doubt the American Children's Research Hospital represents one of the most satisfactory projects launched anywhere in the world with American money. It represents the epitome of a cooperative arrangement between two governments. I hope that

many of my colleagues will have an opportunity to visit this institution.

Subsequent to my visit to the project, I was asked to make a public statement as to my reactions. Mr. Speaker, I submit the text of this statement for inclusion in the RECORD at this point:

I have always been impressed with the cordial reception granted to me and to those who accompany me when I have visited the American Children's Research Hospital here in Krakow. The generous hospitality which you extend to us is a source of deep gratification.

This much needed medical center is the fulfillment of a dream some of us had for putting to good use some of the excess zlotys which had accrued to the credit of the U.S. government. Little did any of us begin to realize the magnificence of the structure which we viewed on the drawing board and in the early stages of construction, such as I saw on my last visit.

Those of us in the United States Congress who have major responsibility for the utilization of federal funds derived from the tax payments of our citizens are always gratified when we see those funds being spent economically and wisely. This is particularly true with respect to the very heavy expenditures being made throughout the world for the benefit of other nations.

What I have seen today assures me that my fellow Americans can be justly proud of what has been accomplished with their help. We are well aware of the fact that our foreign aid projects are seldom complete in themselves. All of them require a form of

matching in one manner or other and all of them assure a continuing operating expense on the part of the receiving government. This is as it should be for too frequently a contribution toward operating costs entails some measure of control on the part of the donor. This is a form of interference which the United States has consistently sought to avoid.

We are satisfied that this medical institution was established in accordance with our mutually agreed upon plans to meet the needs of Polish children. The type of benefits and treatment extended to them is the full and complete responsibility of the Polish Government just as is the selection of those who are to be admitted for diagnosis and treatment.

This institution here in Krakow is a dramatic argument that the ethnic bonds and the ties of kinship are capable of re-establishing the lines of communication which often become temporarily jammed or severed in times of international stress and political unrest. It is my hope that this project and other projects like it may help all of us to achieve greater understanding of one another's motives and a deeper bond of friendship sufficient to allow the sharing of our assets, our talents and our culture with each other.

No one could deny that America is richer because of the great contributions which have been made to generations by the people of Poland to our economy, our cultural achievements and to our religious and social well-being. May the sharing of these great gifts continue with the help of the great God in Heaven.

## HOUSE OF REPRESENTATIVES—Thursday, September 25, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*See that none render evil for evil unto any man; but ever follow that which is good, both among yourselves, and to all men.—I Thessalonians 5: 15.*

God of grace and God of glory, in the midst of the troubles of this time we would find in the living water of prayer the spirit which can restore our souls, renew our bodies, and make us ready for the tasks of this new day.

We are disturbed by the divisions in our world and in our Nation, weighed down by many worries, tempted to lose hope, and to give up because peace and justice seem so long in coming. We confess that we do so little when there is so much to be done.

We pray for our country and for ourselves, the leaders of our people. May we not increase our divisions by any ill will but take advantage of every opportunity to spread good will so that our influence shall always be for the good of all.

Give us courage to carry on, knowing Thou art always with us and believing that with Thee we cannot fail.

In the spirit of Him whose truth is marching on, we pray. Amen.

### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.;

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.;

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.;

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.;

S. 2226. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination;

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act; and

S. 2547. An act to amend the Food Stamp Act of 1964.

The message also announced that the Vice President, pursuant to title 16, United States Code, section 715a, ap-

pointed Mr. TYDINGS to the Migratory Bird Conservation Commission in lieu of Mr. METCALF, resigned.

### PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT UNTIL NOON, SATURDAY, SEPTEMBER 27

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until noon on Saturday, September 27, to file a report on the Office of Economic Opportunity.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

### DEFAMING OUR PRESIDENT DOES HONOR TO NO ONE

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, last week the chairman of the Democratic National Committee accused the President of "the wildest kind of improvisation" in attempting to solve the problems of Vietnam and inflation.

Almost at the same time one of our liberal columnists, writing about the same problems, used almost the same terms saying the President was "wildly improvising."

Now, Mr. Speaker, most of us do not commonly, in everyday talk, use such terminology, especially when it has no