

At 6 o'clock and 53 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. Cook in the chair).

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10595) to amend the act of August 7, 1956, (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT OF THE HOUSE UNTIL WEDNESDAY, NOVEMBER 12, 1969

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Congressional Resolution 441.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 441, which will be read.

The legislative clerk read as follows:

H. CON. RES. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, Nov. 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the concurrent resolution (H. Con. Res. 441) was considered and agreed to.

#### ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 7, 1969, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate November 6, 1969:

##### U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

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##### U.S. MARSHAL

Lloyd H. Grimm of Nebraska to be U.S. marshal for the district of Nebraska for the term of 4 years, vice D. Clive Short.

James W. Traeger of Indiana to be U.S. marshal for the northern district of Indiana for the term of 4 years, vice Casimir J. Pajakowski.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 1969:

##### U.S. ATTORNEY

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina for the term of 4 years.

##### AMBASSADOR

Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

##### INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

##### WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization.

##### U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1972:

David R. Derge, of Indiana.

Jewel LaFontant, of Illinois.

William C. Turner, of Arizona.

##### IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning John F. Fitzgerald, to be a consular officer of the United States of America, and ending James A. Weiner, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 8, 1969.

## EXTENSIONS OF REMARKS

### AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

#### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KUYKENDALL. Mr. Speaker, in the past few days many of those who supported the activities of October 15, have had second thoughts and are now disavowing any connection with the proposed stop the war program proposed for next week. They tell us they are now convinced the demonstrations are in control of a hard-core group of subversives and are Communist dominated.

Mr. Speaker, I am glad these folks are finally recognizing what many have been warning about for a long time.

One of those who had the courage to speak out strongly against the leadership

of the October moratorium committee was Vice President SPIRO AGNEW. For his forthrightness he was heartily condemned by the moratorium leaders, the self-styled liberals in the press, and others who feel that freedom of speech belongs only to the dissenters.

I think it is becoming increasingly clear that the Vice President is saying only what the majority of Americans know to be true. Thank God we have a man in high office with such courage and the patriotism which leads him to speak out.

As the columnist James J. Kilpatrick puts it in his column in today's Washington Star, "AGNEW Becoming a Wonderful Household Word." The column follows:

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

(By James J. Kilpatrick)

In this award-conscious society, which is forever presenting Oscars, Emmies, brass

plaques, illuminated scrolls, and other bottlecaps and doorstops, a special Golden Stump Award should be devised for the year's best speech by a man in public life. If nominations are in order for 1969, I hereby nominate Spiro Agnew's speech of Oct. 30 at Harrisburg. It was a beaut.

The vice president, it will be recalled, had gone down to New Orleans on the 19th for a Republican fund-raising rally. He seized the occasion to denounce "a spirit of national masochism, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Holy smokes! Here in Washington, the reaction was cataclysmic. The Post was aghast. Everywhere one looked, liberals were clutching their throats and turning purple. Around and about the Hill, Republican moderates were saying tsk, tsk, and now, now. The general assumption of the cocktail crowd was that the vice president would be summoned back to the White House, there to have his mouth washed out with soap. The "dump Agnew" movement had begun.

A less astute president than Richard Nixon might have yielded to the hissing of our local gaggle of geese. Nixon has an intuitive sense

about these things. He stayed in the dugout and left his pitcher on the mound. On the 30th, Agnew turned up in Harrisburg.

"A little over a week ago," the vice president began, "I took a rather unusual step for a vice president: I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encourage government by street carnival, and suggested it was time to stop the carousel.

"What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy."

Agnew avowed his own strong belief in a right to dissent, including the right of peaceful assembly. "But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic."

The tragedy of the Moratorium turnout, he added, was that thousands who wanted only to show a fervent desire for peace "were used by the political hustlers who ran the event." And who are these hustlers? They are the self-righteous, the self-proclaimed saviors of the American soul: "Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views."

Agnew spurned any thought of appeasing the professional protesters. He called instead for a positive polarization based on principles and values and American ideals. Once again, he tongue-lashed the "glib, activist element who would tell us our values are lies." He proposed "to separate them from our society with no more regret than we should feel over discarding rotten apples from a barrel."

There was much more. This was a speech built like a battering ram. It was the headlong rush of an honestly angry man. And unless I am vastly mistaken, the vice president will emerge from the hustings a national hero. You can forget this "dump Agnew" business. On beyond the Potomac, in heartland America, the name of Spiro Agnew is becoming a wonderful household word.

#### SOVIET TECHNIQUE

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 6, 1969

Mr. BYRD of Virginia. Mr. President, Henry J. Taylor, the noted newspaper columnist, has had a great deal of experience in negotiating with representatives of the Soviet Union. Mr. Taylor served as Ambassador to Switzerland for a good many years and during that time had experience with the Soviets.

In a newspaper column entitled "Soviet Technique," published in the Washington Daily News on November 5, 1969, Mr. Taylor gives some insight, and I think keen insight, into the Soviet technique.

Mr. President, I ask unanimous consent that the article by Henry J. Taylor be printed in the Extensions of Remarks.

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

#### SOVIET TECHNIQUE (By Henry J. Taylor)

When Secretary of State William P. Rogers proposed Geneva or Vienna, but settled for Helsinki, as the site for the Strategic Arms Limitation Talks with the Soviet Union, he took a calculated risk. But behind the scenes it is a very grim risk and Mr. Rogers knows the reason.

Nine-tenths of all Russia is in Asia, and there is a high Oriental content in the Kremlin frame of mind. This is true in detail as well as principle.

Across a period of four years I sat thru countless negotiations with the Russians in Switzerland. The Soviet antagonist begins by carefully selecting what appears to the western mind to be a small point. It is, however, his testing pitch.

If you give in he interprets the give-in as weakness. His strategy is to get you accustomed to giving in and he tries to start the habit of concessions. Then he expands his demands from that moment forward.

As this column has stated before, the Kremlin men systematized this technique and are masters of it. It is the Oriental technique of gradualism. Accustom people to retreating and you can not only push them out of firm positions but they will even begin to believe that ducking into doorways is really much better than walking down the street.

The Soviet never asked for these Nov. 17 nuclear control talks. We did—more than a year ago and with Mr. Rogers continuing to prod Soviet Ambassador to Washington Anatoly F. Dobrynin again and again.

Accordingly, Korea represents a consequential example of the calculated risk now taken. Again and again we prodded Red China and North Korea for a Korean truce. Ultimately, we asked the North Koreans to meet us aboard the Danish hospital ship Jutlandia in the harbor of Pusan. Washington filled the world's radio channels with this plea, in all dialects and around the clock. Even so, the enemy did not reply for five days.

The morning after we began our plea I was with Gen. Douglas MacArthur at his New York City office. Thoroughly understanding the Oriental mentality, he predicted what the North Korean negotiators would do.

"We specifically proposed a meeting place," Gen. MacArthur told me, "and we shall have to watch out for that. In my opinion, the North Koreans will lay the groundwork for the talks by refusing to meet us at Pusan. They will substitute some other location. This will be their test pitch. And it will probably be some place near their country that makes us 'come to them.' If we give in, the talks will go on indefinitely—and with our negotiators on the defense from the very opening moment."

As MacArthur predicted, the Reds did grasp at the single specific and did blackball it, just as I saw them do later when they blackballed an oblong table and insisted on a round table at the opening of a Geneva conference. The North Koreans insisted on their own choice of location. We gave in. And the talks were stalled for nearly two years.

In addition, in the Helsinki concurrence, Mr. Rogers knows we face extremely complex communications with Washington and a grim security problem.

### MORATORIUM GETS ITS LUMPS AT MU-ROLLA

#### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ICHORD. Mr. Speaker, today, this city and others throughout the Nation are girding their loins in preparation for a so-called fall peace offensive being organized by the New Mobilization Committee To End the War in Vietnam—New MOBE, as it is called—an organization which evidence strongly indicates is dominated by Communists.

This so-called peace movement is scheduled to culminate in a series of demonstrations on November 13 to 15 which, its initiators and organizers hope, will bring this country to its knees and force America to withdraw from Vietnam.

Countless thousands of decent and well-intentioned citizens are planning to participate in this movement, seeing the demonstrations only as a viable means to register their horror at the continuation of what seems to them a meaningless and destructive struggle taking American lives in Vietnam.

They do not know—or if they know, they refuse to recognize the fact—that these activities are being carried out by persons not dedicated to the principles of our form of government who are using the claim and mask of dissent to work for the interests of Hanoi.

The real objective of this "offensive" is to do injury and damage to the United States and give aid and comfort to our enemies.

I hope the American people will not be fooled, just as the students at the University of Missouri at Rolla were not fooled by the so-called October 15 Vietnam moratorium.

To show how alert the students at MU-Rolla were, I would like to share with you a letter written by a student, Richard W. Harshaw, to the editor of the Jefferson Republic of DeSoto, Mo., and an editorial reprinted by the Republic from the October 16 issue of the Jefferson City Post-Tribune, another fine newspaper in my district, and add my praise for the actions of the vast majority of students at that great university:

DE SOTOAN TELLS OF UPSET OF MORATORIUM AT MU-ROLLA

EDITOR, THE REPUBLIC:

It has come to my attention that apparently an overwhelming portion of the media, both broadcast and printed, gave very partial coverage of the October 15 Vietnam Moratorium Day. I feel it proper that the public be informed as to the true nature of these protests.

For example, it was acutely evident that the St. Louis television stations were presenting only one side of the story. All the citizen saw was the assemblages of radicals gathered on a campus, holding various and, as often as not, degenerate signs, chanting anti-war slogans. The newspapers told of the same story. Unfortunately, there is no shaper of opinions as great as the news media, so

the picture we see painted is one of a nation of angry, discontented youth shouting "Hell no, we won't go!" But there are two sides to every coin and although good news doesn't sell like bad news, I believe both sides should be known.

Enclosed is an article from the Oct. 16 Jefferson City News Tribune which tells the tale in vivid terms. I would like to add my own observations since I took part in the American Day activities here at UMR.

Preparations were begun three or four days in advance, with students buying all the red, white, and blue they could find. By Monday, the 13th, the local merchants at Rolla were completely sold out of the small flags and colored ribbons the students were wanting. As a result, hundreds of students made their own flags out of anything they could find.

On M-Day, the 15th, results of patriotism were staggering. Students with black armbands numbered somewhere around 200. But students donning their colors numbered between two and three thousand! To say that M-Day at Rolla was a rout is a gross understatement—it was a shattering humiliation to the radicals. There were even several cases where M-Day supporters attended classes, their black protest armbands hopelessly adrift in a sea of Stars and Stripes. That afternoon there was an open assembly to whip up support for the moratorium which, like its philosophy and followers, was hollow. Never has there been such a dismal failure of radicalism in educational institutions in Missouri!

There are also plans to repeat the M-Day protest in November, but the protestors have already been informed by the young patriots that it would only be a repetition of the recent protest, if not more humiliating. This is what I believe to be the true American youth, the unheralded heroes who love their country more than mere words can tell.

Before closing, I would like to show the utter hypocrisy of M-Day and what it stands for. The radicals base their protest on the grounds that the Vietnam conflict is immoral. Mush! First, it has been America's policy ever since the end of World War II to halt communist aggression anywhere on the face of the earth, with force if necessary. Second, we made a solemn promise to the people of Vietnam to help them rid their country of the communist host and to prevent their capture by the same. And so what if the government we signed the treaty with doesn't exist anymore? It's the people we're helping, not the government. Third, to pull out of Vietnam as they desire would insure America's fall—perhaps not militarily, but certainly socially and morally. And what's moral about suicide? And last, but by far not least, what do you tell the parents of some thirty thousand young men who have died? "Your son died for nothing?" What is more immoral than that?

No, America is still the arsenal of freedom. And although she has internal dissent and turmoil, she is still the greatest nation man has ever erected. She is my country, my country and yours.

Sincerely,

RICHARD W. HARSHAW,  
UNIVERSITY OF MISSOURI, ROLLA.

[From the Jefferson City (Mo.) Post-Tribune, Oct. 16, 1969]

UMR STUDENTS, OTHERS TURN M-DAY INTO AMERICAN DAY

Our hats off to students at the University of Missouri at Rolla who turned a so-called Vietnam Moratorium Day protest by a handful of radicals into a total rout.

Although the Young Republicans at UMR came up with the idea only Tuesday night—the eve of so-called M-Day, the effort soon became a spontaneous, non-partisan one which enveloped not only the college campus but all the city of Rolla.

Red, white and blue armbands were worn by many students. A booth, hurriedly arranged, where bands could be picked up, was literally swamped. The handful of radicals, wearing black armbands, resembled lost black sheep, which they apparently are.

The Kiwanis Club made its supply of American Flags available. Merchants and townspeople cooperated fully. The Stars and Stripes were everywhere.

Most Americans, we believe, looked upon the Vietnam Moratorium Day as a display or effort which could bring only aid and comfort to our enemies, prolong the war in Vietnam or eventually bring humiliating defeat to the United States.

The vast majority of students at the University of Missouri at Rolla went on the offensive. They turned M-Day, which also could be called a day of ignominy, into an American Day of honor to our commitments and in support of our troops who are fighting in that faraway land.

The vast majority of students in most other schools, of course gave M-Day the silent treatment. Lincoln University is a good example. Only a small percentage of students attended the protest. The remainder went to their classrooms.

We commend these students, who ignored the pleas of radicals, dupes and others who wittingly or unwittingly tried to create a new Pearl Harbor on Wednesday, Oct. 15, 1969.

We especially salute the vast majority of students of the University of Missouri at Rolla, merchants, Kiwanis Club, Young Republicans and townspeople for joining together in making a rout of a Vietnam Moratorium Day effort in our sister city to the south.

ADDRESS BY SENATOR MONTOYA  
BEFORE THE 14th ANNUAL AFL-  
CIO CONVENTION

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES  
Thursday, November 6, 1969

Mr. MOSS. Mr. President, the distinguished junior Senator from New Mexico (Mr. MONTOYA) delivered an eloquent and thoughtful address before the Annual Convention of the AFL-CIO in Albuquerque, N. Mex., on November 1, 1969. It is typically a well-reasoned and forthright speech, which is what we expect from JOE MONTOYA. I congratulate my friend and neighbor. His distinguished service to his State and to the United States deserves commendation. I ask unanimous consent that his address be printed in the Extensions of Remarks.

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

REMARKS BY SENATOR JOSEPH M. MONTOYA  
BEFORE THE 14th ANNUAL AFL-CIO CONVENTION, ALBUQUERQUE, N. MEX., NOVEMBER 1, 1969

Thank you for the overly generous welcome. First I would like to thank your very able President Luther Sizemore, and your executive secretary Neal Gonzales for extending the invitation to speak to you today.

I know many of you have traveled long distances to be here. A New Mexico AFL-CIO Convention is always a great opportunity to meet old friends, find out what's happening in other parts of the State, and of course to relax. Naturally I consider it a privilege and an honor to be here to address you today. Many of you have discussed matters of

mutual interest with me for years now. We've lived and worked together through good and bad times, always, though, continuing to work together. And once again I come to meet with you.

Members and officials, guests, the season is now here when those who seek your favor at the polls will come to you with handkerchief in hand posing as your friend. I know you will not be fooled by this ruse. For the ranks of labor are made of stiffer material than the fibers that emanate from simple emotion. You are intelligent human beings, imbued with the wisdom and foresight of men who understand the complicated nature of the world we live in.

You want not crocodile tears from those who would woo you—and I come to you not in this vein. I come to you as a worker in the vineyard—who has fought for you and yours for 30 years. I come to you not with empty words or false hopes—I come to you and stand here today to discuss the most urgent matters of our time . . . matters which concern you and the entire State of New Mexico, and which concern the nation and the world.

I do not come before you today to attack President Nixon or his Administration, but to discuss problems, as I see them, which the President and the nation have to face.

I do not come before you to answer the constant rhetorical outcries of Republican officeholders in our State of New Mexico. We cannot solve problems that way.

I come before you today to speak carefully, soberly, and constructively about the troubled times we live in. And I also come before you to suggest how you and I may work together to improve our lives, build a better New Mexico, and in this way contribute to building a better America. That, my friends, is the large order I have set for both of us this morning.

The problems you and I and the nation face are not easily solvable, nor are they minor in scope and complexity. Today, America faces a multitude of domestic problems reminiscent of World War II.

Then, as is the case now, our economy was feeling the stresses and strains of conflicting economic and social forces. The mood of the country was one of depression, we were in a bad economic state of affairs . . . and our diplomatic relations had reached a breaking point. Then came Pearl Harbor and World War II. America, and American labor had to face up to new and never before dreamed of demands upon its productive capacity. For example, and many of you remember I'm sure . . . in 1941 organized labor was called upon by the federal government to mobilize the greatest shift and increase in industrial production in our history. Most observers were pessimistic about labor's ability to mobilize and train the necessary manpower and resources to build the military hardware and bases, and develop the new mass production systems to help fight a world war. But labor did meet the challenge—quickly, and efficiently—and the nation and democracy were preserved—in no small measure through your collective efforts.

Today, again the chips are down. New times, new circumstances, new demands are being brought to bear on you.

The war in Vietnam rages, inflation of a frightening magnitude has eroded our economy, and threatens to throw the nation into a recession. From every corner, and on all fronts the average American is being pushed and pulled until he knows not where to go for shelter. The low and middle income worker is now the forgotten American. He is, however, a working man, contributing regularly to the productivity and growth of our economy, he is dependable and is . . . ultimately . . . the very core of our society. Upon him and his family rests the lifeblood of our future. Yet today he is subject to

subtle but real discriminations of all types . . . unjust taxation, indiscriminate cutbacks in building and construction projects, high interest rates, and tight money policies that strike harshly at the "little man."

This is what disturbs me greatly and I know disturbs you. I bring them out for discussion for we are fast approaching a year when American labor will be able to do something definite about these policies which favor the affluent segments of our society at the expense of the "little man."

What has happened? Well, for one, our national priorities have been distorted. Our new national leadership, placed into office by the electorate in the hope that the new Administration would learn from the experiences of the past and begin anew the task of rebuilding and unifying America, has not performed adequately. The new Administration is in its 11th month and there are distinctive signs that old policies are embraced. New policies have yet to be established that would indicate a new direction has been embarked upon that will cure our social and economic ills. It is then *our duty* to make our voices heard, and promote new directions and policies in the public interest.

Why do I say this? Well, the facts speak for themselves. This year the proposals submitted to Congress by the Administration have called for severe cuts in education, public health services and medical research, and an overall 75% cutback in building and construction programs, to name just a few areas. In the meantime the Administration supported every penny requested by the Pentagon for defense programs, including obviously nonessential areas. I am for a strong, modern, and effective military program to protect our country. My voting record has always been on the side of strong military . . . however, I am not for support of non-essential defense programs which only add to federal expenditures at the expense of important domestic programs such as health and education.

One example of the glaring deficiencies in our set of national priorities is the recent decision by the present Administration to support deploying the ABM. I came out against deployment believing that it was a premature move and contributed to a dangerous escalation of the nuclear arms race. I still believe this. On November 17th the Arms Control and Disarmament talks between the U.S. and the Soviet Union begin. These talks are the most important the U.S. has ever engaged in. In the background will loom our government's decision to deploy the ABM. Also threatening us, and presenting an obstacle to our efforts of achieving world peace and security, is the war in Vietnam. No one doubts President Nixon's sincere resolve to end the war in Vietnam. What some of us question, and I think justifiably so, is the progress thus far made, and the means taken to extricate ourselves from a dreadful conflict that has contributed greatly to the division among the American people, and has severely cut into the vitality of our economy.

Let's examine a few areas of our economy and look at the evidence that illustrates our system is not working as well as it should.

First, inflation. What is it? One common definition is "too many dollars chasing too few goods." Unquestionably it means the erosion of the purchasing power of the dollar. It has also been said that it is the cruellest tax of all because of the heavy burden it places on people with fixed incomes. It is also a very unhealthy development that retards stable economic growth because of the economic imbalances that arise out of any period of inflation. Our continually rising cost of living is of concern to you, to me, indeed to everyone in America. Despite rises in incomes most Americans are having a difficult time keeping up with inflation, and unfortunately, too many are unable to keep up with it at all. No one wants an inflated

economy and both Republicans and Democrats now must bear the burden of responsibility to slow the spectacular and unabated rise in our cost of living. Going back to the Kennedy and Johnson years for comparison, the period 1961 to 1965 was a period that saw the overall consumer price index rise at an annual rate of about 1.2 percent. During this period food prices rose about 1% per year; auto prices increased about 1/2 of 1% per year; and the price of services . . . which cover educational costs, medical and dental costs, travel, recreation . . . increased about 2 to 2 1/2% annually. During this same period the number of unemployed in the nation dropped from 5.4 million in 1961 to 3.6 million in 1965; corporate profits increased; and per capita disposable personal income rose 17% over the 1961-65 period.

Then the war began to escalate and along with escalation came the following results. Since 1965 prices have risen markedly, and the consumer price index from January 1969 to the present rose at an annual rate of 6.4%. Per capita disposable income remained at a virtual standstill! In the corporate profits area the picture is equally bleak. This year alone corporate profits increased by 4.2% while, during the same period, prices increased by 5.6% . . . an actual decline in corporate profits.

In very practical terms, let's examine just how heavy the burden of inflation in the past year has weighed on the average American's shoulders.

The example I like to use is what it takes for an average income family to purchase a \$20,000 home. Ten years ago a couple could obtain an FHA loan to purchase a home, paying on a 25-year basis, and would have to pay \$125.00 per month to cover the interest, cost, and principal on the loan. In January of this year the same \$20,000 home cost a family \$147.50 per month, and at the end of the 25-year loan period a couple will have to pay \$44,340 for the \$20,000 home. This past September, only 9 short months later, the cost of paying on a 25-year FHA loan was \$159.46 per month, and at the end of 25 years at that rate (which is rising all the time) the cost to the family for the home would be \$47,838, or an increase of \$3,500 over what it would have cost a homeowner in January of this year.

Clearly the interest rates cannot continue this disastrous course. Already the home building industry has been devastated by inflation. High bank interest rates and the soaring cost of building and construction materials (15-25%) has further compounded the increase in cost of homeownership. Where does this leave the majority of low and middle income earners? The obvious answer is completely out of the homeowners market. Tragic.

And what about the present increase in the cost of food? Your wife will, if present inflation trends continue, have to resort to buying less and less beef. Round steak has risen 11 cents a pound over the past 9 months; pork chops 15 cents a pound, and chicken 7 cents a pound. Everywhere you see the "dis-ease" that afflicts us. Inflation is the enemy in the war on poverty.

Inflation is the enemy in our struggle to provide a life of dignity and reasonable comfort for older Americans.

Inflation is the enemy in our search to encourage individual saving and self-reliance.

Inflation is deplorable, but it is not equally deplored by all. The real tragedy is that, as usual, those who are most hurt are most vulnerable.

A recent consumer survey points out that the overwhelming majority of Americans are confused, apprehensive, and deeply resentful about the loss of buying power of the dollar. In summary, the Administration's policies, while they are well intended, will further victimize, in the name of stemming inflation, those who are inflation's prime victims.

Another area of great concern to me is

the recent nomination of Judge Clement Haynsworth. For the men on the Supreme Court will be guiding us for many years on important matters such as civil rights and other social and political questions that will affect the nation for years to come. This concern became manifest when the facts relating to President Nixon's nominee, became known to me. I am troubled by the facts that have been uncovered. In addition to the many other statements and allegations regarding Judge Haynsworth's standards of conduct I came upon the following testimony:

On June 2, 1969, Judge Haynsworth testified before the Senate Subcommittee on Improvements in Judicial Machinery. In his testimony, the Judge declared, and I quote: "Of course when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement, and I think that perhaps the best rule for a judge to go by now is to stop doing even that much." end quote.

This statement simply does not square with the facts. On the contrary, Judge Haynsworth remained as an officer, director, and major stockholder of Carolina Vend-A-Matic for many years following his judicial appointment. He also served as an officer and director of a number of Vend-A-Matic subsidiary companies. His wife served as a Vend-A-Matic officer.

During the same period, while he was a judge, he was a trustee of Vend-A-Matic's pension and profit-sharing plan. A plan, which I might add, violated federal law by failing to file annual reports with the Labor Department.

While the Judge has claimed that he took little active interest in this vending firm, he admitted during the recent Judiciary Committee hearings that he attended weekly luncheons of the Vend-A-Matic board of directors, received director fees, and signed personal bank notes for the firm.

It is inconceivable to me that a federal judge could continue such a business relationship with a multi-million-dollar vending firm while sitting on the bench. Vend-A-Matic, after all, dealt primarily with textile firms. It made its money by placing equipment in the plants of these firms. Certainly, its management must have courted the good will of these textile firms.

For Judge Haynsworth to now say that he sees no conflict of interest when he rules on crucial textile court cases shows, to me, a strange lack of ethics. The famed Textile Workers court case against Darlington Mills serves as an example of this problem.

The Textile Workers won a union representation election at Darlington and the company—owned by the giant Deering Milliken chain—shut down rather than deal with the union. The Textile Workers and the National Labor Relations Board took the case to Judge Haynsworth's court.

Although the Judge was still an officer and director of Vend-A-Matic, and Vend-A-Matic had contracts with Deering-Milliken, Judge Haynsworth did not disqualify himself from the case. He did not even inform the union of his possible conflict of interest.

I am convinced that the judge's action clearly violates the judicial canons of ethics. In addition, of course, Senate testimony has revealed that Judge Haynsworth also ruled on cases where he owned stock in one of the parties involved in the controversy. This, too, is a clear violation.

The United States Supreme Court must have the full respect and confidence of the American people. A Supreme Court Justice is entrusted with one of the greatest responsibilities that can be conferred upon an individual, and his conduct must be above reproach. The American people deserve no less. I regret to say that it is my opinion Judge Haynsworth does not meet this standard.

His nomination by President Nixon was a grievous error and his name should be withdrawn as a candidate for justice of the Supreme Court. If the name is not withdrawn I intend to vote against confirmation by the Senate.

Nothing, absolutely nothing facing the American people is more important than to see the end of the war in Vietnam. As I have previously mentioned, it is a principal factor in the present economic crises we now find ourselves in. In the larger sense, our involvement in the Vietnam war threatens our domestic political and social unity, and because of this is as great a threat to our national security as adverse external political forces. My opinion is that the Vietnam issue has changed considerably since 1961. It has continued to change because of the pressures of domestic political forces, technological advances, and world opinion. We have reached the point in human history when wars as we knew them in the past—wars in which battlefield engagements on land, sea and in the air could make or break a nation—are over forever. There is no turning back—we are living in a frightening era when total human annihilation could be a reality. The prospects are entirely sobering.

I love this country, and I love the people here, and I am proud and at the same time humble about the great responsibility I have been entrusted by the people of New Mexico. I cannot recall when I have searched my soul and studied and listened and discussed a problem more than the question of which direction we should go in Vietnam. Since American troops were committed to Vietnam 309 New Mexican men have died, 258 in combat, others from the ravages of tropical diseases and accidents. Nationally, and as of October 25th of this year, 46,004 American men in uniform have paid the supreme sacrifice, 39,149 in combat, the others from diseases and accidents incurred while in the Vietnam area. 8,535 of these men have died since January of this year alone! Think of that. How many promising young men and how many families destroyed, and what about the many children who will grow up without a father. And they say we are fighting a limited war, a war which cannot be won in the traditional military sense. We must ask ourselves what our purposes are in Vietnam. The history of our involvement there is well known—it was the product of post World War II policies directed against Communist expansionism and threats of expansion in Europe, Asia and throughout the world. We believed that Communist support for "wars of liberation" would topple the developing countries in Asia and distort the balance of power in that part of the world. Although we followed a policy of limited participation, as everyone knows, we began to be drawn more and more into the conflict.

Our present expenditures in support of our involvement are in excess of \$70 million dollars a day. That one day's support of the war my friends would build some 3,000 homes in the U.S.

Today we are in a new era of international political involvement, an era when a great gap exists between what a political leader orders and what can in reality be done. We have grappled with this problem for a long time. A President has resigned, the youth of our country are alienated and confused—they ask—why fight and die in a war that everyone says cannot be won? . . . inflation grips us. No one wants war—and this war is a particularly unpopular one. But we must realize that we are in Vietnam now, and we can't start over again and make a decision to stay out. But time has changed the situation there. We have bought—with lives and money—time for the South Vietnamese to help themselves get their shop in order. We have allowed the Vietnamese people the op-

portunity to develop their own political future. The U.S. must now formulate a new policy. Included in this new policy there must be a plan to pursue whatever objectives we set for ourselves. I for one have—as I am sure you have also—searched in my own way for an answer to this terrible conflict. I offer to you today my own thoughts, suggestions and conclusions. I present them as a constructive way to provide alternatives to our present policy.

First and foremost our objective should be, along with the South Vietnamese and others, to bring an end to the killing in Vietnam.

Both President Johnson and President Nixon have stated there is no possible military solution to the war in Vietnam, and yet war rages—killing of our men continues. Our policy, our stated policy must be to reduce the cost in life and suffering to the absolute minimum as soon as possible.

The admission by two Presidents that a military solution is not possible in Vietnam is also a hint that future policy in Southeast Asia must be a departure from past policies. Our policy today must be that there cannot be an American solution for every emergency—whether fostered by internal revolution or external aggression. I am not suggesting we withdraw from our foreign commitments, but we must reexamine them in light of the realities of today's world.

Therefore, my second conclusion in connection with Vietnam is that we should reexamine the nature of our involvement in Asia, and decide what action we can take to help Asians achieve the economic growth and political stability they desire. Former Secretary of Defense Robert S. McNamara once said "development is security," and we should reflect that philosophy in the conduct of our future foreign policy.

Thirdly, we should do what can be done to move the Saigon government and the Hanoi government to a political settlement. I don't believe we should impose our will on them in this connection, but we should place the present Saigon government on notice that: A. We intend to continue to withdraw—systematically—our ground forces from Vietnam.

B. We will not allow the Saigon government to interfere with our initiatives to end the war.

C. We will be committed to a phased withdrawal, and that in line with our withdrawal we will maintain our firm resolve to negotiate with the North Vietnamese for a cease-fire and negotiated settlement.

Let us not forget the people of South Vietnam—for it's the Vietnamese people who have been fighting for generations in their own land. The civilians, living in villages and hamlets, and in the cities, have been slaughtered by the countless thousands by the Viet Cong and the North Vietnamese. And the South Vietnamese Army has lost many thousands in combat. My fourth conclusion is that we should assure the people of South Vietnam of our commitment to continue our economic and social development assistance as we have been these past years. Tremendous improvements in public health services, agricultural development, and public administrative planning have been made through U.S. aid assistance. We should assure them of our continued support of their development programs. But warn them that assistance on our part has to be met by self help on their part. The American taxpayer will not tolerate contributing millions only to have no effort on the part of the Vietnamese.

Fifth, we should remain completely flexible with regard to the amount of logistical, Navy and Air Force support we will provide—gearing our commitment to the Paris talks and Saigon's willingness to take steps toward a political settlement with Hanoi.

Lastly, we should support our President and his Administration when and if he comes forth with a workable and acceptable plan to systematically disengage ourselves from the war.

I believe President Nixon, like his predecessors Lyndon B. Johnson and John F. Kennedy, wants peace. I believe the Nation is ready to give him the kind of political consensus necessary for him to break with the past. If he does not respond to the cries then the people shall be heard—in groups, and as individuals at the polls in 1970. The will of the people in this great country shall be heeded.

Looking back over the past 10 months I would have to sum up matters this way.

#### SUMMARY

The Administration's economic and legislative policies are threatening to bring on serious unemployment and are critically reducing important economic and social programs. Our own State is already feeling the pinch of these policies; housing for low and middle income groups is lagging; flood control and watershed projects are threatened by the 75% construction cut-back; education cuts and medical and public health assistance program cutbacks are in the offing . . . all this in the face of continued massive defense expenditures; and pronouncements about the need for man to land on mars. What about the 23 million forgotten Americans who pay their taxes regularly, and are hardworking law abiding citizens; what about the elderly whose fixed incomes continue to decline in buying power; what about the hard core unemployed who need education and training so that they can contribute to our economy and share in the wealth of our nation!

Gentlemen, I ask you to examine carefully the facts before you and let Washington know your sentiments about the direction this country is on . . . a collision course with recession—and division among the people.

I stand here with you and say that we should seek an honorable end to the war in Vietnam. I am not suggesting a surrender . . . I am asking for a specific end to the war in Vietnam by adopting a plan that would mean a gradual disengagement of our military involvement there. For as long as we are in Vietnam:

America will be torn by serious division; Our youth will be alienated and frustrated;

Our urgent social programs will be neglected; and

Our human and material resources will be wasted!

But peace in Vietnam can unite America, and enable a war to be waged on poverty, disease, hunger and despair. . . .

Our cities can be rebuilt.

Our education programs can be given a much needed boost.

Our health care deficits can be remedied (rural health care is poor at best).

Our programs for the aged can be improved and expanded.

We can begin to deal effectively with the problems of pollution, one of the most serious immediate problems America must contend with on a large scale.

We have taken many risks in war, it is now time to marshal an effort unprecedented in American history to take a risk in the cause of peace. For, as one recognized authority recently said, "already 15 years ago we (the U.S. and the Soviet Union) were scorpions in a bottle, able to sting each other at the price of death." Then no conflict, no confrontation, small or large, which risks the sting of the scorpion, is worth the destruction of man's existence.

If we act with care, and a firm resolve, and seek to unite in an effort to remedy the many problems facing us, then in time our good sense will vindicate us. Thank you.

## OUR CBW POLICY

## HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. GIAIMO. Mr. Speaker, the National Security Council will shortly conduct a comprehensive review of the policy governing U.S. chemical and biological warfare activities. The questions that will be considered by the Council are of interest to every concerned American. My colleague, Mr. McCARTHY, spoke on October 20 at Yale University on this subject. I believe that his remarks are of interest to my colleagues and am inserting them in the RECORD at this point:

## POLICY ON CHEMICAL AND BIOLOGICAL WARFARE

(By Representative RICHARD D. McCARTHY)

More than the winter winds blow through the streets of New Haven this fall; the winds of change also blow through our streets, stronger and more penetrating than those in recent memory. Whether they bode good or ill depends on how we view them. I, for one, see in them the opportunity to strengthen and renew our society—to cast out the false, to restate the true, to strive for a more perfect society.

The demand for change, to question assumptions and practices that have gone unchallenged is found not only on the campus but in the halls of Congress. One of the symptoms of this new mood has been the insistence on a Congressional review of our military objectives and practices not only in committee, but on the floor of the Senate and the floor of the House. For the first time in recent memory, members of Congress who are not on the Armed Services Committees have questioned whether we need a 2½ war capability, whether we should build more nuclear aircraft carriers, whether we need or can have a workable anti-ballistic missile defense system?

The need for this questioning was recognized in the earliest days of our Republic. James Madison said in the Federalist Papers: "A standing force, therefore, is a dangerous, at the same time that it may be a necessary provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale it is an object of laudable circumspection and precaution."

Fortunately, the emphasis today is on circumspection and precaution.

In the military budget for 1970 that President Nixon sent to Congress there is somewhere between \$400 and \$600 million for chemical and biological warfare activities, depending on how you do your bookkeeping. In relative terms that is a small part of the total of \$77 billion. It casts a small shadow compared to that of the \$7-10 billion for an ABM, the \$25-30 billion needed to support the war in Vietnam, or the billions spent on military aircraft.

One might ask why CBW should be singled out for particular attention. The answer, I believe is twofold. First, as one American leader said not too long ago, "the United States can afford anything it needs. What it can't afford is what it doesn't need." I suggest that there is much in our CBW arsenal that we don't need. Second, our policies and practices in the area of chemical and biological warfare threaten to break down one of the few areas in which mankind has limited man's inhumanity to man. The Geneva Protocol of 1925 banning chemical and biological warfare is one of the few arms-limitations measures that has worked. Yet

we remain one of two major nations that has not ratified that treaty. Our present CBW policies and practices—policies that do not make it clear whether we will use gas or germs as offensive weapons—and practices that included the massive use of tear gas as a means to kill in Vietnam—threaten the very fabric of the Geneva Protocol. I do not think that we, as a nation, ought to be the one to erode this restraint on inhumanity.

Fortunately, our CBW policies are now being reviewed. The Executive Branch is now conducting the first comprehensive re-evaluation of this subject in more than a decade. Within a few weeks the National Security Council will meet to consider the various alternatives. Based on the discussions and recommendations of the National Security Council, President Nixon will decide on policies governing the use of either gas or germs, the levels of stockpiles of these weapons that we need in light of the policy guidelines that have been adopted, and our consequent positions on international treaties and resolutions. This Administration is young. It does not have the weight of previous statements on chemical and biological warfare to throw off. It has an opportunity to state a new policy. This is a chance that should not be discarded lightly.

Following President Nixon's actions, Congress will have an opportunity to review our CBW policies. I believe we can adopt an enlightened and humanitarian policy, one that takes in account both the realities of power and the basic principles of conduct that form the fabric of our civilization.

What should our policy for chemical and biological warfare be? I would like to outline the dimensions of the policy and suggest the position that I believe we should adopt.

## LETHAL CHEMICAL AND BIOLOGICAL WEAPONS

The most potent weapons in our CBW arsenal are the deadly chemicals and biologicals. They range from the persistent nerve gas, VX, that can kill if only a drop falls on your skin, to the highly infectious plague that is normally fatal. They include the latest perversion of biology, toxins, that are the by-products of bacteria, which in the base of botulinus toxin is even more deadly than nerve gas. As the recent UN Report pointed out, these are weapons of mass destruction. They fall in the same category as our nuclear missiles and bombs. We have large stockpiles of these weapons. We deploy deadly chemicals both in West Germany and in the Pacific. We are probably the only nation to stockpile quantities of deadly biological weapons and agents.

Our military strategists tell us that we need to maintain an offensive capability in chemical and biological weapons as a deterrent to use of these weapons on us. I believe that in the case of deadly diseases their reasoning is faulty. They tell us that we do not need biological weapons in a nuclear exchange unless we are solely interested in killing more people. They admit BW would not be used in the so-called big war. But going beyond that, biological weapons are by their very nature so unreliable, uncontrollable, unpredictable, so dangerous, that they are not very likely to be used. The difficulties in using a weapon of this kind, such as whether or not the bacteria used might be carried by the wind or by infection to a neighboring country, or whether the diseases might start a world epidemic or pandemic, lead to its rejection even by some of the most ardent advocates of chemical and biological weapons. Even General William W. Stone, Jr., the Army's new Director of CBR, admitted to the House Armed Services Committee that it was unlikely that we would use an infectious deadly disease for these very reasons.

Moreover, deadly disease can be used as a weapon by the smallest country. A nation that cannot afford a nuclear weapons sys-

tem could quite easily afford a dangerous biological warfare capability. For example, experts have pointed out that a small group of men could rent a candy factory in Brooklyn, produce bacteria and spread it over the city with the smoke that rises from a high chimney. They might succeed in killing three or four million people in New York City in this manner. And at the conclusion of this disaster we might not know which country initiated the attack. Deadly biological weapons cannot really be considered a deterrent against their use by another country.

I believe that we can abandon deadly biological weapons and rely on our public and private medical research organizations for a defense against disease. Not only is it in our interest as a nation with a sophisticated military capability to ban this form of warfare, it goes against our basic principles to consider disease as a weapon that we might use. I believe that if a plague was loosed on one of our allies, we wouldn't loose a plague on the attacker. Rather, we would send in as many medical teams as we could to stamp out the plague and respond with conventional or nuclear weapons if need be.

Our strategists admit that the deadly chemicals would not be used in the big war. They are not as effective, ton-for-ton, as nuclear weapons. Also, they are highly dependent on weather conditions. So they do not fall in the category of a strategic weapon, despite the money we spent to invent an ICBM warhead that can carry it.

The most plausible, if that is the appropriate word, use of deadly chemicals according to our strategists would be a situation in Europe where an attack is made on the West. In addition to conventional explosives, the Eastern bloc nations might employ nerve gas to gain an advantage. If they used nerve gas, it would force our troops to take precautions that would seriously limit their fighting capability. The Eastern bloc forces could exploit this to overrun Europe. This assumes, of course, that we would not use tactical nuclear weapons in a situation like this, as assumption that many strategists question. Our planners argue that we need to maintain a capability with deadly chemicals to counter the Eastern bloc's capabilities. If both sides have a capability, they argue, neither side is likely to use it. And by deploying nerve gas, we give ourselves an option other than nuclear should a conflict break out.

I find it difficult to believe that if the Eastern bloc attacked the West that nuclear weapons would not be used. If Sergeant missiles filled with nerve gas and the Russian equivalent were exchanged along a side front in Europe with resulting civilian casualties, there is a strong probability that nuclear missiles would follow. But if you do accept the initial reasoning of the strategists, that deadly gas is necessary to counter deadly gas and is a lesser evil than nuclear warfare, then you must accept the necessity to stockpile gas in Europe and the Pacific. The amounts needed can then be worked out according to our plans for the defense of NATO nations.

I believe that for the time being we must maintain a deterrent capability in deadly chemicals for tactical purposes. It is my impression that our stockpile is based on a strategic as well as a tactical requirement. If so, we can get rid of the strategic base. A hard look at the advantages versus the disadvantages of chemicals may also show us that we can spend our defense dollar for better purposes elsewhere. I also believe, however, that we should firmly state that we will not use gas first, as do all of the NATO and Warsaw Pact countries except the United States today.

## NON-LETHAL CHEMICAL AND BIOLOGICAL WEAPONS OTHER THAN TEAR GAS

The policy governing the use of non-lethal chemical and biological weapons is the

most controversial question today. In this category our CBW arsenal includes the so-called incapacitating biological weapons, weapons that would spread diseases such as tularemia, Venezuelan Equine Encephalitis or toxins such as staphylococcus on an enemy. The only so-called incapacitating gas in the arsenal is BZ, an LSD-like mind shattering agent that can put a person to sleep for as long as three days. We have stockpiles of incapacitating biological agents, incapacitating toxins, and BZ.

Although CBW experts talk enthusiastically of a gas that will put everyone to sleep for several days while an occupying force separates the white hats from the black hats, there is no weapon of this type in the chemist's beaker yet.

Military planners argue that it would be more humane to use a disease that would make everyone in a country sick for several days or a gas that would only knock them out rather than conventional or nuclear weapons. General William Stone told the House Armed Services Committee that the Army interpreted the Geneva Protocol of 1925 to ban only the lethal chemical and biological weapons and not the incapacitating ones. In addition to my surprise that General Stone, a chemical and biological warfare expert, should be called upon to define the meaning of this international treaty to Congress is my surprise that his interpretation differs from that of the Department of State and other top policy makers. Secretary of State Rusk, for example, believed that only tear gas was exempted, and then only for humanitarian purposes.

The case against the use of the so-called incapacitating diseases is to me overwhelming. First, doctors and biologists point out that what may be incapacitating for one person may be deadly for the next. We know too little about the individual and the disease to be sure that we wouldn't have 20 to 60% fatalities rather than only 2%, the military definition of incapacitating as opposed to fatal. The difficulties in getting uniform exposure to the bacteria or toxin make any certainty about fatalities highly questionable. And we are not likely to have a test program that will give any such assurance.

Also, if a nation were attacked with an incapacitating disease, it would not know that it wasn't a deadly disease. At that point the nuclear exchange might begin.

I believe that we should abandon the so-called incapacitating biological weapons as a part of our arsenal because they are unreliable and for the same reasons that we should abandon deadly biologicals—they are out of keeping with the highest principles of our society.

Although a BZ-like gas sounds as if it might be the ideal weapon, a closer examination reveals its shortcomings. As is the case with any other gas, BZ is difficult to apply uniformly. One person may get a small dose. The next may get a heavy dose. In the first case there may be no ill effects after several hours. In the other case, the person may sleep for three days and may wake up with his mind permanently altered. In the desert, a person who does not get water within six hours will die. In certain countries with undernourished people, three days without food or water could kill a sizable part of the population. And of course we would have to assume that if we used such a gas, others might use it against us. For these reasons, I believe that BZ is more of a lethal than an incapacitating gas and should at best be considered a retaliatory weapon.

#### TEAR GASES

The only gas or germ weapon in our CBW arsenal now being used in combat is CS-2, a super-tear gas that might more appropriately be called a lung gas. It is the third generation of CS. It is microminiaturized so that it is invisible and penetrates deep into

the lungs. It is coated to resist moisture. We have bought more than 9,871,000 pounds of CS-2 and its predecessor, CS-1, for use in Southeast Asia. Although Pentagon spokesmen continue to try to portray this gas as a means of saving rather than taking lives, its main use in Vietnam is as an aid for killing. Army training circulars and periodicals, newspaper reports and eyewitnesses, all tell of the use of tear gas to drive the enemy into the open where he can be killed by artillery fire, bombs, or bullets. Fortified positions that have successfully resisted attacks by B-52's have fallen after attack combined with tear gas. Hamburger Hill, for example, was only taken after tear gas was used.

The argument for not using tear gas to help kill is much the same as that for other gases. If we use it, others can use it against us. In a reported but unverified case of use of tear gas by the North Vietnamese against our forces, a platoon of G.I.'s was caught without its masks on and wiped out. Use of gas could benefit the North Vietnamese much more than us. We occupy set positions in the cities that are mortared or rocketed with ease. On the other hand he is usually on the move and therefore less subject to attack with gas. The use of gas, any gas, also leads to escalation. World War I witnessed first the use of tear gas, then chlorine, then phosgene and mustard, and resulted in over one million casualties. The only effective ban is one against the use of any gas.

Army spokesmen say that tear gas is not covered by the Geneva Protocol of 1925. They usually attempt to confuse the argument by saying that tear gas is used by almost every government for civil disturbances. The point should be made clear—the Geneva Protocol specifically spoke of the use of gas in war and excluded other uses of tear gas. This obviously is not the way tear gas is being used in Vietnam.

In my opinion, our use of tear gas in Vietnam violates the Geneva Protocol. About two-thirds of the nations which have signed the Protocol consider tear gas to be covered by the treaty. If we decide to ratify the treaty, we will have to forego the use of tear gas as a means of killing. I do not believe that tear gas should be excluded from the ban on first-use of gas in war. An attempt to ratify the Protocol with this ban would lead to an erosion of this treaty. We would have to specify what we mean by tear gas, what the formula was, what the particle size should be. I do not think such a reservation would work, even if it were acceptable to the other signers of the Protocol.

I would also add here that the military have not studied the effects on health of the tear gases. Recent reports from Belfast and Berkeley raise serious questions as to whether tear gas should be used on people except as a last resort. I have asked Secretary of HEW Finch to give me a report on this problem so that we can know whether these gases should be banned.

#### DEFOLIANTS

Defoliants as a chemical weapon have first been used on a widespread basis in Vietnam. We spray crops and vegetation with aircraft both herbicides and defoliants that either kill the crop or strip the leaves from the vegetation. About 140 million pounds of defoliants and herbicides have been used in Vietnam, some areas receiving repeated sprayings. The procedures and techniques used in this operation were developed by our biological warfare technicians at Fort Detrick.

Army spokesmen argue that the anti-crop campaign is only a part of a larger anti-food campaign. They also argue that the crop-spraying part of the program is quite small. They argue that the spraying of vegetation saves lives and does no permanent damage to Vietnam. They point to the use of weed-killers in the United States as a justi-

fication for our chemical campaign in Vietnam.

I believe that the use of chemicals as an anti-food weapon is highly unprincipled. Starvation is a weapon that strikes the old and the young, the sick and infirm, first. The fighting man is the last to suffer as Dr. Jean Mayer, President Nixon's nutrition advisor has pointed out. We didn't use the blight against the Japanese rice crop in World War II; I don't believe that we should use herbicides against crops in Vietnam.

The use of defoliants and herbicides was not mentioned in the Geneva Protocol when it was drafted because these chemicals hadn't been invented. Although the UN Report discusses the use of defoliants and herbicides, it is not clear whether they are banned by the Protocol or not. I believe that herbicides used for crop destruction certainly are covered by the spirit of the Protocol. I have grave reservations about the use of defoliants on vegetation on the massive scale that we have employed them in Vietnam. Even the expert usually cited by the Departments of State and Defense to justify the use of defoliants in Vietnam, Dr. Fred Tschirley, admits that we need to know much more about the effects of our activity than we do now. An intensive and careful assessment of the effects of our defoliation operations in Vietnam is one of the highest orders of priority. Only in this way will we know whether operations of this type permanently alter the ecology of a nation. Otherwise we may find our actions described in the words of Tacitus, "when they make a wilderness, they call it peace."

I have also recently learned that the herbicides used on crops in Vietnam, whether on purpose or by accident, has resulted in the birth of deformed children in Vietnam. That the application of chemicals to food has this effect should not surprise us. The history of the use of hard insecticides should have warned us that this would happen. What does surprise me is that we continue to use these herbicides and defoliants after reports of their danger have been received. I have asked Secretary Finch for a full report on the medical dangers inherent in this program.

#### STOCKPILES AND FORCES

I believe that we can significantly reduce our stockpiles of gas if we adopt the policies that I have recommended. I believe that we can convert our biological warfare laboratories and production centers into medical research laboratories without affecting our defense capability. I believe we can limit our chemical effort to research and development and a limited retaliatory capability.

#### INTERNATIONAL INITIATIVES

I have already urged President Nixon to resubmit the Geneva Protocol to the United States Senate for ratification. Ninety-eight other Congressmen and 23 Senators have joined in sponsoring resolutions urging him to do so. I am hopeful that the House Foreign Affairs Committee can hold hearings on the House Resolution in the near future. I believe that the Congress would welcome the chance to consider this treaty.

A second international initiative has been made by the United Kingdom at the Geneva Disarmament Committee. The UK has submitted a resolution that would ban the development, production, stockpiling and use of biological weapons. The White House indicated in a letter to me that the United States supports this resolution in principle. As a result of the National Security Council meeting, we should go on to endorse this resolution and fully support its passage at the United Nations. We do not need disease as a weapon.

Third, I believe that we can take the initiative at the United Nations to work for effective disarmament controls for chemical weapons. We spend only a fraction of the money on detection and arms limitation

studies that we do on stockpiling. I think that if we redress this balance, we may be able to work out an effective arms limitation treaty for chemical weapons.

Fourth, I believe that we should establish a blue-ribbon panel of objective experts to examine the effects of the defoliation campaign in Vietnam. In this way, preparations for the study could be made and it could be initiated as soon as the conflict ends.

In conclusion, I believe that we should re-assert the traditional policy of the United States towards chemical and biological warfare, the policy enunciated by Presidents Harding, Coolidge, Hoover, Roosevelt and Eisenhower. This is a policy that states that we regard these forms of warfare with horror and revulsion and will only use them in retaliation. I believe we should go further and abandon biological warfare. And I believe that we should search for effective means of limiting chemical warfare. These objectives are within our reach. It is up to us to take them.

Warfare is a kind of madness, a collective sickness of mankind. Fortunately, our revulsion at over one million gas casualties in World War I led to the adoption of the one successful arms limitation in recent history. We can strengthen this limitation. And we can work to adopt other arms limitations, a ban on nuclear weapons, a means of resolving international conflict without resorting to violence. These are the ultimate objectives. Perhaps on CBW we can set a pattern.

#### INFLUENCE OF MILITARY ESTABLISHMENT ON SOCIETY AND NATIONAL ECONOMY

HON. HAROLD E. HUGHES

OF IOWA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 5, 1969

Mr. HUGHES. Mr. President, we all know that there is a rising concern in our country regarding the influence of the military on our society and our national economy. This concern, which had its best known expression in President Eisenhower's farewell speech as President, is shared by a growing number of concerned citizens who represent a wide variance of opinion on other issues of war and peace.

Many of our young people are feeling this same concern over the influence of the Military Establishment on our culture. Some express this by dropping out, some by protest, some even by violence. However, an increasing number of young people are turning their intellectual capabilities to serious study and analysis of our system in order to find answers to the questions raised by the protestors.

Whether we agree with their conclusions or not, I believe we can applaud their initiative and constructive purpose. Research and investigation require intellectual discipline and the commitment of ideas to the cold logic of print shows a willingness to debate their validity.

One such group of young people was organized this summer by the Institute for Policy Studies, an independent research organization concerned with contemporary issues of public policy. Eleven college students spent the summer investigating the way policies are evolved in the Military Establishment, including

our future policy toward foreign involvements and the way in which weapons procurement decisions are made.

I commend these students for their initiative in undertaking their studies and also their willingness to put their views on the line in this fashion. Recognizing that viewpoints expressed in such projects may be highly controversial, I nonetheless believe that studies of this nature are eminently worthwhile and I hope they will continue. I therefore ask unanimous consent that the report be printed in the RECORD.

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

#### REPORT OF THE NATIONAL SECURITY SUMMER RESEARCH PROJECT CONTENTS

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II. Arms and Industry.  
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#### INTRODUCTION

Under the sponsorship of the Institute for Policy Studies, a group of 11 college students has conducted an intensive investigation into the activities and policies of the American defense establishment. The use of a summer study to investigate an institution or policy has become frequent practice. In fact, this approach has been used by the national security establishment itself in the development of new weapon systems.

Leonard Rodberg, professor of physics at the University of Maryland and former head of science policy research of the Arms Control and Disarmament Agency, acted as coordinator for the students, with the assistance of the Institute's co-directors, Richard Barnett and Marc Raskin. Seymour M. Hersh, former AP correspondent at the Pentagon and author of the book *Chemical and Biological Warfare, America's Hidden Arsenal* advised the students on investigative matters.

The students pored over military and industrial journals, studied the reports of research organizations like Rand and the Institute for Defense Analysis, and interviewed ranking officials in the Pentagon and State Department. They did not make use of classified material. The information and conclusions in this report are based on sources which are open to newsmen and the public—sources, however, which are little used other than by military contractors and military-oriented professional organizations.

This report is an attempt to illuminate, in some specific, critical areas, the functioning of the national security establishment which has evolved in the United States. The different sections of the report are based on longer, more detailed papers prepared by individual students during the course of the summer. The complete papers with research notes are expected to be published in book form in the near future.

#### I. INTERVENTION

##### *The policy has not changed*

President Nixon's recent statements about American military disengagement from the Third World, particularly Asia, have a familiar ring. President Johnson stated that American boys would not be sent to do the job for Asian boys, and President Kennedy stressed the importance of self-reliance for the less developed nations. Such rhetoric should not be mistaken for policy. Our perusal of official government policy documents and our interviews with government officials

have led us to the conclusion that American foreign policy with regard to the Third World has not changed essentially from the days of Truman, and it will not be changed by the Nixon Administration.

Vietnam was not an aberration, but a logical outcome of U.S. foreign policy in the post-WWII era. Policy makers miscalculated only to the extent that they underestimated the ability of the enemy to resist American military might. As President Johnson noted in his 1966 State of the Union address, Vietnam "is not an isolated episode but another great event in the policy that we have followed with strong consistency since WWII."

Our investigation has shown that the U.S. failure in Vietnam has not called into question the basic premises of American foreign policy. Policy makers have not forsaken the policy of intervention—they merely wish to defend U.S. interests at a more acceptable level of cost. Policy makers have derived two important lessons from our Vietnam experience: (1) We need to be more selective in choosing the next country in which to apply our own forces; (2) We need to formulate more suitable tactics.

An officer in the JCS counterinsurgency division told us, "Intervention on any scale leads to further intervention. So in the future any cause will be much more carefully examined and our response much more carefully assessed." Another noted that "we are going to make a more careful assessment of geography and historical circumstances. When these factors make the situation favorable, we should be able to defeat them without risking the involvement of combat troops, which is something we deeply desire to avoid." By way of illustration, the officer explained that "the historical circumstances of Thailand make it a good bet. Unlike South Vietnam, it is a nation to begin with; it has experienced centuries of stable governments, has religious and social cohesion, has a pretty secure economic base, and is included under treaty arrangements with the United States."

Walking over to a map of Asia, he planted his finger on Burma. "Here would be a country we would have second thoughts about protecting, from the simple standpoint of geography. It has a long border with China, which would give the insurgents a secure sanctuary, and would allow an almost painless infiltration of men and supplies." Moving his finger over to the Philippines, he continued. "In the Philippines, however, there is a chance to assert our naval power. The country is surrounded by water, so it would be impossible for an insurgent movement to receive outside aid. There, sources of weapons could easily be dried up."

The question of future armed interventions is, thus, one of risk-calculation. High and middle-level officials from the State Department and Department of Defense regularly participate in elaborate war games sponsored by the JCS Joint War Games Agency. Players act out scenarios of crisis situations. "Some games," said General Wheeler, "have caused a revision in contingency plans . . ." The danger is that such methods have the effect of assuring policy makers that they have explored and resolved all aspects of a problem, and they may decide to intervene, confident that the correct calculation has been made.

As the Pentagon sees it, one of the problems with Vietnam—in addition to our failure to properly assess the risk involved there—was that our methods were clumsy. "Vietnam," explained an officer on the JCS staff, "was not a test of counterinsurgency operations in the proper sense of the phrase. We ended up fighting a limited conventional war in a mobile battlefield . . . Instead of doing this again, we have to devote more attention to nipping insurgencies in the bud, to preventing them from occurring rather

than jumping in after the conflict has escalated."

The U.S. Army has thus assumed the mission of acting as an agent of social change. "When a society is in order," said another officer, "insurgencies don't occur. We are in favor of helping people to make a non-violent appropriate change." Consequently, civic action is stressed as a way to prevent inappropriate, i.e., pro-communist or anti-Western, guerrilla movements from gaining hold. American military assistance groups involve themselves in road-building, construction of schools and medical facilities, and in the promotion of internal security measures. Having been taught by experience in Vietnam that the use of large military forces is an ineffective way of counteracting insurgency, the importance of civilian police training is being stressed.

The trouble is that this "new" wisdom is really old wisdom; policy makers have learned from Vietnam what was already available knowledge: revolutionary movements arise from conditions of social and political unrest. Nothing really has changed in American foreign policy. *The U.S. will continue to intervene in other countries, using military and economic penetration (which we prefer to call "assistance") and clandestine subversion whenever policy makers perceive that it is in our national interest to do so.*

"To lose another Latin American country is simply not allowable," explained a high State Department official, "because it would seriously affect the world's perception of the United States' ability to keep its own house in order." And an analyst from the Army's think tank, the Research Analyst Corporation, said of Ethiopia, "We have a vital interest in seeing that Haile Selassie doesn't fall. The Soviet Union has long had designs on the Red Sea—in order to give them access in the Indian Ocean. If they can overthrow Haile, they could then fill the power vacuum in the Indian Ocean."

The world is filled with potential trouble-spots which, in the eyes of policy makers, may demand American involvement. Reassessment of the underlying premises of American policy do not take place in the Pentagon or State Department. "At the Pentagon," says a former high-ranking member of the DOD Systems Analysis Office, "there are certain rules of debate that dictate subjects that simply can't be discussed except informally at lunch. *Overall strategic objectives are never challenged; the basic premise is interventionism, and the topic of debate is the most effective way of configuring our forces to serve this policy.* After initial policy decisions are made, events just lumber on; the effects ooze down into every part of the establishment." He continued, "At the start of the Kennedy years, great interest and enthusiasm was devoted to counter-insurgency. This became the saleable environment in which the services could market their hardware. Each service would invent its force needs and say, 'What programs can we field this year under the rubric of counterinsurgency?' This will probably go on for a decade until the fashion changes."

The inertia of the Pentagon bureaucracy, and the vested interests which have grown up around the role of America as the keeper of the world law and order, make significant policy change all but impossible. Even the power of the President is limited. "The options the President exercises over foreign policy are bound to be limited," said a high State Department official. "There is little possibility that the President can alter basic policy premises. Our conception of fundamental interest is non-controversial; the question is what you do to promote these interests. What the President can do is develop force configurations; he can decide, for example, whether we should have eight

divisions in Southeast Asia or five."—Research by Bill Stivers and Nick Herman.

#### *The capacity to intervene*

"Now the rest of the world can try to catch up" proclaims a double-page ad in a recent issue of *Life* magazine. Beneath a photo of the huge Lockheed C-5A plane, we learn that: "The C-5A Galaxy is more than the world's largest airplane. It's a new kind of defense system. It's like having a military base in nearly every strategic spot on the globe."

To meet the needs of America's interventionist foreign policy, the Defense Department has developed the capability to "project" its forces anywhere in the world on short notice. In the name of a Rapid Deployment Strategy, the programs to increase airlift and sealift capabilities of the armed forces have been given unprecedented support inside the Pentagon. *The \$2.1 billion requested for airlift/sealift programs in the FY 1970 budget represented the largest percentage increase over FY 1969 of any major military program.* With the development of a rapid response capability, it is obvious that Nixon's announced policy of selectively withdrawing American troops from Vietnam does not necessarily signal any real change in intervention strategy. We will have the capability to intervene when and where we want—a capability which is controlled by Executive power and over which Congress has no say.

The Defense Department no longer favors permanent stationing of U.S. troops at "potential trouble spots" throughout the world, because of adverse political reactions and economic consequences such as the balance of payments problem. To maintain strategic flexibility, the Pentagon has decided to rely instead on direct transportation from the U.S. Using these new mobility concepts, much of the equipment which the Army deemed necessary for "maximum combat effectiveness" was unable to fit into our older aircraft. By 1964, the requirements for the new C-5A aircraft were finalized. This year in August, at the Dulles Air Show outside Washington, D.C., the first C-5A was unveiled for the public.

The C-5A is not the only necessary element of the Rapid Deployment Strategy. In 1964 a JCS Staff's special studies group concluded that the most efficient rapid deployment capability could be attained by a mix of airlift, sealift, and selective pre-positioning of equipment. The study suggested that rapid deployment could be used as a "deterrent"—it would provide the capability for stopping all revolutionary threats, because it would enable U.S. forces to mount quickly a "show of force."

*A high level Air Force official described this capability to us as an advanced form of "gunboat diplomacy."* The justification given is that a quick commitment of force will mean a smaller commitment in the long run, or, as General H. K. Johnson, Army Chief of Staff, put it, "A brigade in time may save the commitment of nine."

The Military Airlift Command now directs more than 109,000 planes at 419 locations in nearly 40 countries; it is also in charge of approximately 20,000 Air Force reservists, and of the operation of the Civil Reserve Air Fleet (CRAF)—a backstop force composed of civilian planes which, in an emergency, would replace military aircraft in more routine logistics missions. Prior to 1963, the airlift capability of CRAF was not available to the Defense Department unless the President declared a national emergency. Now, however, in a "State I" emergency determined by the Secretary of Defense, *CRAF aircraft can be requisitioned, according to a MAC information bulletin, "to perform airlift service for DOD in support of counterinsurgency activities, localized military emergencies and similar type actions".* As of

August 1968, there were 350 aircraft (300 of them jets) in the international fleet of CRAF.

A demonstration of American airlift capacity was given in March, 1969, when 2,700 soldiers were transported from the East Coast of the U.S. to Korea. "This 10,000 mile airlift," wrote General Jack Catton, head of the Military Airlift Command, "demonstrated the U.S. national resolve to support its allies and its ability to place its combat forces in the most distant of locations on the shortest notice, equipped and ready to fight."

Pentagon studies demonstrated that the cost of airlift operations, even with the C-5A, were generally prohibitive and that a complementary sealift capability was needed. In 1964 a Navy study endorsed the idea of the Fast Deployment Logistic (FDL) ship loaded with military equipment and converging on trouble spots to "marry up" with troops airlifted from the U.S. In his 1967 presentation outlining the potential of the FDLs, Admiral Nathan Sonenshein, project manager of the program, said:

"Because of the freedom of the seas and the extended endurance envisioned for them, FDLs could steam *without public knowledge*, if necessary, to an advantageous position for rapid deployment." (Emphasis added.)

The potential for rapid intervention, without knowledge of the Congress or the public, is apparent.

Although Congress has, thus far, failed to approve funds for the FDL, the Navy is still intent on its program, and the program still has the strong endorsement of the Pentagon. The July, 1969, edition of the Army Logistic Study Program reports on a study initiated by the Deputy Chief of Staff for military operations "to develop concepts and doctrine concerning Army participation in FDL ship operations, to insure that the proposed characteristics of FDL ships are compatible with Army requirements." The Navy is seeking a maritime equivalent to the Air Force's Civil Reserve Air Fleet, and is now working with the maritime industry on a similar concept called the "Respond commercial augmentation program."—Research by Tom Klein

#### *Special forces*

The defense establishment continues to nurture the elite force trained to combat guerrilla forces in the Third World. Recent disclosures on the CIA have noted the close, operational relationship between the CIA and the Army's Special Forces.

Elevated to national stature in the first years of the Kennedy Administration—Kennedy gave the Special Forces the right to wear the Green Beret again, overruling top Army officials who felt such gear encouraged a trend toward "private armies"—the Special Forces are involved in counterinsurgency operations around the world. They have worked with the Kurds in Iran; they are currently active in Ethiopia; they trained the Thai troops now in Vietnam; they work with the Nationalist Chinese army on Taiwan; they were active in the Congo and Liberia. During the American intervention in the Dominican Republic, the Green Berets reported directly to the CIA, which currently maintains a liaison officer at Ft. Bragg, home of the Army's Special Forces.

One of the key functions of the Special Forces at Ft. Bragg (the John F. Kennedy School for Military Assistance) is training foreign military officers. Between 1952-62 more than 800 officers from 44 foreign countries were graduated. "The foreign trainees ostensibly represented the uniformed services of their countries," wrote a former defense official, "but actually they were handpicked by their nations' intelligence organizations and had to be approved by the CIA. Under the guise of a military aid program, these men attended the Special Forces School at Ft. Bragg."

According to a publication prepared by Ft. Bragg, these foreign "students" have

come from such countries as Portugal, Spain, and South Africa (in addition to other NATO and SEATO countries and almost every country in Latin America). Purportedly we are protecting American interests, by training the officers of avowedly fascist and racist countries to counter internal threats against their oppressive regimes and (in the case of Portugal) to maintain colonial regimes in Africa.

The Navy and the Air Force maintain their own special forces. The "Blue Berets", our air commandos, train at Eglin Air Force Base in Florida. One of their important jobs is to fly air cover missions for the Green Berets. The Navy has its Seal teams (the name is derived from sea, air, and land) who are "trained to conduct unconventional or paramilitary operations and to train personnel of allied nations in such operations." As off-shoots of Navy Underwater Demolition Units, Seal teams train at Little Creek, Virginia, and Coronado, California, to operate from subs and air drop into coastal areas. Seal units are used in Vietnam to ambush Viet Cong.—Research by Derek Shearer

## II. ARMS AND INDUSTRY

### Defense industry: The fourth branch of Government\*

The military market supports the largest single industry in the country today, providing more than \$40 billion in sales each year and involving in total over 20,000 firms. In FY 1969 there were more than \$24 billion in prime contracts for new weapons systems and components, in addition to more than \$6 billion for military research and development. The industry is remarkably concentrated, with the 100 largest contractors receiving two-thirds of the total contract funds, and the top 25 receiving half these funds.

Negotiated contracts are the rule rather than the exception in the defense industry, accounting for 58% of all military prime contracts in 1968, with advertised competitive bidding accounting for only 11.5% of the total procurement dollars. As Admiral Rickover has said, "Of course there is no real price competition for military equipment. There is sometimes competition 'to buy in', that is, to make the initial award of a popular item. However, there is usually little or no competition in the price of the original contract, and the government must negotiate with a supplier to establish prices."

Supposedly there is substantial competition among the firms in the defense business, but in fact this industry is one of our least competitive. Firms seldom if ever suffer a financial loss in their defense business. The Defense Department acts to insure that the firms which do business with it remain financially healthy. Through the widespread use of negotiated contracts and "change orders", to aid a firm is almost automatic. And the investment which a defense firm must make is considerably smaller than that of a firm doing business with the public. The Federal Government will often provide the building and much of the capital equipment at no cost to the firm (roughly half of the capital assets controlled by defense firms are government property), and it will make "progress payments" even before it receives the finished product.

There also appears to be an informal policy within the Defense Department to provide an automatic share of military business to each of the large defense firms, rationalized by a belief that these firms represent a necessary part of our national security and must be kept financially healthy. As one industry official put it to us, "Everyone feeds at the trough, even though it isn't planned that way." Any idle industrial capacity is filled by

new programs. When the Fast Deployment Logistic Ship program was cancelled by the Congress, the Division of Litton Industries which had begun building shipyard facilities for this program instead received a contract (expected to total over a billion dollars) for construction of the new Helicopter Assault Ship. The result of this policy is a striking entrenchment of the major defense firms in their successful profit positions; 21 of the top twenty-five defense firms in 1966 were also in the top twenty-five a decade earlier. Furthermore, no large defense firm has folded and few have significantly reduced their military business in the last decade.

A recent sampling of the views of industry leaders indicated that they are quite satisfied with this situation and have no intention of gambling its future on risky ventures in the civilian market. While much industry advertising refers to their potential contribution to solving the nation's social ills, in fact there have been little industry funds invested in this area, and defense firms have shown little capacity for participating successfully in the civilian market. It is therefore important to them that the market of defense contracts continue active and that their firm receives a significant share of the defense business. This requires an all out effort to be involved with the weapons decision process itself, and these firms have been highly successful in this effort.

To maintain a high volume of sales, the defense industry employs an army of salesmen, whose job is to establish close relations with Defense Department officials charged with developing and procuring weapons systems and materiel. The private firms which benefit from this procurement employ thousands of military officers and former defense officials, and high positions in the Pentagon are filled by officials of these companies. But day-to-day contact between industry representatives and government officials is the primary means of insuring that the interests of the industry are well represented and continuously in the minds of those in the government who make the decisions.

Industry efforts are aimed at winning contracts for the actual production of hardware or, in the words of one representative, "the pot of gold." However, this does not mean that they wait for the procurement decision. Rather, industry must "buy in" early in the research and development phase to gain the specialized information that will make it a "sole source" when the procurement award is made. As an officer of General Dynamics told us, "You have to get in on the ground floor or forget it." Or, as Murray Weidenbaum, now Assistant Secretary of the Treasury, put it, "At the present time, typically, the key competition is for the relatively small development contract, and the winner of that virtually automatically gets the large so-called 'follow-up' procurement contracts." At this stage the competition for the development contract is stiff, and they will go all out to win. As Frederic Scherer, an authority on the weapon acquisition process, has put it, "Firms are frequently compelled to make overly optimistic technical promises, to divert top technical talents from research and development work to selling activities, to hoard scarce technical talent, and to diversify at government expense into fields often served more effectively by existing specialists."

Industry representatives are in continuing contact with government officials, where they can influence new research and development decisions, suggest ideas for new systems and for system improvement, and establish in the minds of the government official the special competence of their firms to carry out the job. As one sales representative told us, "If you wait around until the RFP [request for proposal] comes out, you're dead." Such close contact is viewed as essential by these firms, if they are to be prepared to suggest and

then carry out the specialized tasks required in any weapons systems development. As an official of North American Rockwell told us, "Any company which would go by all the rules would have no idea what the government wants and would be developing things that would be completely out of line."

Industry attempts, as much as possible, to staff its sales force with engineers, so they can deal as professional colleagues with their government counterparts, rather than acting merely as salesmen looking for the government's money. As one representative put it, "The day of back-slapping, cigar-smoking, cocktail-sipping, glossy brochure-selling is gone. The marketing process is highly technical and sophisticated."

Industry takes advantage of the insistence of each service that it remain on the frontier of advanced technology. The contractor is free to come up with a design that exceeds the initial requirements, and in most cases such a proposal will be enthusiastically received. As an official at LTV remarked, "Several companies may come up with a good design, but what makes you better is what else you might come up with, what added component you have, what possible breakthrough you stimulate." Since the pressure for technological sophistication is far greater than any pressure to keep costs down, this results in rapidly rising costs and, even more important, a direct and powerful influence by defense contractors on the weapons which the military wants and procures.

Defense firms maintain active research and development programs supported by overhead receipts on prior contracts. Through these efforts they develop ideas and products which can then be sold to the government on a sole-source basis. By this means they can, in industry jargon, "create a need", that is, generate the demand which they alone can meet. As a representative of North American Rockwell informed us, "Your ultimate goal is to actually write the RFP, and this happens more often than you might think." Another, from Pratt and Whitney, boasted, "We have the technical superiority and are on the offensive. We spoon-feed them. We ultimately try to load them with our own ideas and designs, but in such a way that, when they walk away from the conference table, they are convinced it was their idea all along."

This process was described to us by one salesman in these words: "We get together with the development planning people in the military services and swap information around, coming up with something new through an interactive process." This is, of course, a quite different picture of the weapons decision process from what the public usually gets. While in official presentations the Defense Department acts as if it uses independent analysis in deciding on weapons procurements, in fact the decisions are made through an interactive process which is invisible to the public and in which those in industry who benefit financially and those who benefit through increased power for the Services work hand in hand.

As a recent editorial in *Fortune* magazine said, "At staggering costs, the military has repeatedly bought weapons and deployed forces in ways that have added only marginally to national security. . . . The interplay between the services and their suppliers generates pressures to maintain high levels of defense spending, almost regardless of the external threat. The natural desire of military men to have ever-more sophisticated and expensive weaponry coincides with the desire of contractors to supply it." This was put even more forcibly by Peter Schenck, an official of the Raytheon Corporation and former president of the Air Force Association: "The day has passed when the military requirement for a major weapons system is set by the military and passed on to industry to build the hardware. Today it is more likely that the military requirement is the result

\*This section is based on extensive interviews with Washington representatives of ranking defense firms.

of joint participation of military and industrial personnel, and it is not unusual for industry's contribution to be a key factor. *Indeed, there are highly-placed military men who sincerely feel that industry is currently setting the pace in the research and development of new weapons systems.*—Research by David Sims.

#### Missiles

The operation of the defense industry is predicated upon continuing technological change, which makes weapons purchasing a never-ending process. Jerome Wiesner, former Presidential science advisor, has said that "we are running an arms race with ourselves." This can nowhere be seen more clearly than in the missile industry, where technological change within our own program has fueled a spiraling arms race.

Based on concepts developed in our own research and development programs, the intelligence arms of the Pentagon conjure up a Communist "threat". Even when there is no evidence that the Soviet Union, for instance, is actually developing a particular weapon, it is assumed that they will come up with the requisite technology and will embody it in a new, deployed weapons system. For public consumption the "threat" is then multiplied to attain a "greater than expected threat", which requires that the U.S. go ahead with the urgent development and deployment of the new weapon. *In such an environment the only ceiling on weapons development becomes technological imagination.*

The newest weapons in the strategic arsenal, the ABM and MIRV, grew out of this process. The development of MIRV was linked to the Air Force desire to attain a first-strike capability. John S. Foster, Jr., head of defense R&D, has testified that the MIRV concept was originally generated as a means of increasing the number of targets we could attack with our ICBMs. But when the program was publicly announced, it was justified as a necessary improvement to allow us to penetrate a ABM defense which we believed the Russians were building. Even though we now know that the Russians have halted installation of their ABM system, so that the "threat" has vanished, the MIRV program goes on. In the process, our own MIRV program has generated fears of a Soviet MIRV program, a possibility which has been used to justify deployment of the Safeguard ABM system.

As this arms race has developed, there have been three public "generations" of the Air Force's Minuteman missile, each claimed to have definite advantages over the previous model, and each justified by the need to counter anticipated Soviet advances in offensive weapons. In actuality, developments in the Minuteman program have been cumulative, with over 8,000 changes in the Minuteman system since its inception. *The designations Minuteman I, II, III were afterthoughts developed as part of the publicity program for this missile, with the identification of these "generations" clearly intended to show that their development is ongoing and even evolutionary, not unlike American cars which come in new models each year.*

A. E. Fitzgerald, an Air Force management specialist, reported that officials working on the Minuteman knew nothing of Minuteman II until they received notice from the Pentagon ordering them to re-estimate the costs of a system designated "Minuteman II." And when the initial contracts for the MIRV system were let in 1965, it was considered a new component for Minuteman II. These continuous changes in the components of the Minuteman system keep a continuing flow of funds to the aerospace contractors and, as Merton Tyrell, an Air Force consultant, has testified, permit these companies to recoup losses they may have suffered during early stages of the program. (Even unchanged parts like cable assemblies then show substantial in-

creases in cost, from \$13,700 in Minuteman I to \$19,800 in Minuteman II.)

The aerospace industry is certain that further "improvements" in the Minuteman missile are inevitable, and that substantial sums will be spent on this system in the coming decade. The project manager at Boeing, the prime contractor for the Minuteman system, assured his employees last year that there would be at least eight more years of Minuteman procurement and that *"the future of Minuteman appears almost limitless."*—Research by Nancy Lipton, Mary McCarthy, and Marc Kramer.

#### Arms under the sea

While the Army is proceeding with the deployment of a nationwide ABM system, and the Air Force has new missiles and the new manned bomber in the works, the Navy is quietly planning the conquest of the ocean's depths. Programs in the works offer a chance for industry to find another source of government money and give the Navy an opportunity to extend the American military presence into yet another domain beyond our borders.

The Navy is actively pursuing the development of a deep submergence rescue vehicle, billed as the answer to the Scorpion and Thresher disasters. However, the new ship's capabilities as a submarine rescue vehicle are only a thin cover for the Navy's desire to develop a vehicle which can resupply a submarine while it remains submerged, leading ultimately to the establishment of self-sustained undersea bases which could be resupplied in a similar manner. As a high official in the deep-submergence program told us, *"The DSRV isn't worth its cost as a rescue vehicle. Submarines just don't sink that often, but that was the only way we could sell it."* (Only two submarines have been lost in recent years, and even in those cases, the DSRV would not have helped, because of the time required to find the sunken submarine and transport the DSRV to the site.)

Proponents of the Navy's Deep Submergence program have been quite open in stating its objectives, "to provide a capability for supporting rescue and recovery operations, maintaining bottom-mounted equipment, exploring and exploiting the continental shelf, and possibly assisting in covert military operations." The Director, John Craven, has suggested that, if man can develop the ability to work in water of great depths for extended periods of time, it is an easy conceptual leap to under-water armies operating under the sea as soldiers do on land. Indeed, the Navy has argued (in a similar fashion to Air Force arguments for the uses of space) that the conduct of warfare under the sea provides a "humane" way of carrying out military conflicts, with civilian casualties minimized.

A Navy study of ocean engineering and deep submergence for the next decade urges that it develop the capacity to establish a manned underwater habitat, with a station set up on the continental shelf within the next 10 years. This underwater laboratory would house 40-50 men at a depth of more than a thousand feet and go into operation in the mid-'70's. Already the Bureau of Yards and Docks is preparing to build underwater stations for supply depots, submarine repair facilities, and nuclear weapons shelters, and the Navy has signed contracts with several aerospace firms to design a station housing a 5-man crew for 30 days at a depth of 6,000 feet.

One ambitious proposal presented jointly by the University of Miami and the Chrysler Corporation—and modestly labeled "Project Atlantis"—envisions an extensive undersea construction program beginning with a series of undersea bases at depths of more than 1,000 feet off the coast of Florida. The proposal looks toward an eventual line of stations along the mid-Atlantic ridge and on seamounts (underwater mountains) in the

Pacific. The Navy would use such stations for command and control of sea warfare, as underwater communication centers, to control floating minefields, as bases for sea-bottom launched acoustic torpedoes, and as surveillance sites for sonar and magnetic detection. *Ocean Science News*, an industry newsletter, reported that:

"The Navy is thinking specifically in terms of sub-sea floor military bases, surveillance gear, manning missile stations, and providing logistic support and staging areas for the under-sea military forces of the future. It is talking only secondarily about such facilities on the continental shelves. It is far more interested in the deep ocean—and the "deep ocean" in this context ballparks out (sic) to about 6000 feet, which not at all coincidentally is the depth of the higher peaks of the Mid-Atlantic Ridge. . . . This is the kind of program which, if carried to its ultimate conclusion, would turn the ocean market into a major market indeed."

One early program that has already been completed is Tektite I, an experiment to test man's ability to live under the sea for extended periods of time. This venture was a multi-agency program (the Navy, NASA, Interior, and the Coast Guard), with strong collaboration (and financial support) from the Re-entry Systems Department of General Electric, which built an undersea habitat to house 4 men for a period of 60 days on the ocean bottom. One General Electric official has suggested that these stations would be appropriate for a set of defensive stations across the Mid-Atlantic Ridge to look up at the waters with sophisticated sonar. *As he noted with some realism, "A plan like this could get quantities of money pumped into it."* A number of defense contractors, including not only General Electric, but Grumman, General Dynamics, Lockheed, Westinghouse, and North American Rockwell, have, with their own funds, constructed deep ocean submersible craft, hoping to recoup their money by landing future Navy contracts for more such vehicles.

The Navy, while thinking seriously of the possibility of establishing undersea bases, is not viewing them as fixed installations. Such bases would be extremely vulnerable if an opponent wished to destroy them, and it is considered easier to use mobile systems which simply rest on the bottom in a temporary location. The U.S. and the Soviet Union are currently negotiating a treaty that would forbid the emplacement of fixed nuclear weapon launching platforms on the seabed, but we were told by one high official in the Navy that *"the U.S. treaty is an exercise in sophistry. It bans systems no one would build anyway, since it is just as easy to make these bases movable."*

The Navy has unsuccessfully attempted to manufacture a threat to justify its undersea program. The Soviet Union is known to have only two craft capable of deep submergence, and it recently sought to purchase such a craft from General Dynamics Corporation; the sale was blocked by the U.S. government. However, the absence of a threat has not halted similar development programs in the past, and it doesn't seem to be retarding this one either.

A major justification for the Navy program is to aid the extension of American enterprise into the deep sea. Robert Frosch, former Assistant Secretary of the Navy, argued that one of the main undersea military missions would be "protection of those engaged in exploitation of the sea," and Dr. John P. Craven, head of the Deep Submergence System Project, has written that "even a marginal exploitation of ocean resources will give the controlling institution a probable majority of the world's wealth." With heavy investments already by the oil industry in undersea exploration and recovery of oil, and with growing interest in the mineral resources of the sea, this confluence of inter-

ests between the Navy and industry could well provide the setting for a new extension of American military influence.

Today the Navy employs half of the country's oceanographers. More than half of the nation's oceanographic budget is spent by the Navy, and it expects these funds to grow, in both relative and absolute terms. Navy plans, recently approved by the Defense Department, look forward to a tenfold increase in its annual expenditures on undersea research and exploration, from \$300 million today to \$3.8 billion a decade from now. It recognizes, as does industry, that it is far easier to obtain appropriations for programs carried out under Navy auspices, with an apparent military connotation, than under the auspices of such civilian agencies as the National Science Foundation or the Department of Commerce. And, of course, the Navy is not modest in its own goals. A recent Navy report asserts that "the Navy has accepted the responsibility for helping to develop the undersea technology needed for effective use of the sea in the military, economic, social, and political sense. This must be a corporate venture: a science-industry-Navy team."—Research by Kerry Gruson and Sam Baker.

### III. THE NATIONAL SECURITY STATE

This report is not intended as another attack on the "military-industrial complex"—we do not see America as a victim of an insidious conspiracy emanating from this power bloc. It appears to us more accurate to say that American society is becoming what we have chosen to call a National Security State, whose dominant institutions and ideology are focused upon the military establishment and military solutions to national policy problems. The issues which have recently made news: the cost-overruns on weapons systems; the extent of our chemical and biological arsenal; the clandestine practices of the Green Berets—and the new material which we present in this report are not accidents or exceptions. They are all part of the operation of a total system which was laid down in the immediate post-war era by the Truman Administration and strengthened by each successive administration.

In the immediate post-war years, a number of bills were passed which had the effect of transforming ad hoc wartime arrangements into law. All the essential institutions of the National Security State were created in that period. The draft was resumed. The National Security Act of 1947 coordinated the Armed Forces under the Office of the Secretary of Defense, created the National Security Council, and established the Central Intelligence Agency and the Joint Chiefs of Staff. James Forrestal, soon to become the first Secretary of Defense, told the Senate:

"This bill provides . . . for the coordination of the three armed services, but what is to me more important, it provides for the integration of foreign policy with national policy, of our civilian economy with military requirements."

The Armed Service Procurement Act of 1947 created the basic structure for the close relationship that has developed between the military and American business. It established the legal standards for the procurement process, including the provisions allowing the Defense Department to offer contracts by direct negotiation with a single contractor. It asserted that "all purchases and contracts [are to be made] . . . by advertising . . . except [that they] may be negotiated . . . if", and then it provided seventeen exceptions, including "for supplies for which it is impracticable to secure competition" and, most especially, if it is "in the interest of the national defense that any plant, mine, or facility or any producer, manufacturer, or other supplier be made or kept available."

The total effect of these exceptions was clear to those involved in the passage of this bill:

Senator HARRY F. BYRD. This bill simply means that we are changing our policy from buying by advertising to a policy of buying by negotiations, provided the agency head certifies that this should be done in the interest of the government . . .

Under Secretary of the Navy W. JOHN KENNEY. That is substantially correct, Senator . . . [but] it is the intent that the bulk of these contracts should be let by advertising and competitive bidding.

Senator BYRD. I have learned by long experience that you should not extend an authority unless you expect that authority to be exercised . . .

The result, of course, has been the growth of a condition in which little more than a tenth of all defense contracts are let by competitive bidding, and in which a small number of large corporations dominate the military business.

The Atomic Energy Commission was formed in 1946 with, in President Truman's words, "civilian direction, which will serve the military needs." The President was empowered to appoint the AEC Commissioners, but the act also established a Military Liaison Committee to advise the AEC on military research and empowered to appeal any Commission decision:

"If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy derived from the Constitution, laws and strategies, the Committee may refer such action to the Secretary [of Defense]. If he concurs, he may refer the matter to the President . . ."

Congress also delegated to the President the right to develop in secret any size stockpile of nuclear weapons which he feels desirable. He was given the power to direct the AEC to "deliver such quantities of fissionable materials or weapons to the armed forces for such use as he deems necessary" and "to authorize the armed forces to manufacture, produce or acquire any equipment or devise utilizing fissionable material or atomic energy."

An essential part of the building of the National Security State was the creation of a system to maintain secret information and ensure loyal workers. A security classification system was set up and, in 1947, by Executive Order, President Truman created a loyalty investigation program for federal employees. By 1953, it is estimated that 13,500,000 people, one out of five members of the total work force, were subject to some loyalty or security procedure. Such steps by the government helped to encourage a national atmosphere of paranoia and the growth of McCarthyism. Thus, all elements of American society were fitted into the National Security State. The power of the executive increased as it assumed the functions of the legislature. Congressional scrutiny of the defense budget became perfunctory and approving. The Pentagon expanded its power and influence, both at home and abroad.—Research by Bob Borosage.

### CONCLUSION

Our investigation into the national security establishment, and recent events such as the failure of the Senate to make any substantial cuts in the defense budget, have convinced us that America faces a deepening governmental crisis. The checks and balances set out in the Constitution have been eroded by the growth of the defense sector, so that the present Congress—supposedly the representative of the people—is all but powerless to halt the growing militarization of our society. No force exists in the country today with the necessary resources and power to counter the continuing expansion of the National Security State.

An important conclusion of this report is that the issue of the day is not how to control the military. Professional military men

are not under attack for having overstepped their proper bounds. It is the functioning of the national security establishment itself—a set of institutions operated jointly by civilian and military personnel—which we question. The operation of the Pentagon, and its relationship to the rest of the government, derive from the foreign policy of the United States, and it is this policy, formed essentially by eminent civilians, which we believe must be rethought and drastically revised if the country is, in the words of Nobel Prize winner George Wald, "to choose life."

In critically looking at the Pentagon and the foreign policy which it serves, we came to realize that the way in which America faces the world, the manner in which it deals with other nations, is a direct outgrowth of the structure of our own domestic institutions. Relationships like those between the military establishment and the defense industry, or the military and universities, grew at first from the country's chosen policies; but having come to life, institutional structures such as the military-industrial complex gain a momentum of their own as they become more deeply embedded in the American economy and political system.

We were not able to find effective voices anywhere in the defense establishment for restraint on defense expenditures or for a reduction in the development of new and more sophisticated weapons; we did not find anyone in a position to advocate alternative ways of achieving the goal of "national security". The defense establishment seems to have been designed, either by intention or by chance, to encourage only the growth and autonomy of the military machine.

The defense establishment has become a massive, self-propelling juggernaut, demanding unquestioning faith and an endless flow of funds, all in the name of national security—a security which is believed to be enhanced by adding to our armament and intervening in the affairs of other, less powerful countries. In a world where nuclear war would bring total devastation, and attempting to control all political change is a futile impossibility, such a belief is simplistic and ultimately destructive to our society. It is no accident that it is in the self-interest of all members of the defense establishment—policy makers, military men, politicians, industrialists, scientists—to adopt this belief and work diligently for its maintenance.

One of the purposes of the summer project was to demonstrate that concerned Americans can critically examine the fundamental premises and operations of the government, even in the sensitive area of national security. Indeed, it is vital to the society that such searching inquiry be carried on by Congress and by public groups such as universities, labor unions, and community action organizations. The American people should call for a complete opening up of the activities of the national security establishment to public view. It is our firm belief, after many conversations within the Pentagon and elsewhere in Washington, that the security classification system is largely used, not to prevent information from being revealed to potential enemies, but to prevent its revelation to the American people and to ensure control by the Executive Branch over national security policy. The result is that the American public remains ignorant of most of our defense programs. In some cases, weapons systems are reviewed in trade journals but the general press is not technically equipped to recognize the significance of information which appears in specialized journals, and, for the most part, it has not taken a critical, investigative stance toward the defense establishment.

The MIRV program is one example. Discussions of the MIRV concept, and announcements of contracts awarded for MIRV engineering developments, appeared in the tech-

nical press as early as 1965, but only an expert in the field of missiles could know that a "post-boost control system" would have the capacity to target a large number of individual warheads at different targets, and thereby to pose a first-strike threat to the Soviet deterrent. The Soviet Union recognized this and appears to have reacted, in part, by an expansion of its deterrent force. The American public, however, was not aware of this development until years later, and its significance did not become apparent until MIRV was close to deployment and had acquired irresistible bureaucratic momentum. Even then, its existence became widely known only through the efforts of a few non-government scientists.

To help meet the need for public information on the defense establishment, the type of investigations conducted by the summer "Pentagon Watchers" will be continued by a permanent, independent, privately-funded research group, to be called the National Security Research Project. The project's Washington-based office will have a permanent staff and will, in addition, draw on students and others around the country to prepare periodic reports on the operations of the National Security State.

#### APPENDIX

This section, in addition to a list of the participants in the summer project, includes what we think are two highly revealing documents.

The "FDL Public Affairs" paper was given to us by a DOD official. It provides detailed insight into the lobbying effort which the military and the defense industry continually operate on Capitol Hill. Such a well-coordinated program of pressure is not the exception, but the rule.

The second document is a list of foreign countries whose officers have received training at the U.S. Army Special War School (now the John F. Kennedy School of Military Assistance) at Ft. Bragg, North Carolina. The list was provided to us by the post's information officer (the written additions are his); we were told that the names of the foreign officers are classified. It is interesting to speculate as to what use the soldiers of such countries as South Africa, Portugal, Spain, Haiti, etc. might put their American training.

#### MEMBERS OF THE SUMMER PROJECT

Sam Baker, Harvard B.A.; fall: graduate student, Harvard Economics Dept.  
 Bob Borosage, Yale Law School.  
 Kerry Gruson, Radcliffe, B.A.; fall: reporter, Raleigh News & Observer.  
 Nick Herman, Yale, B.A.; fall: Union Theological Seminary.  
 Tom Klein, Larchmont High School; fall: Columbia University.  
 Marc Kramer, Lake Forest College, B.S.; fall: graduate student, Univ. of Michigan Physics Dept.  
 Nancy Lipton, Radcliffe, B.A.; fall: graduate student, Harvard Government Dept.  
 Mary McCarthy, Radcliffe.  
 Derek Shearer, Yale; fall: National Security Research Project.  
 David Sims, Yale B.A.; fall: Harvard Graduate School of Design.  
 Bill Stivers, Reed College.

#### FDL PUBLIC AFFAIRS

##### I. Completed actions and results

###### A. Congressional.

Congressman Sikes (Florida)—Mr. Bannerman discussed the FDL program with the Congressman on 15 December 1966. Congressman Sikes enthusiastically supports the program. No further direct action necessary.

Congressman Bennett (Florida)—Admiral Sonenshein and Army representative explained the program. Congressman Bennett fully supports the FDL program. No further direct action necessary.

Congressman Gibbons (Florida)—Captain

Henning (Project Manager's Staff) briefed Congressman Gibbons. He is a supporter of the FDL program and its concept. No further direct action necessary.

Senator Tydings (Maryland)—Admiral Sonenshein briefed Senator Tydings. The Senator apparently has no feeling for or against the program. No immediate follow-up required.

Senator Russell (Georgia)—Mr. Dan Houghton (Lockheed) talked to Senator Russell. The Senator was not responsive. Direct contact by Army/Navy personnel required.

Senator Kennedy, Congressman Burke (Massachusetts)—Contacted by Mr. Roger Lewis (General Dynamics) who explained the overall merits of the program. Follow-up briefing required.

Congressman Rivers (South Carolina)—The Chairman does not desire briefing prior to hearings (Tab A). However, efforts will be made to see him.

Armed Services Committees, Merchant Marine & Fisheries, Government Operations Committees—On 30 December 1966, Admiral Sonenshein briefed staff members of these Committees. The discussion following indicated that MM&F staffers are still opposed to the program and that other staffers may still challenge the program. Further approach to staffers may not be productive. It is necessary to get to the Congressmen and Senators directly.

House Appropriations Investigative Staff—Since October 1966, a team of staffers headed by Mr. W. F. Currall have been investigating all aspects of the FDL program. They have interviewed many naval officers and industry people and have been provided with background documents as requested. Their report is due this month (January). It is likely that the report of this group will point up that the money might be better spent on amphibious ships and merchant marine. The interviews which we have knowledge of do not support this.

Congressman Stratton (New York)—The Congressman was briefed by Admiral Sonenshein on 9 December 1966. The Congressman, a member of the HASC, supports the FDL program.

###### B. Public and Private.

N.Y. Times Article of 3 January 1967 (Tab b). Result of interview with Mr. Bannerman. No direct reaction known.

Speech before National Defense Transportation Association in San Francisco, 18 January 1967. General reaction favorable. Considerable press, radio and TV coverage (Tab c). Mr. Dewey, President, American Steamship Association followed Admiral Sonenshein and prefaced his remarks by commenting that the Admiral's presentation was the finest and most informative he had heard concerning the FDL program. Mr. Dewey's remarks (Tab d.) were somewhat critical of the program though his speech might have been different had he been aware of the whole program rationale beforehand.

Armed Forces Management will devote its February issue to the FDL program. Interviews have been held with many of the participating Defense personnel.

The Committee of American Steamship Lines (CASL) though not arguing about the requirement for a rapid deployment capability, has submitted proposals for new types of cargo ships to augment the FDL's (Tab e.). However, in October 1966, Mr. W. B. Rand, then Chairman of CASL, was extremely critical of the program (Tab f.).

Mr. Andrew Pettis, Vice President of International Union of Marine and Shipbuilding Workers of America, has written a letter (Tab r.) to Admiral Galantin pointing out that his Union supports the FDL program. Further briefing of Union representatives scheduled February.

Mr. Dan Holden, President of Newport

News Shipbuilding and Dry Dock Corporation, in a speech on 9 January 1967, spoke favorably about the new procurement concepts and the favorable effect of multi-year procurement on the modernization of private shipyards (Tab s.).

###### II. Specific adverse indications.

A. Congressman Leggett (California) has written a letter to the President (Tab j), with copies to many of his colleagues, strongly objecting to the FDL program and recommending that it be rejected. The reply, signed in BUBUD, offers a briefing. Follow-up is required.

B. Senator Russell objected to reprogramming of funds for Contract Definition. After a letter to the Senator from Mr. Nitze and discussions with the committee staff, the reprogramming was approved but it is obvious that the Senator does not favor the FDL program (Tab h). A briefing for the Senator will be arranged.

C. Congressman Garmatz has expressed opposition to the FDL on the basis that the program will be detrimental to the Merchant Marine (Tab i). He is attacking the concept of the FDL vs Merchant Marine rather than the military necessity. Since he does not understand the "instantaneous response" requirement, a briefing is in order and will be scheduled.

D. The Shipbuilders Council of America, as a whole, is taking no position on the basic concept of the FDL military mission (Tab j). The Council agrees that substantial savings can be realized from series production of standardized ships. Mr. Hood, President of the Council, has been briefed on the program. There is wide difference of opinion among the Shipbuilders Council members. Mr. Cort, Bethlehem Steel Corporation, has criticized the program (Tab k), whereas Mr. Dan Holden, Newport News Shipbuilding and Dry Dock Company, has favored the program (Tab s).

E. The Maritime Unions are opposed to the program as it appears to them to be a threat to the Merchant Marine. Arrangements are being made to brief the Union executives and the people who write speeches and press releases (February).

F. Captain Lloyd Sheldon, President of International Organization of Masters, Mates and Pilots, has said that the project puts the Defense Department in the business of operating a fleet of military supply ships which will eliminate both unions and private business from the military end of shipping (Tab L). Briefing arranged February.

G. Representative Lennon (North Carolina) opposes the FDL program and recommends instead that the money be applied to amphibious ships and the merchant marine. Representative Lennon has heard only one side of the story. Briefing required.

###### III. Schedule.

###### A. Congressional.

Joe Califano—White House, Senator Jackson, Senator Brewster, Senator Stennis, Congressman Garmatz, Congressman Leggett, Congressman Hébert, Congressman Hardy, Congressman Pike, Congressman Philbin, Congressman Nedzi.

###### B. Public and private.

1 January 1967—Mr. Prina (Copley Press) to interview Mr. Bannerman.

February 1967—FDL joint briefing of Maritime Union groups—

a. Maritime Trades Department (AFL/CIO).

b. Metal Trades Department (AFL/CIO).

c. AFL/CIO Maritime Press representatives.

d. Labor and Maritime Press representatives.

1 February 1967—Admirals Galantin and Sonenshein will lunch with Mr. Grogan and Mr. Pettis of the Industrial Union of Marine and Shipbuilding Workers of America.

3 February 1967—Admiral Sonenshein will lunch with Admirals Leggett and Carney.

FOREIGN COUNTRIES THAT HAVE BEEN REPRESENTED AT THE U.S. ARMY SPECIAL WARFARE SCHOOL

Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Denmark.

Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Italy, Japan.

Jordan, Kenya, Korea, Laos, Lebanon, Liberia, Libya, Malaysia, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Okinawa, Pakistan, Panama, Philippines.

Peru, Portugal, Rep. of South Africa, Saudi Arabia, Sierra Leone, Somalia, Spain, Sudan, Tanzania, Thailand, Tunisia, Turkey, UAR (United Arab Republic), Uganda, United Kingdom, Uruguay, Venezuela, Viet-Nam.

WITHOUT FEAR OR FAVOR

**HON. GLENN CUNNINGHAM**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CUNNINGHAM. Mr. Speaker, Peter Kiewit, of Omaha, is head of one of the world's largest construction firms. But more than that, he is a friend to his fellow man.

Two years ago this distinguished Nebraskan received the National Brotherhood Award of the National Conference of Christians and Jews. On that occasion, October 3, 1967, Peter Kiewit presented an acceptance address entitled "Without Fear or Favor."

This was called to my attention again recently by Mr. V. J. Skutt, a longtime friend who is chairman of the boards of the Mutual of Omaha Cos. In arranging to have the address reprinted, Mr. Skutt said he felt "there are certain statements that become more significant with the passage of time."

Mr. Speaker, this certainly is true of Peter Kiewit's presentation and I would urge each of my colleagues to devote a few minutes from their busy schedule to read his remarks:

WITHOUT FEAR OR FAVOR

(By Peter Kiewit)

I am deeply humbled by this great honor you are bestowing upon me this evening.

This award rightfully belongs to others, and I accept it on their behalf. It belongs to many of you here tonight, and to many who are not here. It belongs to all those who have labored long and hard in this great and growing city of ours to promote better understanding between religious and ethnic groups . . . men and women who are dedicated to the principles of brotherhood.

The first group I should like to mention consists of those who have adopted as a part of their life's work the task of bringing closer the day when people of all races, colors and creeds may live in harmony with equal respect, equal rights and equal opportunities. These people are giving of themselves because they are convinced that it is better to give than to receive. We find them in the churches of all faiths, in the ranks of the Salvation Army, in the Red Cross, in the Urban League, and in many other organizations too numerous to mention. To all these people we owe a great debt of gratitude.

The second group I want to mention consists of the army of volunteer parttime work-

ers on whom Omaha largely depends to accomplish the objectives of brotherhood in its numerous civic undertakings . . . men and women who devote a part of their valuable time to help their fellow man. I am thinking of business and professional people, housewives, salaried and hourly paid workers. To these people we also owe a great debt of gratitude.

The third group I want to mention consists of those who give financial support, including men and women in the first two groups and thousands of others. They give through the United Community Services, through churches, through civic and fraternal organizations and through countless other ways. To these people we also owe a great debt of gratitude—for the work of brotherhood always has and always will require financial assistance.

There is a fourth group that is the most important of all, in my opinion. This group consists of those who have formed deep and abiding convictions concerning equal respect, equal rights and equal opportunities for all men, and who practice these convictions without fear or favor in their business, social, religious and political activities. These people come from all walks of life, all races and all creeds. They are found among the fortunate and the less fortunate. They are found in minority and majority groups alike. I would like to suggest that each of us ask ourselves how close we come to qualifying as members of this fourth group. These are truly brothers of their fellow man and all of them, wherever they may be, share with me in this honor.

In spite of what any of us may have done in the past to promote the ideals of brotherhood, we can and must do more in the future. In particular, I want to stress the importance of helping others to help themselves. Although there will always be those among us who need personal assistance and financial aid to cover all or most of their needs—the crippled, the old and the orphaned young—the great majority of those who are underprivileged, for whatever cause, can be helped best by being given encouragement and being provided opportunities.

I have been impressed with the brotherhood work of Archie Moore, retired lightweight boxing champion, which was mentioned in recent newspaper columns throughout the country, and the subject of an editorial in the "local daily"—I hope you will pardon me for this short commercial. Archie has organized and is heading an organization called ABC, which stands for "Any Boy Can", and is intended to help young people of all races. Through this organization he tells the boys how he and other youngsters in the tough St. Louis neighborhood in which he grew up became jazz musicians, doctors, lawyers and sports figures because, as Archie puts it, "We had a goal and were willing to work to accomplish it." He teaches dignity and self respect which are the most important building blocks any brother can give a fellow brother, in my opinion.

This ABC organization, along with the Boys' Club, the YMCA, Jewish Community Center, Catholic Youth Organization, and other similar organizations, is doing an outstanding job of providing encouragement, motivation, and at the same time, fostering dignity and self-respect. Each of us should look for the time to help such organizations, and in addition, we should look for opportunities to work individually.

MORE THAN A MORAL ISSUE

Providing opportunities is more than a moral issue—I believe it is an economic necessity if we are to continue to raise our standard of living and compete in world markets. In this day of shortages among professional, skilled craftsmen and technicians, discrimination based on church affiliation, country of origin, pigmentation of the skin,

or any other irrelevant, emotional bias is an unnecessary waste of human resources. It is good business to judge people on the basis of personal traits, attributes and abilities, to place them where their talents can be best utilized, and to promote them on the basis of their proven ability to handle additional responsibilities. Within the foreseeable future, if not now, the demand for competent trained people will exceed the supply, and we cannot afford to bypass anyone who shows promise.

We must recognize the tremendous reservoir of untapped talent among minority groups and among the underprivileged in the general population. Many of these people need training in the various skills where shortages exist. We must encourage and assist in the training effort on the job and in the classroom. In this connection, I think it is extremely important that we put forth our best efforts to make sure the training provided is properly administered, is adequate, and is directed toward fields where opportunity exists.

Omaha has been called the Can-Do City by our Chamber of Commerce. Omaha, as you know, was the home of Father Flanagan, founder of Boys Town—a man I was privileged to know, and one who exemplified the Can-Do spirit in the field of human relations. The statute at Boys Town carrying the inscription "He Ain't Heavy, Father—He's My Brother" has become a symbol of brotherhood throughout the world, tying Omaha closely to the brotherhood concept. As a consequence, we have a reputation to live up to.

We can improve the core area—we can attract more industry to provide additional employment—and we can create work opportunities for more of our citizens. But more to the point, we can do the grass-roots job here in Omaha of establishing a social order in which the ideals of brotherhood and justice shall become the standards of human relationship. This, as I am sure most of you know, is the objective of the National Conference of Christians and Jews. This objective is a challenge worthy of our great city and of all its citizens.

I want to thank each of you for coming here tonight, and to say again—I am deeply grateful.

NATIONAL DAY OF PRAYER, 1969

**HON. RICHARD S. SCHWEIKER**

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 6, 1969

Mr. SCHWEIKER. Mr. President, on October 22, 1969, I issued a statement to commemorate President Nixon's designation of that date as "National Day of Prayer, 1969," and to call for Senate action on the late Senator Everett M. Dirksen's school prayer amendment, Senate Joint Resolution 6.

Because of the importance of this measure, to allow nondenominational prayer in public buildings, I ask unanimous consent that my statement be printed in the RECORD.

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

STATEMENT BY SENATOR SCHWEIKER

President Nixon has officially proclaimed October 22 to be "National Day of Prayer, 1969," and is commemorating this day by leading a prayer breakfast at the White House.

I commend the President for his leadership in calling on all Americans to observe the

spirit of his proclamation, and urge all Americans, whatever their religion, and in whatever way they choose, to pray and meditate on behalf of peace and brotherhood for all people.

In an era when divisiveness and disruption impedes our efforts to communicate with all people, and to work together to solve our many problems, the unity of all Americans asserting their faiths can be a positive step. The depth of prayer, and quiet reflection, can aid our moral concerns, and provide a basis for mutual understanding by all people.

In line with the spirit of this day, I also want to urge the Congress to act on proposals to allow this same kind of non-denominational prayer and meditation in our public schools.

Supporters of school prayer lost an important and strong voice when the late Senator Dirksen passed away, but those of us who joined in introducing Senator Dirksen's bill, Senate Joint Resolution 6, will continue to press his work on.

This bill would allow the saying of non-denominational prayer in public buildings. It will not create any denominational pressures on any child, but will simply allow the observances of prayer and meditation as a proper function in our school's development of our children.

In making this call for Senate action, I know I speak on behalf of many Pennsylvanians in communities throughout the State who are deeply concerned with the moral education of their children, and are deeply disturbed by the arbitrary prohibition of this kind of expression in our schools.

The bill is currently within the jurisdiction of the Senate Judiciary Committee, and I fervently urge the members of this Committee to act favorably on the resolution, and report it to the Senate floor for a vote.

#### VICE PRESIDENT AGNEW

### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. GOLDWATER. Mr. Speaker, once again the Vice President of the United States has courageously spoken out and said things that so desperately need to be said. He has, to put it in the vernacular of today's youth, "told it like it is."

Speaking to a Republican fund-raising dinner in Harrisburg, Pa., Vice President AGNEW spoke out against the "parasites of passion" and the "ideological eunuchs" in our society whose only interests in this country consist of the best way to destroy it. He called for the "preponderant majority, the responsible citizens of the country, to assert their rights."

The Vice President rightly took to task those who have advocated an unconditional, unilateral withdrawal from Vietnam labeling the idea "unsound and idiotic." He said:

In the case of the Vietnam moratorium. . . , the tragedy was that thousands who participated wanted only to show a fervent desire for peace, but were used by the political hustlers who ran the event.

But most important of all, in my judgment, the Vice President noted that what our Founding Fathers created as a form of government for this country was a constitutional republic and not a pure democracy.

He said:

The representative government they contemplated and skillfully constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets. They recognized that freedom cannot endure dependent upon referendum every time part of the electorate desires it.

Vice President AGNEW's remarks in Harrisburg echoed those of the famous British statesman Edmund Burke who wrote in his "Reflections on the Revolution in France":

Because half a dozen grasshoppers under a fern make a field ring with their importunate chi response beneath the shadow of the British oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field; that of course they are many in number; or that, after all, they are other than shrivelled, meagre, hopping, though loud and troublesome insects of the hour.

For the RECORD, I include Vice President AGNEW's speech and the October 21, 1969, American Security Council Report which lists some of those "political hustlers" about which the Vice President so eloquently spoke:

ADDRESS BY THE VICE PRESIDENT, PENNSYLVANIA REPUBLICAN DINNER, HARRISBURG, PA., OCTOBER 30, 1969

A little over a week ago, I took a rather unusual step for a Vice President. . . I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encouraged government by street carnival and suggested it was time to stop the carousel.

It appears that by slaughtering a sacred cow I triggered a holy war. I have no regrets. I do not intend to repudiate my beliefs, recant my words, or run and hide.

What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy.

By accepting unbridled protest as a way of life, we have tacitly suggested that the great issues of our times are best decided by posturing and shouting matches in the streets. America today is drifting toward Plato's classic definition of a degenerating democracy. . . a democracy that permits the voice of the mob to dominate the affairs of government.

Last week I was lambasted for my lack of "mental and moral sensitivity." I say that any leader who does not perceive where persistent street struggles are going to lead this nation lacks mental acuity. And any leader who does not caution this nation on the danger of this direction lacks moral strength.

I believe in Constitutional dissent. I believe in the people registering their views with their elected representatives, and I commend those people who care enough about their country to involve themselves in its great issues. I believe in legal protest within the Constitutional limits of free speech, including peaceful assembly and the right of petition. But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective an-

nounced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic. The tragedy was that thousands who participated wanted only to show a fervent desire for peace, but were used by the political hustlers who ran the event.

It is worth remembering that our country's founding fathers wisely shaped a constitutional republic, not a pure democracy. The representative government they contemplated and skillfully constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets. They recognized that freedom cannot endure dependent upon referendum every time part of the electorate desires it.

So great is the latitude of our liberty that only a subtle line divides use from abuse. I am convinced that our preoccupation with emotional demonstration, frequently crossing the line to civil disruption and even violence could inexorably lead us across that line forever.

Ironically, it is neither the greedy nor the malicious, but the self-righteous who are guilty of history's worst atrocities. Society understands greed and malice and erects barriers of law to defend itself from these vices. But evil cloaked in emotional causes is well disguised and often undiscovered until it is too late.

We have just such a group of self-proclaimed saviours of the American soul at work today. Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views. In the name of academic freedom, they destroy academic freedom. Denouncing violence, they seize and vandalize buildings of great universities. Fiercely expressing their respect for truth, they disavow the logic and discipline necessary to pursue truth.

They would have us believe that they alone know what is good for America; what is true and right and beautiful. They would have us believe that their reflective action is superior to our reflective action; that their revealed righteousness is more effective than our reason and experience.

Think about it. Small bands of students are allowed to shut down great universities. Small groups of dissidents are allowed to shout down political candidates. Small cadres of professional protestors are allowed to jeopardize the peace efforts of the President of the United States.

It is time to question the credentials of their leaders. And, if in questioning we disturb a few people, I say it is time for them to be disturbed. If, in challenging, we polarize the American people, I say it is time for a positive polarization.

It is time for a healthy in-depth examination of policies and a constructive realignment in this country. It is time to rip away the rhetoric and to divide on authentic lines. It is time to discard the fiction that in a country of 200 million people, everyone is qualified to quarterback the government.

For too long we have accepted superficial categorization—young versus old; white versus black; rich versus poor. Now it is time for an alignment based on principles and values shared by all citizens regardless of age, race, creed, or income. This, after all, is what America is all about.

America's pluralistic society was forged on the premise that what unites us in ideals is greater than what divides us as individuals. Our political and economic institutions were developed to enable men and ideas to compete in the marketplace on the assumption that the best would prevail. Everybody was deemed equal, and by the rules of the game they could become superior. The rules were clear and fair: in politics, win an election; in economics, build a better mousetrap. And as time progressed, we added more referees to assure equal opportunities and provided

special advantages for those whom we felt had entered life's arena at a disadvantage.

The majority of Americans respect these rules . . . and with good reason. Historically, they have served as a bulwark to prevent totalitarianism, tyranny, and privilege . . . the old world spectres which drove generations of immigrants to American sanctuary. Pragmatically, the rules of America work. This nation and its citizens—collectively and individually—have made more social, political and economic progress than any civilization in world history.

The principles of the American system did not spring up overnight. They represent centuries of bitter struggle. Our laws and institutions are not even purely American—only our Federal system bears our unique imprimatur.

We owe our values to the Judeo-Christian ethic which stresses individualism, human dignity, and a higher purpose than hedonism. We owe our laws to the political evolution of government by consent of the governed. Our nation's philosophical heritage is as diverse as its cultural background. We are a melting pot nation that has for over two centuries distilled something new and, I believe, sacred.

Now, we have among us a glib, activist element who would tell us our values are lies, and I call them impudent. Because anyone who impugns a legacy of liberty and dignity that reaches back to Moses, is impudent.

I call them snobs for most of them disdain to mingle with the masses who work for a living. They mock the common man's pride in his work, his family and his country. It has also been said that I called them intellectuals. I did not. I said that they characterized themselves as intellectuals. No true intellectual, no truly knowledgeable person, would so despise democratic institutions.

America cannot afford to write off a whole generation for the decadent thinking of a few. America cannot afford to divide over their demagoguery . . . or to be deceived by their duplicity . . . or to let their license destroy liberty. We can, however, afford to separate them from our society—with no more regret than we should feel over discarding rotten apples from a barrel.

The leaders of this country have a moral as well as a political obligation to point out the dangers of unquestioned allegiance to any cause. We must be better than a charlatan leader of the French Revolution, remembered only for his words: "There go the people; I am their leader; I must follow them."

And the American people have an obligation, too . . . an obligation to exercise their citizenship with a precision that precludes excesses.

I recognize that many of the people who participated in the past Moratorium Day were unaware that its sponsors sought immediate unilateral withdrawal. Perhaps many more had not considered the terrible consequences of immediate unilateral withdrawal.

I hope that all citizens who really want peace will take the time to read and reflect on the problem. I hope that they will take into consideration the impact of abrupt termination; that they will remember the more 3,000 innocent men, women and children slaughtered after the Viet Cong captured Hue last year and the more than 15,000 doctors, nurses, teachers and village leaders murdered by the Viet Cong during the war's early years. The only sin of these people was their desire to build their budding nation of South Vietnam.

Chanting "Peace Now" is no solution, if "Peace Now" is to permit a wholesale blood-bath. And saying that the President should understand the people's view is no solution. It is time for the people to understand the views of the President they elected to lead them.

First, foreign policy cannot be made in the streets.

Second, turning out a good crowd is not synonymous with turning out a good foreign policy.

Third, the test of a President cannot be reduced to a question of public relations. As the Eighteenth Century jurist, Edmund Burke, wrote, "Your representative owes you not his industry only but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion."

Fourth, the impatience—the understandable frustration over this war—should be focused on the government that is stalling peace while continuing to threaten and invade South Vietnam—and that government's capital is not in Washington. It is in Hanoi.

This was not Richard Nixon's war . . . but it will be Richard Nixon's peace if we only let him make it.

Finally—and most important—regardless of the issue, it is time to stop demonstrating in the streets and start doing something constructive about our institutions. America must recognize the dangers of constant carnival. Americans must reckon with irresponsible leadership and reckless words. The mature and sensitive people of this country must realize that their freedom of protest is being exploited by avowed anarchists and communists who detest everything about this country and want to destroy it.

This is a fact. These are the few . . . these are not necessarily leaders. But they prey upon the good intentions of gullible men everywhere. They pervert honest concern to something sick and rancid. They are vultures who sit in trees and watch lions battle, knowing that win, lose or draw, they will be fed.

Abetting the merchants of hate are the parasites of passion. These are the men who value a cause purely for its political mileage. These are the politicians who temporize with the truth by playing both sides to their own advantage. They ooze sympathy for "the cause" but balance each sentence with equally reasoned reservations. Their interest is personal, not moral. They are ideological eunuchs whose most comfortable position is straddling the philosophical fence, soliciting votes from both sides.

Aiding the few who seek to destroy and the many who seek to exploit is a terrifying spirit, the new face of self-righteousness. Former H.E.W. Secretary John Gardner described it: "Sad to say, it's fun to hate . . . that is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

This is what is happening in this nation . . . we are an effete society if we let it happen here.

I do not overstate the case. If I am aware of the danger, the convicted rapist Eldridge Cleaver is aware of the potential. From his Moscow hotel room he predicted, "Many complacent regimes thought that they would be in power eternally—and awoke one morning to find themselves up against the wall. I expect that to happen in the United States in our lifetimes."

People cannot live in a state of perpetual electric shock. Tired of a convulsive society, they settle for an authoritarian society. As Thomas Hobbes discerned three centuries ago, men will seek the security of a Leviathan state as a comfortable alternative to a life that is "nasty, brutish and short."

Right now we must decide whether we will take the trouble to stave off a totalitarian state. Will we stop the wildness now before it is too late, before the witch-hunting and repression that are all to inevitable begin?

Will Congress settle down to the issues of the nation and reform the institutions of America as our President asks? Can the press ignore the pipers who lead the parades? Will the head of great universities protect the rights of all their students? Will parents have the courage to say no to their children?

Will people have the intelligence to boycott pornography and violence? Will citizens refuse to be led by a series of Judas goats down tortuous paths of delusion and self-destruction?

Will we defend fifty centuries of accumulated wisdom? For that is our heritage. Will we make the effort to preserve America's bold, successful experiment in truly representative government? Or do we care so little that we will cast it all aside?

Because on the eve of our nation's 200th birthday, we have reached the crossroads. Because at this moment totalitarianism's threat does not necessarily have a foreign accent. Because we have a home-grown menace, made and manufactured in the U.S.A. Because if we are lazy or foolish, this nation could forfeit its integrity, never to be free again.

I do not want this to happen to America. And I do not think that you do either. We have something magnificent here . . . something worth fighting for . . . and now is the time for all good men to fight for the soul of their country. Let us stop apologizing for our past. Let us conserve and create for the future.

[From the American Security Council Report, Oct. 21, 1969]

#### MOBILIZATION FOR SURRENDER

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4-5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21-22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capitol on January 18-20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in

Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., WEB, DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the War in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Pack, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okum), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Education Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-ordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the conference itself was marked by periods of dissension. At the outset of the Conference it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall antiwar action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall antiwar actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

- (1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.
- (2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.
- (3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.
- (4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.
- (5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will

be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project; Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE, with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

EDUCATION NEEDS MORE DISCIPLINE AND GUIDANCE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. COLLINS. Mr. Speaker, in serving on the Education Committee, I have been interested in the lack of discipline and positive leadership in our educational institutions. We have developed a loose system of permissiveness which is intended to stimulate individual thinking. All the policy has created is unlimited confusion.

College students can all tell you what is wrong with this Government, but they have no positive solutions to offer. This mixed-up plan of education has led to a greater increase in crime, dope addiction, and mental breakdowns than in any period in our history.

I was very impressed with the comments of Dick West, who does such an excellent job of heading up the editorial staff of the Dallas Morning News. In yesterday's News, Dick West wrote on education. I would like for you to note the highlights of his column:

EDUCATION NEEDS MORE DISCIPLINE AND GUIDANCE

(By Dick West)

With nearly every American community and parent concerned about whether young people are going to pot, or smoking it, a news dispatch from Russia is pertinent—if you can believe it.

The Russians do not have a juvenile crime problem. A program begun several years ago after Joe Stalin died has brought amazing results.

Every Russian minor must go to school—or work. If he chooses to work, the hours are long, the rewards few.

In Russian schoolrooms, discipline comes first. The boys take off the girls' coats, hang them in the cloakroom and escort the girls to their desks.

Every student begins the day by a brief recitation of allegiance to his country and the communist ideals that guide it. Unlike Americans, the Russians do not consider patriotic teaching as "square."

The use of dope by minors brings harsh penalties—not long jail terms, but hard labor in which the youthful body gets so tired there is no temptation to dissipate.

Most important, the Russian father is the czar of his own household and cooperates with authorities to enforce discipline on his children.

The indolent and disrespectful in Soviet schoolrooms are made to stay in after regular school hours, not only as punishment but as extra concentration on what they have not learned.

They are not being babied. Once upon a time, the Soviet ministry of education listened to educational screwballs who frowned on discipline and guidance. But no more.

Ironical, isn't it, that the Russians would turn to the old American system conceived by the Puritans and passed on to succeeding generations?

Once upon a time in most schools of our

country, youngsters from the first grade to high school assembled on the grounds early. At exactly 8:30 in the morning the flag was raised. Everybody lined up, saluted it, then marched into class single-file.

Once in class, no body sat down until all the girls were seated. Then everybody stood up for a brief prayer.

Spelling, spelling, spelling—there were hours devoted to it. Composition and grammar—more hours to that.

Those who misspelled a word, or failed to punctuate correctly, had to stay in after school. Now and then some frisky youngster got sassy. The result was a paddling by the teacher—and no doubt another when he got home.

In the earliest of grades you took home little sayings to memorize: "Honesty is the best policy." "Honor thy father and mother." "A penny saved is a penny earned."

The next day you went to the blackboard and wrote them. Unconsciously you were learning right from wrong—which is the basic purpose of education—while learning to write a sentence correctly.

Today, we have incredible instances of youngsters assaulting teachers, using switchblades and small firearms in the halls and burning the flag as a gesture of defiance and disrespect.

We also have, according to J. Edgar Hoover's latest data, 4,500,000 serious crimes a year—a gain of 122 per cent since 1960 when the crime rate was termed "alarming."

Since 1960, Hoover says, the arrests of persons under 18 have doubled. Around 70 per cent of those under 18 who were arrested for a serious crime were "repeaters."

If the Russians are telling the truth, they have found ways to stop this nonsense.

They punish those who get in trouble. They teach respect for home, country and communism. When their crime rate went up, particularly among the young, they shifted gears and shoved the rate back down.

DR. JAMES WALKER RALPH

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. NICHOLS. Mr. Speaker, in this day and age when people are demonstrating in the streets and attributing all sorts of evil to the military, it is especially refreshing to find people speaking out who have been in Vietnam and observed the situation firsthand and return supporting America's efforts to preserve the South Vietnam people from a Communist dictatorship.

Dr. James Walker Ralph served with distinction in Vietnam back in 1963 and 1964 and served on a second tour in 1966 as a flight surgeon attached to Special Forces. His decorations include the Purple Heart, two Bronze Stars, and three Vietnam Crosses awarded for gallantry.

Dr. Ralph is an expert on matters related to Vietnam, and I find his views so nearly like the views of the country that I believe them to be worthy of reprint for the readers of the CONGRESSIONAL RECORD:

[From the North Jersey Suburbanite, Oct. 22, 1969]

DR. JAMES WALKER RALPH

The American flag was at full mast in front of Dr. James Ralph's home at 110 Sunset Lane on Moratorium Day.

When he was released from active duty in Vietnam, he was the most highly decorated medical officer of the Vietnam war.

"Although I have many misgivings about certain aspects of the war, I think we should support those fighting the war, those who are captive, and should not turn our backs on the families of those still fighting," Dr. Ralph stated.

On the other hand, he said, "We are fighting a war with our hands tied behind our back, and we might as well get out if we are not going to fight to win."

A Tenafly resident for the past three years, Dr. Ralph came here after spending a total of 13 months in Vietnam as a captain in the Army Medical Corps, paratrooper, and flight surgeon.

He did a year of general surgery at Englewood Hospital where he is on the courtesy staff and occasionally covers the emergency room. Presently he is a resident in ear, nose and throat surgery in New York City and is one of Tenafly's police surgeons. Dr. Ralph is married and has three children.

His hobbies are writing and politics. They are closely related.

He is writing a book about Vietnam. "I have a few chapters outlined," he said. "It's a semi-humorous book about my own experiences in Vietnam."

During the Presidential campaign, he worked with the Nixon speakers bureau in New York, both writing position papers and speaking. He sent letters to Nixon in 1968 about his Vietnam views. A reply was received that it was considered of great interest, and Nixon referred the letter to his brother, Edward, for continued study.

Four times a year, Dr. Ralph meets individually and collectively with the Armed Services Committee of the House of Representatives to discuss the Vietnam war.

His library on Vietnam and counter-insurgency warfare at his home is probably the largest private collection of its type in New Jersey. Together with his own experiences for background, he has made it available to fellow Republican campaigners.

"I support our being in Vietnam but don't think we should be sending large numbers of draftees over there" is one of his theses. "I believe," he says, "that this is a job for professional soldiers to support our foreign policy."

Speaking about the recent dismissal of General Hershey as head of the Selective Service, Dr. Ralph said, "This should have been one of Nixon's first proposals. Doing it just before the moratorium is like throwing a bone to pacify the natives. Whether General Hershey is a "good guy" or "bad guy" is not as important as the element of doubt which enters in."

Dr. Ralph did not approve of the moratorium because he thinks what Nixon said is true—that it helps the other side. "I am not interested in giving comfort to the other side when they have over 1,000 American prisoners and have violated all principles of treatment of prisoners—they don't even recognize pilots as prisoners," said Dr. Ralph.

"I do not disagree with the right to protest but I think anyone who is intellectually honest in protesting the war should devote equal time to protesting in front of Soviet embassies," he stated.

According to his impression of Vietnamese people, they have little awareness of a centralized form of government. "Some 80 per cent of them are rice farmers and grew up under the mandarin system where the local chief exercises authority. They still neither know nor care where Saigon is.

"The biggest failure of our State Department is the failure to recognize the lack of interest they have in any centralized government from Saigon. Most American officials believe that everything should come from the capital because they believe 'all good comes from Washington.'

"I don't think the Vietnamese really understand what elections are all about. The rice farmers' main interest is having everyone go away and leave them alone. They don't really like the Vietcong anymore than they like us. They just want to be left alone. It's just that simple."

Dr. Ralph has applied and been accepted by the American Medical Association to go back to Vietnam next year for two months to take care of refugees as a civilian volunteer.

He was in Vietnam in 1963 and 1964 and had a second tour in 1966. Primarily he was a flight surgeon for aviation units, did battalion surgery, and his combat assignment involved medical evacuation by helicopter. He was also attached to Special Forces. Most of his work was in the Mekong Delta although he was in Saigon the day of the coup that overthrew President Diem.

Dr. Ralph was for nine months the personal physician of Brigadier General Joseph W. Stilwell Jr. who dubbed him "The Crazy Doc," a name that Jim finally had embroidered on the back of his hat. The title came from his going on so many medical missions of mercy without regard for his personal safety or welfare. Many only knew him by this name and it was used in radio transmissions and usually always when General Stilwell introduced him.

His decorations include two Bronze Stars with combat "V," 11 Air Medals, Army Commendation Medal, Purple Heart, three Vietnam Gallantry Crosses, various service medals, and recommendation for the Silver Star and Distinguished Flying Cross.

During his first tour, he advised Dr. Van Van Cua, senior medical officer of the Vietnamese Airborne Brigade, who later became the mayor of Saigon. Cua and Dr. Ralph have remained close friends and have had many discussions on the pros and cons of the war.

Dr. Ralph is interested in the youth movement and is active in Bergen County Young Republicans. In a position paper on the Vietnam war which he wrote at the request of Congressman Durward Hall of the House Armed Services Committee, Dr. Ralph stated:

"There is much opposition to the war in Vietnam, especially by the youth of this nation. If we were merely interfering with someone else's internal affairs, I would agree. However, we are faced with the very real threats of global expansion by Red China and the Soviet Union.

... "The price of liberty is paid in blood. But there are those who claim that nothing is worse than war. Winston Churchill pointed out that slavery is worse than war and dishonor is worse than war. Thomas Jefferson said, 'we have counted the cost of this conflict and find nothing so dreadful as voluntary slavery . . . honor, justice and humanity forbid us tamely to surrender the freedoms which we received from our gallant ancestors.'

"War is unfortunate and unpleasant, but the defense of freedom in the world will have to be made with military means as long as those who oppose freedom use force to obtain their selfish goals."

#### THE POLICE STATE, AMERICAN MODE

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CONYERS. Mr. Speaker, for those in this Congress who feel as I do about urgency of ending racism in this country, I recommend the latest observations of

Dr. William H. Ferry. He dares to say that which is too frequently left unsaid. Although his statement reflects a lower level of confidence and optimism than my own, it is nevertheless a worthwhile and critical point of view that should be heard. If you do not agree with it, I urge your even greater participation in the struggle for justice and equality which has yet to receive the genuine commitment of this Nation.

Dr. Ferry's address, delivered at the Berkeley Unitarian Church, follows:

#### THE POLICE STATE, AMERICAN MODE

This is, for me in any event, an intensely agreeable occasion. It is its unexpectedness that more than anything else cheers and lifts me up. I was warned by the letter from our friend Lex Crane telling me of your intention, as I am warned by the words said here today. No-one in my line of work expects to be honored; early in the career of a town crank he learns to rub along with the glares and sneers of neighbors, and with mailbox yelps from distant offended citizenry. It is the essence of crankhood not to have a constituency, or at least not to have one that lasts very long. The experienced crank knows that today's cheer is tomorrow's poison pen letter.

So while I have much to thank you for, please accept most of my gratitude for the, as my daughters would say, groovy unexpectedness that you have added to the 58th year of my life.

Alas, I cannot reciprocate. I wanted very much to say something unexpected and also something agreeable to you, to match my feelings today. This is a season of gnawing apprehensions and I wanted to emit sparkles of optimism, and to announce that all will be well. Hunt as I might, I could not come down on such a theme.

So I am afraid that I shall have to speak in character, which critics call morose and cassandraesque. The mood of the following remarks is caught in a few lines by Kenneth Rexroth, the distinguished San Francisco poet:

"TIME IS THE MERCY OF ETERNITY, 1958

"The writhing city  
Burns in a fire of transcendence  
And commodities. The bowels  
Of men are wrung between the poles  
Of meaningless antithesis."

In another place I suggested recently that the apprehensiveness and general malaise to which I have referred results from our conscious or unconscious realization that there are no answers to any of the great questions confronting us. My contention is that the issues have outstripped our capacities: that war, race, burgeoning science and technology, bureaucracy, urbanization, and similar central concerns are today so complicated and fast-developing as to leave us with a heavy sense of impotence: and that this sense in turn produces the frustration and despair that is in such ironic contrast with the visible manifestations of prosperity and progress.

This conclusion, I learn, is not a welcome one. But I do not intend either to review my argument or the angry responses to it. Today I intend to look at what seems to me the most ominous result of these widespread sensations of impotence and frustration.

The ominous result is that the large cities of this nation, and some of the smaller ones as well, have become police states.

This is an uncompromising statement. I wish I could be less bleak. I wish I could say that the metropolises of the United States may become, or show signs of becoming police states. But this is not the way it looks to me. I am not even inclined, on close inspection, to say that our cities are in the first stages

of a police state. I believe they are already there.

There are, of course, millions of quiet Americans in millions of quiet American homes who do not fear the midnight knock on the door, who may never experience the thrust of a revolver or the bone-smashing crack of handcuffs. To those people my statement will seem a shocking caricature at best and at worst a slander of the police.

Before demonstrating why I believe our cities to be police states, I want first to stir up a dirty memory, and then to say why I think our cities have to be police states.

The dirty memory is that of the "good Germans". During Hitler's dozen years, the good Germans sat quietly at home, not fearing the knock on the door—not at first, anyway. The evidence is mixed as to whether they knew they were living in a police state. Few annals are so pitiable and sad and unconvincing as those of the "good Germans" who after World War II tried to explain what they felt, and thought, and did during the monstrous Thirties and Forties. Their explanations may be briefly summarized in a few quotations: "We trusted our leaders." "We felt that our leaders knew what they were doing and knew how best to deal with the enemies of the state." "Even when we learned about bad things, there was nothing we could do."

Now let me show why we must have a police state. It is because we have run out of other remedies. We have no other social or political medication for the most serious ailment to strike this nation in a hundred years—and one which a century ago almost ruined the republic.

We simply do not know what to do about 25 million black Americans. It is only a little less true that we also do not know what to do with our agitating children and hippies and other self-evictees of respectful white society. They too are subjects of the new police state, but to a lesser degree than blacks, on whose situation I choose to focus today.

As middle-class America looks across the tracks to blacktown, it does not understand what it sees there. But it is clear enough, I think, that middle-class America does not see human beings like themselves. It sees people different in hue, outlook, manners, dress, speech. Middle-class America also sees people who are mal-educated, badly housed, and poor; people who are angry and demanding, and therefore dangerous. Most important, it sees people who consistently display the most reprehensible of traits—ingratitude. Blacks are never sufficiently grateful for the kindnesses and favors done them by whitetown. As C. P. Snow remarked, "Gratitude is not an emotion, but the expectation of gratitude is a very lively emotion indeed." The key word is "different." Blacks are not like us, so all our stored-up xenophobia comes into play when the question of "handling" blacktown arises.

Yet white America, eighty-eight per cent strong, has no choice but to deal somehow with this rumbling phenomenon. We have got away with ignoring it these many generations. But now blacktown has caught up with us, and will no longer be ignored.

The first means of dealing with blacktown, in this Christian nation, would be to try the Christian approach—by sharing, and giving, accepting blacktown in brotherhood and binding up its wounds. But this obviously is not acceptable. Many have remarked that Christianity is a Sunday morning thing. The proof rests in the welching that the organized church is now engaging in with respect to its promises of help to blacktown. Church funds promised to blacktown are not forthcoming, and church leaders say this is because their constituencies—Christians all—will not countenance the expenditure of money on undisciplined and irresponsible neighborhoods. Even when a little money

trickles out of Peter's purse, it is a book-keeping not a Christian transaction. The question is whether the donors can be assured that the money "will be well spent." This is known as Christianity the CPA way. The reason why it is hard to tell a Christian church trustee from a banker is because there is no difference.

Everyone remembers the nationwide howl when James Foreman proposed a half-billion dollars from the churches to blacktown as reparation for generations of wrongs. The demand was denounced as outrageous, preposterous, extravagant, impertinent, and arrogant. I do not remember that anyone called it unchristian or unjust. One can understand these offended cries, but they can scarcely be classed as a Christian response.

On the whole I think that we must forget Christianity as the mode for coping with blacktown. It is not that we like Christianity less but that we love white superiority and affluence more. I do not easily abandon this approach, because everything about it is so appealing—the language, the examples, the laws. But then I think of Viet Nam, this Christian nation's response to a distant colonial problem, and reflect that blacktown is even more a colonial perplexity, and more over on our very doorstep. And then I understand why we deal with it with fire and sword, mace and teargas, helicopters and sub-machine guns. As R. de Montalvon says, "Nothing is more naive than to believe that Christians love peace. They distrust it, suspecting it of heresy."<sup>1</sup> Please substitute the word brotherhood for "peace" in the foregoing quotation, and you come close to the heart of white racism.

If Christianity is not the avenue to rapprochement with the ghetto, perhaps we had better see what the social scientists have to offer. Some of my best friends are psychologists and sociologists. I regret to report that they are of little more use than the Christians. Considering the spate of materials now being produced by this learned cult, this will seem an unwarranted condemnation. In fairness it might be acknowledged that they are doing their best, but their best is not nearly enough, and much of it is misdirected. Thus we are exhorted to "try to understand the blacks", and this is fair enough advice—but only if it is understood that the greater task is understanding ourselves. The Kerner Report declared the root of the matter to be white racism. This is a psychological finding of great import for whitetown—blacktown has known it all along—but the psychologists, like the members of the Commission, seem unable to tell us what to do about white racism. If they have a message for us, it has been so cautiously delivered as to leave no imprint either on public policy or private behavior. Insofar as they have concentrated their attention on blacktown the psychologists and sociologists may have had the unintended effect of strengthening white racism. For they have confirmed that blacks, for all sorts of historical and cultural reasons, are unlike whites in significant respects. An example is black attitudes toward work. Employers who with the best will in the world are hiring the hard-core are confused by the tendency among blacks to disregard the time clock and the business world's standards of attendance, zeal, and obedience. This tendency exists, but is it wrong, or pathological? Another example is found in the liberals and do-gooders who are put off sharply by the resentment, never before so openly expressed, of younger blacks. Many of blacktown's former friends and advocates, especially among elderly faculty liberals and integrationists, are falling away because their paternalism is now met with rebuffs. The sin of ingratitude is keenly perceived by such whites, and their defection from blacktown's cause removes one more obstacle to the police

state. A churchman complains, "They don't want our help." He should have said, they want help but no longer trust Whitey, even in a turned collar.

All of these attitudes can be explained by the psychologists, but the explanations are of little use, since they once again confirm the essential differentness of our largest minority and the impossibility and undesirability—in my opinion—of bringing this differentness into conformity with the accepted practices of white America.

Here is the problem of integration, which may be seen chiefly as an effort to turn black Americans into white Americans. Establishing integration as the goal of public policy is hypocritical and misguided. Whitetown would be far better occupied trying to figure out how to turn the differentness of the black community into an asset. This would mean giving blacktown substantial autonomy in all areas. It would mean separation, and black self-government under new federal principles, and black police, education, and political and economic power. But this is a separate argument and too emotion-laden and difficult to enter into here. I can summarize it by saying that it confers no dignity on blacks to let them know that they may, if they work hard enough at it, satisfactorily adopt the modes of whitetown. The price of such a transfer is, I believe, clearly the giving up of black identity, and too great for the majority of blacks to pay. Least of all is it any "solution" to our transcendent domestic problem—race.

I conclude that the social scientists cannot help white America much in its all-important task of dealing with blacktown.

There remain legal and political and governmental measures for dealing with blacktown. We liberals find here our consolation and hope. What is needed, we say, are more and more legislative and administrative provisions against discrimination, along with positive action, mainly of the compensatory variety, to assure blacktown equal access to the bounties of middle-class America.

It is true, as liberals argue, that there has never been as much attention given to blacktown as in the last two decades. The liberal assertion here is mushy, however, for it omits the all-important fact that virtually all gains have come as a result of demonstrations, resistances, and in recent years, rebellions and burnings. The liberal claim recalls the industrialists who brag about their high wage rates and forget to mention that they were not given but fought for and achieved by union action. The liberal counsel of patience is also valid, for it would take years for all of these well-meant laws and programs to take hold.

But I do not think that this approach, which is our chief reliance, will work. I do not believe that, taken together, the laws and ordinances and programs for "solving the race problem" amount to much more than an effort to pacify and make more governable an unruly section of the population. They seem to me mainly the measures that would be adopted by any colonial administration to keep the natives in order. This is indicated by the ebb and flow of official action. As many blacks have sourly observed, their demands are listened to only when the fires are going. When the chairman—white, of course—of a mid-western committee for betterment of economic conditions in blacktown was asked why a promised grant had been rescinded, he said, "No need to spend the money, things have quieted down." Blacks notice also that the moment any significant white interest is threatened, the shallowness of white concern is disclosed. The recent effort in Pittsburgh by blacks to obtain a fair share of heavy construction jobs in that city is an instance, as is the continuing high incidence of school segregation north and south, 15 years after the Brown decision.

There are many more examples at hand, but I can shortcut all of them by remarking that without exception they are fatally infected by white protectionism and white paternalism. I am forced to conclude that the legal-governmental reform methods of dealing with blacktown have been and are failing. We cannot cope because we no more have the requisite political imagination than we have the requisite moral compulsion.

But we must have some way of meeting this greatest of domestic crises. We must indeed, and have found it. It is the police state. The police are the effective rulers of blacktown today. Theirs is the paraphernalia of any police state: the procedures, the weapons, the psychological instruments of intimidation and repression. Theirs is the most important possession of all, the knowledge that they have the backing of white America. I invoke here the memory of the good Germans.

The harassment of the Panthers is a national scandal. Many of their members have been killed or wounded, and the rest feel under sentence of death. Twenty-one Panthers have been murdered by the police in the past year, and there would have been more stir in whitetown if twenty-one panthers in America's zoos had been wantonly slain. Whitetown never passes to ask whether the assertions of the Panthers are true, or whether their claims are just. They are different, and threatening to white complacency, and so their harassment is virtually unquestioned. Other black groups are under constant surveillance. So frequent are "on suspicion" arrests that emergency legal services in great variety have sprung up in the ghettos, but they do not come close to meeting the need and encounter moreover the unremitting hostility of the forces of so-called law and order. We read of no such harassment or violence against the organized white vigilante groups.

Frame-ups, impossible bail, unwarranted searches and seizures and similar practices are commonplaces of ghetto life. Helicopters hover over black neighborhoods, searchlights glaring and bullhorns shouting, and the protests of citizens go unheeded.

The readiness of police to use their weapons is a tenet of blacktown life. "Everyday I feel like a duck in a shooting gallery," a young black organizer says. The cop's trigger-finger is the gavel of justice in blacktown. One American city, Wilmington, Delaware, was under martial law for 10 months, and white America was scarcely aware of it, because the martial law was applied to blacks not whites, except for a few ornery white protesters. Public functions in blacktown are held by permission of the precinct station. Curfews are enforced. Recreation programs are instigated and conducted by police departments, ostensibly on a get to know your local cop basis, but also as a means of recruiting informers. Police are the Eumenides of the inner city.

Perhaps the most insidious practice of all is the infiltration by police of black institutions and organizations. The use of reformers, the setting of friend against friend, child against parent, is the most familiar of police state strategies. Its corrupting effects are widely felt in black town, where one self-help organization after another is ruined by the machinations of infiltrators or the suspicion that informers are everywhere present.

The police state is, moreover, achieving the results it set out to achieve. Young blacks intent on improving the conditions of their community have no place to turn. The lawlessness of the lawmen threatens them at every juncture. Intimidation is not yet complete, but the police—always with the sanction of the majority—are laboring mightily to make it so. Where hope flickered for a few months in blacktown, frustration and fear are now the presiding emotions.

<sup>1</sup> Christian Peace Conference, March 28, 1969, p. 1.

The cohesion among black groups that began to appear two years or so ago, with its promise of the establishment of self-respecting black endeavors, has broken down for reasons I have already given. White America wants a blacktown that is not troublesome, that never afflicts its conscience. It wants a colony that knows its place, and that will be a little drain either on pocketbook or spirit.

I realize that I shall be challenged sharply on all of these statements. It will be said that my police state amounts only to the precautions needed to assure the welfare and protection of ghetto residents themselves. It will be said that blacktown has brought on itself whatever police measures are being used. It will be said that my argument is mere mawkishness that disregards the real dangers of outspoken, tough blacks. It will be said that the true police state of the modern era, typified in Stalin's Russia, Hitler's Germany, and a horde of lesser Latin and other nations, is wholly unlike the description I have given. A police state of such a foreign, un-American character cannot, it will be said, happen here.

I do not propose to enter a dispute as to whether the police state in American cities does or does not resemble other authoritarian or totalitarian experiences. This is not an academic treatise but an angry comment on current events. The experience of ghetto blacks in the United States is what I am talking about. I believe that blacktown is experiencing a police state. How else does one explain the constant tension, the sense that a peril point is very near, a fuse ready to be touched off in blacktown? Is this black paranoia? Are these wild imaginings, or a human response to overbearing violence and threat? Of course most of white America does not share this sense of impending upheaval. Comfortable but frightened white America, under the banner of law and order, has sent its front-line troops, the police, into blacktown to keep things cool. My thesis, you will recall, is that this is the only way that satisfied whitetown can find of dealing with the restless, unhappy inhabitants of blacktown. The result is a police state that is honey-sweet on one side—exemplified by police supervision of recreation programs and anti-crime clinics at which informers are discovered—and on the other is charged with brutality and harshness, as in the constant hassling of blacks who are disliked or distrusted by police. The verities are the brutalities of blacktown, apparent and covert. The emergence of the police state has destroyed the few beginnings of genuine dialogue between blacktown and whitetown. It is far easier to intimidate than to confront.

This phenomenon is of course not especially new. The novelty today is its pervasiveness in the cities, to say nothing of the intransigent rural South, and the direct authority for it being extended by white America. I refer to the very large number of federal and local anti-crime and anti-riot measures that have been passed in the last two years. I refer also to Attorney-General Mitchell's proposals for making it easier for the police to go about their jobs. One of his proposals, you may recall, is for "preventive detention" of suspects for as long as 60 days, without a charge being laid against them. This is a police state proposal pure and simple; and it comes from a Cabinet member. The police state is not, as some contend, merely the creation of the ethnic groups whose hostility to black incursion appears to be at an all time high point.

A police state is present when the police move from a service role, that of protection and peace-keeping, to a political role. I shall touch later on the political powers now being asserted by police organizations; for the moment it is necessary only to point to the number of police chiefs running for mayor in the large cities. This spring one

city, Cleveland, came within an inch or two of a police putsch against City Hall.

Because of its peculiarly American aspects, it would not be accurate, I think, to call this police state a totalitarian development. Though it has much of the stink of fascism about it, this too is a not quite applicable term. The control mechanism decided on more or less consciously by the majority of complacent white Americans for keeping down a threatening minority might be called, for lack of a better word, *satispression*—the repression of the dis-satisfied by the satisfied. *Satispression* is not a handsome word, and I made it up merely to mark off the contemporary U.S. police state from its near-relatives in other continents. *Satispression* has come into being because of many factors. One of the most important is also one of the least talked-about. I refer to the desire of whitetown's political and economic power-holders to hang on to their power as black voters begin to achieve urban majorities.

Another factor is the anomalous part that the press is playing. Middle-class and white to the core, the press is leading its readers into believing that blacks and blacktowns are, first and foremost, a menace to their welfare. That this is an effect unconsciously achieved for the most part does not alter its impressive weight. Thus we learn from our papers all about Black Pantherdom and its officers, and almost nothing about the heavily-armed anti-black vigilante groups, a far more numerous and threatening horde. But they have, where the press is concerned, the inestimable advantage of being white.

Americans seem to be pretty content with what they are doing in the ghettos. It is the contentment associated with American flags applied on windshields, with hand-guns, and with bumper stickers saying "America, love it or leave it." This is why I cannot "prove" that the police state exists; because no amount of evidence of brutality, maltreatment, injustice can prevail against whitetown's self-righteousness and indifference. One hears little clamor in whitetown against the lawlessness and the corrupting tactics of the police. Whitetown easily tolerates practices in blacktown that it would not stand for in its own neighborhoods. The good Germans, when they were willing to pay any attention, easily tolerated the frightful tactics of their police in dealing with Communists and Jews. They did not—most of them, anyway—think that they were living in a police state. They thought that they were sanctioning only those laws and practices needed to preserve order and to keep the nation secure against its enemies. Since these laws and practices took effect only in distant ghettos and against strange, despicable people, how could good Germans consider them anything but the most reasonable preservation of law and order?

A year ago this time I felt that a civil war—whitetown against blacktown—was inevitable, and said so. I thought then that it would be precipitated in the early part of this summer. My timetable is off, and I believe there are good reasons for it. These reasons, which I believe to be superficial and of no lasting importance, are (a) programs for black betterment are proceeding, (b) the moderates in black communities are increasing in numbers and political and social influence, appearing on TV, taking part in church group action, etc., and (c) there is no cohesion among young militant groups.

There are other and more valid reasons too. One is that blacks are scared for their lives. There is talk of survival now where there was talk of the "black rebellion" as recently as six months ago. Many blacks I know believe that the elaborate law and order

projects are military preparations to move against the ghettos at any provocation. The result is that many are subdued and apprehensive that they themselves and their families are likely to be killed or jailed, with the probabilities rising sharply with the known militancy or radical political attitude of the black in question. Thus the police state succeeds.

These fears are warranted, I believe. Blacks are correct in seeing themselves as the pretext for the wave of *satispression* sweeping the country. They are correct in seeing themselves, along with the radical young, as the object of statutes that give legal form to *satispression*. We can never forget that Nazi Germany was run according to law. Legal historians say that Hitler never violated a law. Hence he was called Adolf Legalité. Our present policies and laws now being adopted are avowedly to keep down civic turbulence, and they may temporarily succeed in doing so. They seem to me also to be likely to ignite a civil war, or at least not at all designed to prevent it. But such a conflict will not be started by blacks, though every effort will be made in such an event to make it appear that blacks are the aggressors. This after all is the chief justification of today's police state.

My idea as to how civil war might erupt owes much to Prof. Arno Mayer of Princeton, the great theorist of counter-revolution. But he should not be blamed for my misuse of his notions. I have felt that civil war was most likely to be precipitated by one or another of the numerous counter-revolutionary groups, many of them ethnic in composition, standing in the wings of most urban centers awaiting a suitable provocation, a suitable pretext to launch a virtuous assault against the black community somewhere or other.

Such the tensions, especially between the ethnic groups ringing blacktown and young blacks, that I felt a pretext was readily available, so that at any moment that a counter-revolutionary group felt public sentiment was ripe and hot, an attack would be made. Thereafter the police, the legitimate bearers of violence-authority, would come immediately into the picture—but how, and on whose side?

Let us visualize the scene: whites attack blacks in an organized way. The police arrive, and have three choices: first, to step between the combatants and try to calm things, like a UN peace force, or British troops in North Ireland; second, to go to the assistance of the black community, which has been attacked; third, to ally themselves with the attackers. Which one?

There is, I believe, only one plausible answer. The police would ally themselves with the white attackers. This would be, as a matter of fact, the most important calculation preceding the attack of the counter-revolutionary group, the calculation that whitetown's feelings toward blacktown had become so inflamed as to assure that the police would be their allies from the beginning. It might even be planned that way. On September 9 the UPI reported from Detroit, "Open hostility exists between the mainly white police department and the city's black population (of nearly 40 percent.)"<sup>2</sup>

This seems to me a wholly probable little playlet, and still seems to me the way a civil war in this country is most likely to begin. It has not done so, in my judgment, merely because the police and legislatures have been willing to do the dirty business of the vigilante groups. The law and order impetus of the white majority, carried from policy to action by cops and the military, has made needless—so far at least—action by the paramilitary organizations. There are many of these in major metropolitan centers, but, as I have already said, the mass media have characteristically ignored or played down

<sup>2</sup> Santa Barbara News Press, p. 3.

these organizations, and have instead concentrated on the activities of black groups and their leaders. The harassed Black Panthers are the best but far from the only example.

It is time to hear again from the critics of my thesis. There is more crime in the ghetto than elsewhere, is there not? The Panthers are a lawless and anarchistic gang, are they not? The actions and statements of angry, discontented blacks are threats to the stability and welfare of the community, are they not?

To all these questions the answer is yes. But my proposition continues to be that white America's response has been to authorize a police state as the only means of coping with these situations. White America has ignored the true causes, has brought little compassion and less imagination to the massive challenges of blacktown, and has encouraged lawlessness and corrupting practices by lawmen. The prior question is what we want. Do we really want a police state, in blacktown or anywhere else? For there can be no greater folly than to think that, in elevating the police to positions of arbitrary power, we can prevent this power from running far beyond the boundaries of blacktown.

It is instructive to note the extent to which this power already is beyond the control of elected officials. This power appears more and more to reside in the police trade unions—the police benevolent and fraternal organizations. These unions are increasingly dictating to mayors and police commissioners what the police will and will not do; the weapons they will use, the circumstances under which they will use them, the methods to be employed with suspects or crowds. In many cities the police are already in a state of near-revolt against their elected superiors, and this mood is encouraged by the police unions. It need scarcely be said that these unions are conservative and self-interested. These organizations naturally favor strong-arm over non-violent methods, direct action against conciliation, station-house confessions to the laborious job of proving criminal acts, the judgment of the man on the beat over the judgment of his civilian superiors. There resolutions are a frequent source of the "coddling the criminals" complaints against the courts which compel police to use the more difficult legal methods. There is the discredit of having defeated most proposals for civilian review boards.

Even the well-established conservatism of New York's patrolmen's Benevolent Association, the country's largest police union, is not enough for some 5,000 of its nearly 30,000 members. These 5,000 policemen formed a Law Enforcement Group, an insurgent group inside the PBA, to "get tough". Spokesmen for the Law Enforcement Group said it had been organized to meet the need for a national organization "that is anti-crime and pro law and order"—intimating that the Benevolent Association was not enough of either. I hazard the opinion that these unions will prove the most intractable and dangerous to the general welfare of any in the nation's history.

I have simplified a complex phenomenon, or rather, a series of complicated and interwoven issues. The rapid development of a legitimate and necessary police power into what I have chosen to call in all its starkness a police state is merely the most formidable and threatening of the multitude of developments going under the general rubric of urban crisis.

As I have not made as clear as I might, this development is nourished by many other ugly developments. There are the obvious ones: for example, the mindless overcrowding of metropolitan America in the absence of any effort either to discover policies that will keep people on the land or to entice

them back to it. There is the domination of ghetto economy by outsiders: white sharks in black waters. There is the apparently irresistible tendency of bureaucracy to dehumanize all transactions, whether social, political, or economic, and especially blacktown's transactions with official whitetown, whether at the welfare office or with the police. There is the legacy of bad jobs, bad education, bad housing, systematic neglect by affluent rulers all along the line; and with it blacktown's realization that its needs are only attended to under the threat or actuality of civic turmoil. So when I argue that we must have a police state in our central cities because I know no better solution, I am arguing also that the accompanying problems are equally beyond solution.

I am also aware that I appear to be making police the goats of this account. This is not my intention. Policing is a perilous, hard line of work, almost inevitably engendering cynicism and a hardboiled attitude. Bad hours, low pay, and no great public affection, I realize, is the policeman's lot. Nevertheless, it is natural if deplorable that the police should step into the civic vacuum created by white ignorance and distaste for blacktown's conditions. For their own welfare the police should be the first, not as now is the case among the last, to demand full-scale programs for the emelloration of blacktown, where admittedly the greatest dangers await them.

The tendency of those armed by the state to take over the state was recognized from the outset of the nation. Hence the provisions in constitution and statute for civilian control of all bodies legalized by the state to do violence. As Prof. A. C. Germann remarks, however, "Any police agency that accepts the task of 'community bully,' even if tacitly agreed to by community silence, and regularly bugs the hell out of its minority groups, peace groups, hippie groups, youth groups—unpopular groups—will sooner or later have 'a lot of chickens coming home to roost,' and that is now the case in many American communities."<sup>3</sup>

I do not want to involve Prof. Germann in my contention that we already have a police state in most of our great cities, and in some of the smaller ones as well. But he speaks directly to the point:

"If," he says, "the majority community is more willing to supply its police with mace, armored vehicles, sniper rifles, barbed wire, and hollow-point bullets than it is willing to scrutinize police field operations and eliminate ineffective, illegal, and degrading practices, that community surely deserves the chaos that is certain to come."<sup>4</sup>

I have no expectation that I, or anyone else, will soon convince white America of the existence and growth of a police state that is bearing down ever more heavily on their black fellow-citizens—not to mention the other groups named by Prof. Germann. A Gallup poll divulges that 81 per cent of Americans think that there is no such thing as police brutality. I imagine that a poll in Nazi Germany would have disclosed a similar complacency among the good Germans. These same Americans saw Chicago police in Grant Park at last year's Democratic Convention. They read almost daily of murder by police in some blacktown or other. They know of stop-and-search operations, of curfews, of the constant hassling and roughing-up of young blacks. They may know that the number of civilians killed by the police in this country is more than three times the number of policemen who lose their lives while on the job, and that the opposite is the case throughout Europe. They may even know that "in all the upheavals that have rocked

European countries lately, only one civilian died as a result of police action."<sup>5</sup> They almost never see police brought to account for their actions. Let me read a few recent headlines from the Los Angeles Times:

"Youth Slain (by Police) in Tragic Error."

"One out of Every 10 Lawmen in County Accused of Malpractice: Most Frequent Offense is 'Use of Physical Force.'"

"Burglary Suspect, 14, Killed in L.A. Market By Deputy."

"Slaying of Sniper Suspect Ruled 'Not Criminal.'"

"Police Actions Termed 'Harassment.'"

Once again I must stress that I am not solely condemning the police, though they, no less than Hitler's agents, must be held responsible for their actions. I am asserting only that our tradition of violence, abetted by the ignorance and willful blindness of whitetown—the American counterpart of the good Germans—and immensely stimulated by resistance in blacktown, have together resulted in satiation, a police state, and the establishment of the police as a political entity.

Few in whitetown will agree with the urban pathology I have sought to illuminate. I grant that my thesis is not heavily documented. For those wishing a closer inspection of the facts I refer to the Kerner Commission report and to the several studies of the Commission on Violence, of which Prof. Germann's paper is an admirable example. I have only done what these reports did not do, put a line under all the findings and add them up. The sum is the police state.

Yet before Americans can be persuaded to do anything significant about this condition, I fear that even more pointed evidence will have to be offered. Then I see the urgent need for a city-by-city Report on the Prevalence of Police State Practices. Assembling such a report would be worthy of Ralph Nader's attention, for it most requires independence, energy, and healthy disrespect of conventional opinion and authority. Perhaps he would consider bringing together a counterpart of that valiant band, Nader's Raiders, that has lately uncovered so many stagnant and hidden pools in official Washington. Only such a diagnostic technique, dealing with both the producers and consumers of police state practices, would stand a chance of bringing white America face to face with its most foreboding contemporary creation.

There is some irony in the public and Congressional revolt we are now witnessing against that other formidable bastion of legitimated violence, the Pentagon. Today budgets are cut, new arms programs questioned and sometimes eliminated, and even the preponderant role of the military in foreign policy appears on its way to dilution. All this at a moment when the domestic military force is achieving a never-before-countenanced role in urban affairs.

Public reason is beginning to prevail with respect to the domination of the Department of Defense because it has become evident that we have been foolishly frightening ourselves, almost to death, about dangers that are non-existent or magnified immensely out of scale.

It would be nice to think that public reason might also prevail soon with respect to events and problems within our borders, where we are similarly frightening ourselves silly. The problems are all there, and intractable enough; but they cannot be solved by force any more than we have solved Viet Nam with a hundred billion dollars worth of violence.

I am afraid, however, that we are a long way from a reign of public reason in blacktown. I am more afraid that in the meantime we shall do out best to reinstate docility and

<sup>3</sup> The Problem of Police-Community Relations, California State College, October 1968, p. 4.

<sup>4</sup> Ibid, p. 4.

<sup>5</sup> How the Police Work, New Republic, Aug. 2, 1969.

submissiveness in our black fellow-citizens as their only proper attitude.

I am most afraid that we shall soon have our own Reichstag fire, and that a shameful civil war will erupt, and bloody our conscience and honor for generations to come.

#### COMMISSION STATEMENT ON VIOLENCE AND LAW ENFORCEMENT

### HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HAWKINS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

#### COMMISSION STATEMENT ON VIOLENCE AND LAW ENFORCEMENT

#### MEMBERS OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

Dr. Milton S. Eisenhower, Chairman.  
Judge A. Leon Higginbotham, Vice Chairman.

Congressman Hale Boggs.

Terence Cardinal Cooke.

Ambassador Patricia Roberts Harris.

Senator Philip A. Hart.

Eric Hoffer.

Senator Roman Hruska.

Leon Jaworski.

Albert E. Jenner, Jr.

Congressman William M. McCulloch.

Judge Ernest W. McFarland.

Dr. W. Walter Menninger.

#### VIOLENCE AND LAW ENFORCEMENT

##### I

Order is a prerequisite of society, a mainstay of civilized existence. We arise every workday with unspoken expectations of order in our lives: that the earth will be spinning on its axis, that the office or factory will be functioning as before, that the mail will be delivered, that our friends will still be friends, that no one will attack us on the way to work.

Our expectations are not always met. The technological creations on which modern life depends do not always function with the predictability of the physical laws of the universe. Human behavior is even less predictable. To ensure reasonable predictability to human behavior, to minimize disorder, to promote justice in human relations, and to protect human rights, societies establish rules of conduct for their members.

In a far earlier day—and still, to some extent, in small and traditional societies—the rules of conduct had only to be passed from one generation to the next by teaching and example. Universal acceptance and long tradition gave force to the rules, as did the knowledge that rule-breakers could be quickly identified by the tightly knit community, that culprits had nowhere to run, that the community would ostracize them for their misdeeds. Still, every society in history has produced deviant members. And as societies have grown larger and more complicated, so have the problems of maintaining the social order.

In modern societies many of the rules of social conduct have come to be codified as laws. The intricacies of life in the twentieth century require laws. The act of driving an automobile from one place to another requires a bookful of regulations concerning speed, traffic lanes, signals, safety devices of the vehicle, and the skill of the driver. Many other realms of social interaction also require legal regulation for the sake of justice, safety and preservation of the social order.

Law furnishes the guidelines for socially acceptable conduct and legitimizes the use

of force to ensure it. If utopian conditions prevailed—if all citizens shared a deep commitment to the same set of moral values, if all parents instilled these values in their children and kept close watch over them until adulthood, if all lived in stable and friendly neighborhoods where deviants would face community disapproval—then perhaps we would seldom need recourse to the negative sanctions of the law. But these are not the conditions of today's pluralistic society, and the law is needed to reinforce what the other institutions for social control can only do imperfectly.

This function of the law requires that it be backed by coercive power—that it be enforced. Agents of the legitimate authority must function effectively to deter lawbreaking and apprehend lawbreakers, and the laws must provide sanctions to be applied against wrongdoers. When law is not effectively enforced, the odds become more enticing for the potential offender, crime increases, and the legal system—government itself—becomes discredited in the eyes of the public. As respect for law declines, crime increases still more.

To acknowledge these basic truths is not, of course, to argue in favor of oppressive conduct by police or retributive treatment of offenders. On the contrary, police lawlessness, degrading prison conditions, and other deficiencies in criminal justice damage the goal of an orderly society by making the law seem unworthy of obedience. That, too, breeds crime and disorder.

Likewise, to say that the law requires force as a condition of effectiveness is not to argue that law enforcement must be total. The surveillance that would be required to deal swiftly with every offense, major or minor, would be astronomically costly and an insufferable intrusion upon the lives of a free people that would not be long endured. Indeed, as the Report of our staff Task Force on Law and Law Enforcement suggests, some offenses like minor traffic infractions and intoxication now command a disproportionate share of our criminal justice resources, and many of these offenses would better be handled by various means outside of the criminal justice process.

Devotion to the principle of law is one of the great strengths of the American society, a source of the nation's greatness. As Theodore Roosevelt remarked, "No nation ever yet retained its freedom for any length of time after losing its respect for the law, after losing the law-abiding spirit, the spirit that really makes orderly liberty." Today, however, respect for law in America is weakened by abuses and deficiencies within our legal system, and it is these which are the basis of our concern.

Respect for law is also threatened by some types of civil disobedience, notably the activities of normally law-abiding citizens, regrettably including even some leaders in public life, in deliberately violating duly enacted, constitutionally valid laws and court orders. Moreover, those who violate such laws often claim they should not be punished because in their view the law or policy they are protesting against is unjust or immoral. Civil disobedience is an important and complex subject, and we shall examine the dangers to society of deliberate law-breaking as a political tactic in our subsequent statement on Protest and Violence. Every society, including our own, must have effective means of enforcing its laws, whatever may be the claims of conscience of individuals. Our present statement is concerned with the fairness and efficiency of our law enforcement system, which must apply, without fear or favor, to all who violate the law.

As a preface to our discussion, then, we offer these two reminders:

First: order is indispensable to society, law is indispensable to order, enforcement is indispensable to law.

Second: the justice and decency of the law and its enforcement are not simply desirable embellishments, but rather the indispensable condition of respect for law and civil peace in a free society.

##### II

The American system of government has been one of the most successful in modern history. But despite the reservoir of citizen trust and deference toward the government which has been a stabilizing feature of our democracy, there has always been in our history a competing attitude of insistence on results, on government's achievement of the aims supported by the citizen, as a precondition of his consent to the exercise of governmental power.

In American political theory, governments are humanly created institutions to serve human ends. The principles are stated in the Declaration of Independence: first, that the purpose of democratic government is to secure the rights of life, liberty, and the pursuit of happiness for all citizens; second, that the powers of government are derived from the consent of the governed.

Governments in the United States—local, state, and federal—must therefore be cognizant of the needs of citizens and take appropriate action if they are to command continuing respect and if their laws are to be obeyed. Disenchantment with governmental institutions and disrespect for law are most prevalent among those who feel they have gained the least from the social order and from the actions of government.

A catalog of the features of American life that push people toward alienation and lawlessness usually emphasizes evils in the private sector: landlords who charge exorbitant rents for substandard housing, the practice of "block-busting" that feeds on racial antagonism to buy cheap and sell dear under inequitable purchase contracts, merchants with unscrupulous credit-buying schemes, employers and unions who discriminate against minorities. But we need also to consider how the institutions of law and government, often inadvertently, contribute to the alienation.

There are few laws and few agencies to protect the consumer from unscrupulous merchants. There are laws for the protection of tenants defining what landlords must provide, but housing inspection agencies have little power and are understaffed; often they can act only in response to complaints and seldom can they force immediate repairs, no matter how desperately needed. Welfare agencies, designed to help the poor, operate under strictures that contribute to the degradation of the poor. As the President recently stated, our welfare system "breaks up families, . . . perpetuates a vicious cycle of dependency . . . [and] strips human beings of their decency."

If welfare assistance is arbitrarily cut off, if a landlord flagrantly ignores housing codes, if a merchant demands payment under an unfair contract, the poor—like the rich—can go to court. Whether they find satisfaction there is another matter. The dockets of many lower courts are overcrowded, and cases are handled in assembly-line fashion, often by inexperienced or incompetent personnel. Too frequently courts having jurisdiction over landlord-tenant and small claims disputes serve the poor less well than their creditors; they tend to enforce printed-form contracts, without careful examination of the equality of the contracts or the good faith of the landlords and merchants who prepare them.

The poor are discouraged from initiating civil actions against their exploiters. Litigation is expensive; so are experienced lawyers. Private legal aid societies have long struggled to provide legal assistance to the poor, but their resources have been minuscule in comparison to the vast need for their services.

Some of this is changing. The President has recently proposed reforms in the welfare system designed to preserve family structures, sustain personal dignity, eliminate unfairness and preserve incentives to work. Private groups and new government programs are beginning to respond to the legal needs of the poor. In 1968 the Legal Services Program of the Office of Economic Opportunity handled almost 800,000 cases for the poor and won a majority of the trials and appeals. In test cases the OEO lawyers won new standards of fair treatment of the poor from welfare agencies, landlords, inspectors, urban renewal authorities, and others. They were assisted in their work by VISTA volunteers with legal training and Reginald Heber Smith Fellows, law school graduates with OEO Legal Services Program lawyers, 700 VISTA lawyers, and 250 Smith Fellows, together with 2,000 legal aid attorneys, are still only a small beginning in the long-range task of assuming justice for the poor. Many more attorneys are needed. Indeed, the entire bar must also assume a larger share of the responsibility, as many younger lawyers and law firms are now beginning to do.

In recent years the legal profession has contributed an increasing portion of its time to aiding the poor and this trend will undoubtedly continue despite the financial problems involved.

*We recommend that federal and state governments take additional steps to encourage lawyers to devote professional services to meeting the legal needs of the poor.*

Specifically, we recommend that:

1. The Legal Services Program of the Office of Economic Opportunity, which already has won the strong support of the organized bar and the enthusiasm of graduating law students across the country, should be continued and expanded. The more recently started VISTA lawyers program and the Smith fellowships program should also be enlarged. Experiments should be encouraged with new programs to provide trained attorneys to deal with particular types of legal problems faced by the poor, such as welfare rights and consumer protection. The independence of all government-supported programs providing legal services to the poor should be safeguarded against governmental intrusion into the selection of the types of cases government-financed lawyers can bring on behalf of their indigent clients. The relationship between lawyer and client is as private as that between doctor and patient, and the fact of poverty must not be the basis for destroying this privacy.

2. All states should provide compensation to attorneys appointed to represent indigent criminal defendants in the state and local courts. A state may wish to provide such compensated legal assistance through the use of paid Public Defender staff lawyers, or it may choose to compensate private court-appointed attorneys at a specific rate, on the model of the Federal Criminal Justice Act.

3. The federal government and the states should provide adequate compensation for lawyers who act in behalf of the poor in civil cases. Payment—either full or partial depending on the client's ability to pay—could be made on the basis of certificates issued by the court as to the need of the client and (in suits for plaintiffs) the good faith of the action. Other appropriate safeguards could be introduced to be administered by the courts with the assistance of the local bar associations. Some federal funding for the state court programs might also be required.

The institution of government that is the most constant presence in the life of the poor is the police department. Crime rates are high in the urban slums and ghettos, and the police are needed continually. As they do their job, the police carry not only the burden of the law but also the symbolic burden of

all government; it is regrettable, yet not surprising, that particularly the tensions and frustrations of the poor and the black come to focus on the police. The antagonism is frequently mutual. Racial prejudice in police departments of major cities has been noted by reliable observers.<sup>1</sup> Prejudice compromises police performance. Policemen who systematically ignore many crimes committed in the ghetto, who handle ghetto citizens roughly,<sup>2</sup> who abuse the rights of these citizens, contribute substantially to disaffection with government and disrespect for law.

Our laws provide for civil and criminal sanctions against illegal police conduct, but these are rarely effective. The so-called exclusionary rule also has some deterrent effect; it prevents use of illegally obtained evidence in trials, but this does not affect unlawful searches and seizures or other police activities that do not result in arrest and trial. A citizen can take his complaint of misconduct directly to the police department. Every major police department has formal machinery for handling citizen complaints and for disciplining misbehaving officers. But for a variety of reasons, including inadequate investigative and hearing procedures and light punishments for offenses, this internal process of review is largely unsatisfactory.

Even if all the compromising practices were eliminated, however, it is doubtful whether internal review boards could engender widespread trust—simply because they are internally administered. New York, Philadelphia, Washington and Rochester are among the few large American cities to have experimented with an external review board composed primarily of civilians. In the four months that New York City had a civilian review board, more than twice as many complaints were processed than during the preceding twelve months by the police department's own board. These experiments have fallen victim to organized opposition, however, most vocally from the police themselves. The police argue that civilian review lowers police morale, undermines respect of lower echelon officers for their superiors, and inhibits proper police discretion by inducing fear of retaliatory action by the board. The police also resent being singled out among all local governmental officials for civilian review.

The resentment is understandable. The police are not the only public servants who sometimes fall short of their duties or overstep their powers, who act arbitrarily or unjustly. If an independent agency is to exist for handling citizen grievances, it should be open to complaints concerning every governmental office: the welfare agency, the health department, the housing bureau, the sanitation department, as well as the police.

Independent citizens' grievance agencies would be a useful innovation. They could investigate and, where justified, support individual complaints against public servants.

<sup>1</sup> E.g., Donald J. Black and Albert J. Reiss, Jr.: "Patterns of Behavior in Police and Citizen Transactions," *Studies in Crime and Law Enforcement in Major Metropolitan Areas*, Field Survey III, Vol. 1, a Report of a Research Study Submitted to the President's Commission on Law Enforcement and Administration of Justice (Washington, D.C.: Government Printing Office, 1967).

<sup>2</sup> In a survey conducted by this Commission most white Americans disagreed with the statement: "The police frequently use more force than they need to when carrying out their duties." But a majority of Negro respondents agreed with the statement, as did a third of the lower-income people and 40 percent of the metropolitan city dwellers. In many of our recent urban disturbances, the triggering event was an arrest or other police encounter that appeared to bystanders to be unfair.

They could also perform a broader function—recommend policy changes to governmental institutions that will make them more responsive to public needs. By encouraging and goading governmental institutions to greater responsiveness, and by vindicating them against unfounded complaints, these grievance agencies could strengthen public respect for the institutions of government and thus strengthen the social order.

Both the President's Commission on Law Enforcement and Administration of Justice (Crime Commission) and the National Advisory Commission on Civil Disorders (Kerner Commission) recommended that local jurisdictions establish adequate mechanisms for processing citizen grievances about the conduct of public officials. That recommendation has not received the attention or the response it deserves.

*To increase the responsiveness of local governments to the needs and rights of their citizens, we recommend that the federal government allocate seed money to a limited number of state and local jurisdictions demonstrating an interest in establishing citizens' grievance agencies.*

Because of the novelty of this function in American government, the allocating federal agency should encourage diversity in the arrangements and powers of the grievance agencies in the experimenting states and cities, should provide for continuing evaluation of the effectiveness of the differing schemes, and should publicize these evaluations among all state and local jurisdictions so that each can decide the arrangement best suited for itself. Consideration should also be given to the creation of a federal citizens' grievance agency to act on complaints against federal employees and departments. The federal agency could also serve as an experimental model for similar agencies in the cities.

We have supported this recommendation upon evidence that the poor experience special frustrations in their relationships with the government and that these frustrations breed disrespect for law. To undergird that support we add the obvious notation that the poor are not the only ones who feel that government is unresponsive to their needs. The alienation of "the forgotten American," living above the poverty line but below affluence, is also genuine and a matter for compassionate concern.

Law-abiding, patriotic, a firm believer in traditional American values, "the forgotten American" is angered and distrustful about the same institutions of government—except for the police—that alienate the poor. Some extremists prey upon his frustration and alienation by promising simplistic solutions and pointing at scapegoats—usually Negroes. The festering and sometimes violent antagonisms between lower-middle-class whites and poor blacks have their ironic side, for the two groups share many needs: better jobs, better schools, better police protection, better recreation facilities, better public services. Together they could accomplish more than they can apart. Citizens' grievance agencies could provide a modest but important start toward the reconciliation of antagonisms and the restoration of respect for the institutions of government among all citizens.

While we strongly urge innovative devices such as citizens' grievance agencies, we must not ignore the strengthening of such time-honored mechanisms of popular government as the right and the duty to vote. Extension and vigorous enforcement of the 1965 Voting Rights Act, and intensified efforts to persuade all qualified citizens to vote, remain the most direct method for citizens to shape the quality and direction of their government. Equally important as creating new citizens' grievance agencies is the continuing effort to develop more effective voter education and registration programs.

## III

Our society has commissioned its police to patrol the streets, prevent crime, and arrest suspected criminals. It has established courts to conduct trials of accused offenders and sentence those who are found guilty. It has created a correctional process consisting of prisons to punish convicted persons and programs to rehabilitate and supervise them so that they can become useful citizens. It is commonly assumed that these three components—law enforcement (police, sheriffs, marshals), the judicial process (judges, prosecutors, defense lawyers) and corrections (prison officials, probation and parole officers)—add up to a "system" of criminal justice.

As system implies some unity of purpose and organized interrelationship among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal process, a continuum through which each accused offender may pass; from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fall-out and failure of purpose during this process is notorious.

According to the 1967 report of the President's Crime Commission, half of all major crimes are never reported to the police.<sup>3</sup> Of those which are, fewer than one-quarter are "cleared" by arrest. Nearly half of these arrests result in the dismissal of charges. Of the balance, well over 90 percent are resolved by a plea of guilty. The proportion of cases which actually go to trial is thus very small, representing less than one percent of all crimes committed. About one quarter of those convicted are confined in penal institutions; the balance are released under probation supervision. Nearly everyone who goes to prison is eventually released, often under parole supervision. Between one-half and two-thirds of all those released are sooner or later arrested and convicted again, thereby joining the population of repeat criminals we call recidivists.

Nearly every official and agency participating in the criminal process is frustrated by some aspect of its ineffectiveness, its unfairness or both. At the same time, nearly every participant group itself is the target of criticism by others in the process.

Upon reflection, this is not surprising. Each participant sees the commission of crime and the procedures of justice from a different perspective. His daily experience and his set of values as to what effectiveness and fairness require are therefore likely to be different. As a result, the mission and priorities of a system of criminal justice are defined differently by a policeman, a prosecutor, a defense attorney, a trial judge, a correctional administrator, an appellate tribunal, a slum dweller and resident of the suburbs.

For example: The police see crime in the raw. They are exposed firsthand to the agony of victims, the danger of streets, the violence of lawbreakers. A major task of the police officer is to track down and arrest persons who have committed serious crimes. It is discouraging indeed for such an officer to see courts promptly release defendants on bail and permit them to remain free for extended periods before trial, or prosecutors reduce charges in order to induce pleas of guilty to lesser offenses, or judges exclude incriminating evidence, or parole officers accept super-

vision of released prisoners but check on them only a few minutes each month.

Yet the police themselves are often seen by others as contributing to the failure of the system. They are charged with ineptness, discourtesy, dishonesty, brutality, sleeping on duty, illegal searches. They are attacked by large segments of the community as being insensitive to the feelings and needs of the citizens they are employed to serve.

Trial judges tend to see crime from a more objective position. They see facts and two sides to each issue. They may sit long hours on the bench in an effort to adjudicate cases with dignity and dispatch, only to find counsel unprepared, or weak cases presented, or witnesses missing, or warrants unexecuted, or bail restrictions unenforced, or occasional juries bringing in arbitrary verdicts. They find sentencing to be the most difficult of their tasks, yet presentence information is scanty and dispositional alternatives are all too often thwarted by the unavailability of adequate facilities.

Yet criminal courts themselves are often poorly managed and severely criticized. They are seriously backlogged; in many of our major cities the average delay between arrest and trial is close to a year. All too many judges are perceived as being inconsiderate of waiting parties, police officers and citizen witnesses. Too often lower criminal courts tend to be operated more like turnstiles than tribunals. In some jurisdictions, many able jurists complain that some of their most senior colleagues refuse to consider or adopt new administrative and managerial systems which would improve significantly the quality of justice and the efficiency of the court and which would also shorten the time from arrest to trial.

Corrections officials enter the crime picture long after the offense and deal only with convicted persons. Their job is to maintain secure custody and design programs which prepare individual prisoners for a successful return to society. They are discouraged when they encounter convicted persons whose sentences are either inadequate or excessive. They are frustrated by legislatures which curtail the flexibility of sentences and which fail to appropriate necessary funds. They are dismayed at police officers who harass parolees, or at a community which fails to provide jobs or halfway houses for offenders.

Yet, with a few significant exceptions, the prisons and correctional facilities operate in isolation and reject public scrutiny. Programs of rehabilitation are shallow and dominated by greater concern for punishment and custody than for correction. Prison inmate work assignments usually bear little relationship to employment opportunities outside. Internal supervision is often inadequate, and placed in the hands of inmates. Thus correctional administrators are often said to be presiding over schools in crime.

While speaking of prisons, it should be noted that jails—institutions for detaining accused persons before and during trial and for short misdemeanor sentences—are often the most appalling shame in the criminal justice system. Many are notoriously ill-managed and poorly staffed. Scandalous conditions have been repeatedly reported in jails in major metropolitan areas. Even more than the prisons, the jails have been indicted as crime breeding institutions. Cities are full of people who have been arrested but not convicted, and who nevertheless serve time in facilities worse, in terms of overcrowding and deterioration, than the prisons to which convicted offenders are sentenced. Accused first offenders are mixed indiscriminately with hardened recidivists. In most cases, the opportunities for recreation, job training or treatment of a nonpunitive character are almost nil. These deficiencies of jails might be less significant if arrested persons were

detained for only a day or two, but many unable to post bail or meet other conditions of release are held in jail for many months because the other components or the legal system do not provide for speedy trials.

In the mosaic of discontent which pervades the criminal process, public officials and institutions, bound together with private persons in the cause of reducing crime, each sees his own special mission being undercut by the cross-purposes, frailties or malfunctions of others. As they find their places along the spectrum between the intense concern with victims at one end, and total preoccupation with reforming convicted lawbreakers at the other, so do they find their daily perceptions of justice varying or in conflict.

These conflicts in turn are intensified by the fact that each part of the criminal process in most cities is overloaded and undermanned, and most of its personnel underpaid and inadequately trained. Too little attention has been paid to the Crime Commission's finding that the entire criminal justice system—federal, state and local, including all police, all courts and all corrections—is underfinanced, receiving less than two percent of all government expenditures. On this entire system, we spend less each year than we do on federal agricultural programs and little more than we do on the space program.

Under such circumstances it is hardly surprising to find in most cities not a smooth functioning "system" of criminal justice but a fragmented and often hostile amalgamation of criminal justice agencies. Obvious mechanisms for introducing some sense of harmony into the system are not utilized. Judges, police administrators and prison officials hardly ever confer on common problems. Sentencing institutes and familiarization prison visits for judges are the exception rather than the rule. Usually neither prosecutors nor defense attorneys receive training in corrections upon which to base intelligent sentencing recommendations.

Nearly every part of the criminal process is run with public funds by persons employed as officers of justice to serve the same community. Yet every agency in the criminal process in a sense competes with every other in the quest for tax dollars. Isolation or antagonism rather than mutual support tends to characterize their intertwined operations. And even when cooperative efforts develop, the press usually features the friction, and often aggravates it.

One might expect the field to be flooded with systems analysts, management consultants and publicly-imposed measures of organization and administration in order to introduce order and coordination into this criminal justice chaos. It is not. A recognized profession of criminal justice system administrator does not exist today.

In fact, most of the criminal justice subsystems are also poorly run. For example, court administrators are rare, and court management by trained professionals is a concept that is taking hold very slowly. The ball "system," which should involve coordination among at least a half dozen agencies, is presided over by no one. Few cities have neutral bail agencies to furnish bail-setting magistrates with reliable background data on defendants. In making their bail recommendations prosecutors usually ignore community ties and factors other than the criminal charge and the accused's criminal record. Defense lawyers infrequently explore nonmonetary release conditions in cases involving impecunious clients. Detention reports on persons held long periods in jail prior to trial are rarely acted on by courts, and bail review for detainees is seldom requested. Enforcement of bail restrictions and

<sup>3</sup> "The Challenge of Crime in a Free Society," pp. 20-22 (U.S. Govt. Printing Office, Washington; 1967). Major crimes are homicide, rape, robbery, aggravated assault, burglary, larceny over \$50 and motor vehicle theft.

forfeitures of bond for bail-jumpers are unusual. Bail bondsmen go unregulated.<sup>4</sup>

Effective police administration is hard to find. The great majority of police agencies are headed by chiefs who started as patrolmen and whose training in modern management techniques, finance, personnel, communications and community relations is limited. Lateral entry of police administrators from other departments or outside sources such as military veterans is usually prohibited by antiquated Civil Service concepts.

Apart from lack of leadership, the process of crime control in most cities lacks any central collection and analysis of criminal justice information. It has no focal point for formulating a cohesive crime budget based on system needs rather than individual agency requests. It has no mechanism for planning, initiating or evaluating system-wide programs, or for setting priorities. It has no specialized staff to keep the mayor or other head of government regularly informed of the problems and progress of public safety and justice. Crime receives high-level attention only as a short-term reaction to crisis.

Nor does the criminal justice process function in coordination with the more affirmative social programs for improving individual lives. For example, a major goal of an offender's contact with the criminal process is said to be corrective—rehabilitation followed by reintegration into the community, with enhanced respect for law. Yet the opposite is often true: the typical prison experience is degrading, conviction records create a lasting stigma, decent job opportunities upon release are rare, voting rights are abridged, military service options are curtailed, family life disruptions are likely to be serious, and the outlook of most ex-convicts is bleak. The hope of the community that released offenders have been "corrected" is defeated by outdated laws and community responses.

Experienced judges have resorted increasingly in recent years to various forms of post-conviction probation. They have done so after weighing the possibilities for rehabilitation if the offender is so released against the usually disastrous prognosis which would accompany his incarceration. It is a painful choice, little understood by the public. But the decision to seek correction of an offender in the community reflects not a compassionate attitude towards law-breakers, but a hardheaded recognition, based on data, that long term public safety has a better chance of being protected thereby.

The bleak picture of criminal justice we have painted is not without its bright spots. Within the past few years, scattered about

<sup>4</sup>The Report of the Commission's Task Force on Law and Law Enforcement contains a study of our bail system and recent proposals for "preventive detention" of persons arrested for serious crimes who, in the judgment of the court on a preliminary hearing, are deemed likely to commit a serious crime if released on bail while awaiting trial. The Commission agrees with the conclusion of the American Bar Association in approving the Report of the Special Committee on Minimum Standards for the Administration of Criminal Justice that "because of the drastic effects of preventive detention, the difficulties inherent in predicting future criminality and the unresolved constitutional issues," preventive detention should not be adopted. While there is a very real public interest in preventing criminal activity by released persons awaiting trial, this interest would be better served by reforming the criminal justice system to expedite trials than by adding the additional burden of a preliminary trial to predict the likelihood of future criminality. (It should be noted that even at present some crimes, such as first degree murder, are not bailable.)

the country, innovations have been introduced, new leadership has emerged, modern facilities have appeared, and systems analysis has been undertaken.<sup>5</sup> The impact has to date been small, but hopes have been raised. States here and cities there have demonstrated that something can be done to improve crime control with justice. The question is whether these incidents will initiate a national trend or will disappear as isolated sparks doused by the rain.

#### IV

The administration of criminal justice is primarily a state and local responsibility. The grave deficiencies we have noted reflect the fact that our states and cities lack both the resources to make a substantial investment in physical improvements, personnel, and research, and the management techniques to operate the system efficiently. Acting on the findings and recommendations of the Crime Commission, the federal government in recent years has sought to make additional resources available.

In the Omnibus Crime, Control and Safe Streets Act of 1968, the Congress created the Law Enforcement Assistance Administration, for the purpose of making grants for law enforcement planning and operation to the states, and its subsidiary, the National Institute of Law Enforcement and Criminal Justice, to encourage research and development in the field of law enforcement. In another 1968 enactment, Congress also authorized the Department of Health, Education, and Welfare to carry on comparable activities in the field of juvenile delinquency and youth opportunity. Both of these programs, however, have only a modest degree of funding. Fiscal 1970 appropriation requests for law enforcement are less than \$300 million—a sum which, together with matching state funds, would increase the nation's expenditures in that field by less than 10 percent. About \$15 million is being requested for the youth programs.

This nation is justifiably concerned about the increased rate of crime and about the conditions that give rise to crime, including our inadequate system of criminal justice.

In this Commission's judgment, we should give concrete expression to our concern about crime by a solemn national commitment to double our investment in the administration of justice and the prevention of crime, as rapidly as such an investment can be wisely planned and utilized.

When the doubling point is reached, this investment would cost the nation an additional five billion dollars per year—less than three-quarters of one percent of its national income and less than two percent of its tax revenues. Our total expenditure would still be less than 15% of what we spend on our armed forces. Surely this is a modest price to pay to "establish justice" and "insure domestic tranquility" in this complex and volatile age.

Given the realities of state and local financial resources, the federal government will have to take the lead in making this commitment, and in providing most of the required funds under the matching grant formulas already contained in the 1968 statutes. The federal commitment should be made in a manner that will convince the states, cities and the public that they can rely on the seriousness and continuity of the undertaking, and that they can invest matching funds of their own without fear that the federal por-

<sup>5</sup>For example, the new Federal Judicial Center under the leadership of retired Supreme Court Justice Tom Clark has initiated several innovative administrative and managerial projects which offer great promise for reduction of court backlogs and the shortening of time periods to trial. It is reported that one project in the U.S. District Court for the District of Columbia resulted in the judges reducing the criminal docket in a recent two-

tion may be curtailed midway in the program.

Congress has available a variety of tested methods for making meaningful long-term commitments along these lines. These include:

(a) Amending the 1968 statutes to authorize the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare to enter into long-term contracts with state and local agencies, committing the federal government to expenditures for the capital and operating costs of specified projects over a period of up to 10 years. Actual disbursements would be subject to annual appropriation measures.

(b) Amending the 1968 statutes to authorize the issuance of federal guarantees long-term bonds issued by state and local agencies to cover capital costs of the construction of new facilities and obtaining major items of new equipment (e.g., communications systems), with an underlying contract under which annual contributions in a predetermined amount would be made by the federal government toward payment of interest and amortization of principal on the bonds. Actual expenditures would be subject to annual appropriation measures, but the credit of the United States would stand behind the bonds. The Public Housing program is financed in this manner.

(c) Multi-year appropriation measures, such as those that have been made for urban renewal, federal construction projects, defense contracting and similar purposes.

Money alone will not secure crime reduction, however. Wealthy states and localities which have limited their activity merely to expending more funds have become no more noticeably crime-free than jurisdictions which have not. Similarly, a substantial portion of the Crime Commission's proposals in 1967 are remarkably similar to those urged by the Wickersham Commission established by President Hoover 37 years earlier—yet despite that Commission's equally impressive documentation, conservatism and presidential prestige, little follow-through occurred. Experience with crime commissions at the state and local levels shows similar results.

This pattern suggests the existence of substantial built-in obstacles to change. It suggests that unless much more attention is given to the inability and unwillingness of present crime control systems to effectuate reform, new money may go down old drains. Vexing problems of politics, organization and leadership underlie the maintenance of the status quo and need to be faced directly.

In the search for more effective ways of carrying out crime commission recommendations, we have noted two promising but comparatively untried strategies based on recent experiments on the frontiers of criminal justice; these are:

- (1) a program to coordinate criminal justice and related agencies more effectively by establishing central criminal justice offices in major metropolitan areas; and
- (2) a program to develop private citizen participation as an integral operating component, rather than a conversational adjunct, of criminal reform.

The two innovations complement one another; the success of citizen participation will in many ways be dependent on the establishment of a central criminal justice office, and vice versa.

#### The Criminal Justice Office

The pervasive fragmentation of police, court and correctional agencies suggests that some catalyst is needed to bring them together. An assumption that parallel and overlapping public agencies will cooperate effi-

week period more than they had in the entire prior year. Another example of important work being done is the courses of instruction for District Attorneys being given by the National College of District Attorneys.

ciently can no longer suffice as a substitute for deliberate action to make it happen in real life.

Periodic crime commissions—which study these agencies, file reports and then disappear—are valuable, but they are much too transient and non-operational for this coordinating role. A law enforcement council—consisting of chief judges and agency heads who meet periodically—is usually little more than another committee of overcommitted officials.

A full-time criminal justice office is basic to the formation of a criminal justice system. Its optimum form, i.e., line or staff, and its location in the bureaucracy, need to be developed through experimentation.

The function could be vested in a criminal justice assistant to the mayor or county executive, with staff relationships to executive agencies, and liaison with the courts and the community. Alternatively, it could operate as a ministry of justice and be given line authority under the direction of a high ranking official of local government (e.g., Director of Public Safety or Criminal Justice Administrator), to whom local police, prosecutor, defender and correctional agencies would be responsive. (Special kinds of administrative ties to the courts would be evolved to avoid undermining the essential independence of the judiciary.) A third alternative might take the form of a well-staffed secretariat to a council composed of heads of public agencies, courts and private interests concerned with crime. To avoid the ineffectiveness of committees, however, either the chairman of the council or its executive director would have to be given a good measure of operating authority.

Whatever its form, the basic purposes of the criminal justice office would be to do continuing planning, to assure effective processing of cases, and to develop better functioning relationships among the criminal justice subsystems and with public and private agencies outside the criminal justice system. For example:

It would develop a system of budgeting for crime control which takes account of the interrelated needs and imbalances among individual agencies and jurisdictions.

It would initiate a criminal justice information system which would include not simply crime reports (as is typical today), but arrests, reduction of charges, convictions, sentences, recidivism, court backlog, detention populations, crime prevention measures, and other data essential to an informed process.

It would perform or sponsor systems analyses and periodic evaluations of agency programs, and encourage innovations and pilot projects which might not otherwise have a chance in a tradition-oriented system.

It would perform a mediating and liaison role in respect to the many functions of the criminal process involving more than one element of the system, e.g., to develop programs for the reduction of police waiting time in court, to improve pretrial release information and control, to enlist prosecutors and defense attorneys in cooperative efforts to expedite trials, to bring correctional inputs to bear on initial decisions whether to prosecute, to improve relations between criminal justice agencies and the community.

It would also perform the vital but neglected function of coordinating the criminal justice agencies with programs and organizations devoted to improving individual lives—e.g., hospitals, mental health, organizations, welfare and vocational rehabilitation agencies, youth organizations and other public and private groups.

It would develop minimum standards of performance, new incentive and exchange programs for police, court attaches and correctional personnel.

The comprehensive grasp of the system by an experienced criminal justice staff would facilitate informed executive, judicial and

legislative judgments on priorities. It would help decide, for example, whether the new budget should cover:

A modern diagnostic and detention center to replace the jail, or an increase of comparable cost in the size of the police force; Additional judges and prosecutors, or a prior management survey of the courts;

A computerized information system or a new facility for juveniles;

New courtrooms or new halfway houses.

For a full-time well-staffed criminal justice office to be successful, it must achieve a balanced perspective within its own ranks on the problems of public safety and justice. Practical experience in law enforcement, in the protection of individual rights, and in the efficiency and effectiveness of programs must be represented, as must the interests of the community. Such representation can be provided through an advisory board to the criminal justice office and through involvement of relevant persons in task force efforts to attack particular problems. Broad-based support of the office is quite important.

The transition from today's condition to a well-run system will not be easy. Especially troublesome is the fact that the criminal justice process does not operate within neat political boundaries. Police departments are usually part of the city government; but county and state police and sheriffs usually operate in the same or adjacent areas. Judges are sometimes appointed, sometimes elected, and different courts are answerable to local, county and state constituencies. Correctional functions are a conglomerate of local and county jails, and county and state prisons. Prosecutors may be appointed or elected from all three levels of government. Defense lawyers usually come from the private sector but are increasingly being augmented by public defender agencies. Probation systems are sometimes administered by the courts, sometimes by an executive agency.

If this confusing pattern makes the creation, location, staffing and political viability of a criminal justice office difficult, it also symbolizes why little semblance of a system exists today and why criminal justice offices are so badly needed in our major metropolitan areas.

To encourage the development of criminal justice offices, we recommend that the Law Enforcement Assistance Administration and the state planning agencies created pursuant to the Omnibus Crime Control and Safe Streets Act take the lead in initiating plans for the creation and staffing of offices of criminal justice in the nation's major metropolitan areas.

The creation of criminal justice offices will require the active participation and cooperation of all the various agencies in the criminal justice process and of officials at many levels of state and local government. Helpful insights in establishing the first such offices may be derived from the experience of some of the state law enforcement planning agencies (e.g., Massachusetts) now making efforts in this direction, from the criminal justice coordinating role developed by the Mayor's office in New York over the past two years, and from the experience of the Office of Criminal Justice established in the Department of Justice in 1964.

#### Private Citizen Involvement

Government programs for the control of crime will be most effective if informed private citizens, playing a variety of roles, participate in the prevention, detection and prosecution of crime, the fair administration of justice, and the restoration of offenders to the community. New citizen-based mechanisms are needed at the local and national levels to spearhead greater participation by individuals and groups.

In recent years, an increasing number of citizen volunteer programs have become allied with one or another phase of the criminal

justice process. These are in addition to long-standing efforts of organizations like the Big Brother movement and Boys' Clubs. Remarkable have been certain programs utilizing citizen volunteers for probation supervision and guidance of juvenile and misdemeanor offenders.<sup>6</sup>

Perhaps the most successful of private organizations in attacking the broad range of crime control problems through a public-private partnership is New York City's Vera Institute of Justice.<sup>7</sup> Its unique role in cooperation with the mayor's office, the police, the courts, and the correctional system has developed over eight years. Its nonbureaucratic approach has permitted it to test new programs, through experiments and pilot projects, in a way no public agency would likely find successful. Its core funding is entirely private; its individual project financing comes from federal, state, and private sources.

Vera has achieved a number of concrete successes. Its Manhattan Bail Project resulted in bail reforms so successful in New York City that they became the basis of the Federal Bail Reform Act of 1966. Its summons project proved the practicability of permitting the police to issue station house citations for minor offenses, sparing both police and citizens the time-consuming process of arraignment and similar pre-trial court procedures.

There are a number of reasons why private organizations such as Vera can be successful where a public agency cannot. Because municipal agencies are chronically understaffed and underfinanced, they are unable to divert resources for experimental purposes except in the most limited manner. Private organizations do not pose threats to existing agencies and carry no residue of past misunderstandings. They can intercede with a city's power structure without being bound by chains of command. They can test programs through a pilot project carried out on a small scale, which can be easily dismantled if it proves unsuccessful. If it proves effective, it can be taken over as a permanent operation by the public agency and the private group can move on to a new area.

In the broader field of improving urban society, citizens' organizations have launched programs in a number of major cities to stimulate both public and private efforts to improve housing, schools, and job opportunities for the urban poor, to identify and treat the juvenile offender, and to improve relations between the police and the residents of the inner city.<sup>8</sup> These efforts are of vital importance, because improvements in the criminal justice machinery, isolated from improvements in the quality of life, e.g., education, housing, employment, health, environment, will merely return convicted offenders to the hopelessness from which they came.

<sup>6</sup> Example programs in this area include those outlined by the Project Misdemeanor Foundation, Royal Oak, Michigan, and the Juvenile Court of Boulder, Colorado.

<sup>7</sup> The Vera Institute was founded in 1961 by industrialist Louis Schweitzer and named for his mother. Until 1966, it was funded entirely by the Schweitzer family. In 1966, in order to expand and start special projects, Vera was given a 5-year grant from the Ford Foundation, and since then it has also received other federal, state and private grants earmarked for special projects. Herbert Sturz has been the Director of the Institute since 1961.

<sup>8</sup> Among the leading national organizations working in these fields are the League of Women Voters, the Urban League, the American Friends Service Committee, the National Council on Crime and Delinquency, the Lawyers Committee for Civil Rights Under Law, the Urban Coalition, and the Legal Defense Fund of the N.A.A.C.P.

The successes of such groups have demonstrated that public institutions are receptive to changes proposed by private organizations. Organizations such as these should receive maximum encouragement and every effort should be made to extend their influence on the broadest scale. Of particular importance is the potential supporting role which private groups can have in relation to the new offices of criminal justice we have recommended.

*We urge the creation and continued support—including private and public funding—of private citizens' organizations to work as counterparts of the proposed offices of criminal justice in every major city in the nation.*

A catalyst is needed at the national level to help in the formation of such local citizen groups.

*We therefore recommend that the President call upon leading private citizens to create a National Citizens Justice Center.*

A similar presidential initiative led to the formation in 1963 of the Lawyers Committee for Civil Rights Under Law, a private group which has enlisted the organized Bar in the effort to make civil rights into a working reality.

The membership of the Center could be drawn from many sources, such as the National Council on Crime and Delinquency, the American Bar Association, and the members, staffs and consultants of the four federal commissions which recently studied the problems of crime, violence and social disorder—the President's Commission on Crime in the District of Columbia, the President's Commission on Law Enforcement and the Administration of Justice, the National Advisory Commission on Civil Disorders, and this Commission.

The Center would supplement rather than duplicate the promising and important work of existing private entities. Following the successful precedent of Vera, the Center would concentrate on the various aspects of the criminal justice system, from crime prevention and arrest to trial and correction, including the specialized treatment of actual and potential juvenile offenders. We would expect it to receive financial support from foundations, business and labor sources, as well as from the legal profession.

The Center would help to form and support local private counterparts of Vera in our major, urban areas, to work alongside local governmental agencies on specific operating and administrative problems. It would act as a clearing house for transmitting news of successful innovative procedures developed in one city to the attention of agencies faced with similar problems in another. It would cross-fertilize new approaches, and provide continuing public education about the complexity of crime prevention and the treatment of offenders. It would offer workable answers to the persistent citizen question—what can I do to help? Not least important, it might lessen the future need for *ad hoc* Presidential commissions in this field, by assuring greater use of the findings and recommendations of the many commissions that have gone before.

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The levels of funding and the various public and private mechanisms we have suggested could go a long way toward organizing our criminal justice agencies into an effective system; our recommendations of additional legal services for the poor and new citizens' grievance agencies could do much to strengthen respect for legal processes and for the institutions of government.

The injection of federal funds into state crime control programs in 1968 was an important step, and the Law Enforcement Assistance Administration is doing a commendable job with limited resources. Much more money must be provided, and must be injected into research, development and pilot projects, if the outdated techniques of yes-

terday are to be converted into an effective criminal justice system tomorrow.

Until more funds are committed, and until staffed organizations—public and private—are developed to assure wise investment and monitoring of new funds, the control of violent crime will be a campaign fought with bold words and symbolic gestures, but no real hope of success. The mobilization of private and public resources toward an ordered society—one in which the rights of all citizens to life, to liberty, to the pursuit of happiness are safeguarded by our governing institutions—deserves a high priority for the decade of the 1970's.

#### WARNINGS ON THE ECONOMIC HORIZON

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CONABLE. Mr. Speaker, there is more than usual interest in economic indicators these days as we endeavor to bring the present unacceptable inflation under control while maintaining a high level of economic activity. Two noted economists in our Government, Dr. Geoffrey H. Moore, U.S. Commissioner of Labor Statistics, and Julius Shiskin, Assistant Director of the Census Bureau, recently published in the Rutgers Alumni magazine their current views of the indicators in an article entitled, "Warnings on the Economic Horizon." The authors studied at Rutgers under Dr. Arthur F. Burns, now counselor to the President. I include this pertinent article in the RECORD:

#### LEADING INDICATORS: WARNINGS ON THE ECONOMIC HORIZON

(By Geoffrey H. Moore 1933 and Julius Shiskin 1934)

What are economic indicators, how are they selected, and how can they be used? In this article we describe the U.S. indicators and discuss some of the recent developments that help make them a useful forecasting tool.

The most familiar type of indicator, the coincident, measures current economic performance. Gross national product, industrial production, personal income, employment, unemployment, wholesale prices and retail sales are examples. Comprehensive in coverage, these indicators all show how well the economy is faring in certain important respects. Their movements coincide roughly with, and indeed provide a measure of, aggregate economic activity. They tell us whether the economy is currently experiencing a recession or a slowdown, a boom or an inflation.

In view of the great impact that economic developments have upon our daily lives and upon long-term economic progress, there is also an intense interest in types of economic indicators that signal in advance a change in the basic pattern of economic performance. Examples are new orders for durable goods, construction contracts, formation of new business enterprises, hiring rates and hours of work. These indicators move ahead of turns in the business cycle for various reasons, foremost among them being that decisions to expand or curtail output take time to work out their effects, while the factors that influence these decisions also take time to produce their influences. The early warning signals provided by such leading indicators help to make it possible to forecast short-term trends in the coincident series, and to take timely steps to avert, or at least to moderate, unfavorable economic trends.

Leading indicators are used more and more widely by business, government and academic economists in analyzing and forecasting business conditions. In a recent survey by the American Statistical Association, 261 forecasters were asked what principal methods they used, and 103 checked "lead indicators." One of the sources on which they depend for current information is Business Conditions Digest (BCD), a monthly publication of the U.S. Department of Commerce which charts leading and other indicators. The use of leading indicators has spread to individual states and to foreign countries. New Jersey is one of several states issuing monthly reports on the current position of leading indicators for the state. The Canadian and Japanese governments both have developed reports similar to BCD, and studies of leading indicators have been made for Great Britain, Germany, France, Italy and Australia. As a result of this widening interest one is more and more likely to read in newspapers, magazines and business advisory services about developments in the leading indicators.

Still another type of indicator is described as lagging. The fluctuations of these indicators follow, rather than lead, those of the coincident indicators. Examples are labor cost per unit of output, longterm unemployment and the yield on mortgage loans. Finally, there are important economic activities which have not behaved in a sufficiently consistent manner to be appropriately classified as leading, coincident or lagging, but which are nevertheless relevant to an overall appraisal of the current situation of the economy and prospective trends. Examples are government purchases and receipts, exports and imports, and the consumer price index.

The selection of indicators has been guided by two considerations. First, does the measured process play a significant role in a widely-accepted explanation of short-term economic fluctuations? While the recurrence of successive waves of rapid growth and slower growth of decline in business activity is generally acknowledged, many different explanations of the underlying causes have been advanced. Some economists lay primary stress on the relations between investments in inventory and fixed capital, on the one hand, and final demand, on the other (Keynes, Samuelson). Others assign a central role to the supply of money and credit (Friedman [Milton '32]). Still others look for clues in the relationships among prices, costs, and profits (Mitchell, Burns). All these factors undoubtedly influence the course of business activity, and some may be more important at one time than another, but there is no general agreement on which is the most important. Hence it is prudent to consider a variety of indicators that reflect all these processes.

The second consideration in selecting indicators has been their empirical record. How closely correlated are the fluctuations in a given series with those in aggregate economic activity? How consistent has been the timing record of a given series compared to aggregate economic activity? That is, does it consistently lead, coincide, or lag aggregate economic activity? To the hundreds of economic series from which a list of indicators could be selected, specified criteria have been applied. These pertain to the economic significance of the series, its historical record, and various properties affecting its reliability as a current statistic. In recent years most of the research and testing in this field has been carried on by the National Bureau of Economic Research, a private, nonprofit organization. The Bureau published its first list of indicators in 1938 and subsequently revised the list in 1950, 1960 and 1966. The most recent list appears in a book by the authors of this article, published by the N.B.E.R. in March, 1967, under the title, *Indicators of Business Expansions and Contractions*. Many of these

indicators have been used for years in appraising economic conditions, but thirteen were incorporated for the first time in the latest list. Among these new indicators are job openings at U.S. Employment Service offices, delinquency rates on installment loans, export orders for durable goods, and man-hours of nonagricultural employment. Up-to-date figures on these indicators and other related series are published each month in the Bureau of the Census, Department of Commerce publication referred to above, *Business Conditions Digest*.

An understanding of the role of the selected indicators in initiating or reacting to short-term economic fluctuations is aided by the use of two principles of classification in presenting the current list of eighty-eight indicators. First is a grouping by cyclical timing, as explained above, with thirty-six leading, twenty-five coincident and eleven lagging indicators (sixteen are not classifiable by timing). The second type of classification is by economic process, in which series that pertain to different stages or aspects of the same process are grouped together. All series are cross-classified according to these two principles. Thus, the cross-reference system shows, under the employment and unemployment category, five leading series representing marginal employment adjustments such as the hiring rate or work week, eight coincident indicators representing existing job vacancies and comprehensive measures of employment and unemployment, and one lagging indicator representing long-term unemployment. The capital investment category includes ten leading indicators representing the formation of business enterprises and new investment commitments, two coincident indicators representing the backlog of capital investment, and two lagging indicators representing current investment expenditures. Other economic process categories include production, income, consumption and trade; inventories and inventory investment; prices, costs and profits; money and credit; foreign trade and payments; and federal government activity. Altogether they provide a rather comprehensive view of the economic system.

Another innovation of the recent National Bureau publication is a method of assigning a numerical score to each indicator, ranging from zero to 100. The scoring plan covers six major elements: economic significance, statistical adequacy, historical conformity to business cycles, cyclical timing record, smoothness and promptness of publication. When the subheadings under these elements are counted, some twenty different properties of series are rated. The ratings throw into clearer perspective the characteristic behavior and limitations of each indicator, aid in their classification and incidentally suggest ways to improve them for purposes of short-term forecasting (see the accompanying table). For example, the low score of series 31, change in inventories, for smoothness (col. 7) is a warning that sharp erratic movements from month to month are to be expected and that it may take several months to discern a new trend.

A short, substantially unduplicated list of twenty-six principal indicators provides a convenient way of summarizing the current situation and outlook. This list includes twelve leading, eight roughly coincident, and six lagging indicators. The series selected for each of these groups have high scores and cover a broad range of economic processes, as can be seen in the table.

In studying the current economic situation, one can proceed by examining numerous and varied aspects of the economy so as to be sure that all the relevant points are covered, or by examining just a few selected indicators, which make it easy to grasp the overall trends. Most business analysts move back and forth from a detailed examination of many sectors to a broad view of the over-

all situation, and there is a feedback of information and insight from one view to the other.

The summarization of the large variety of data to highlight business cycle developments involves combining different kinds of economic series. One widely-used aggregate is the gross national product, the total economic output of the nation. But this and most other summary measures are limited to one aspect of economic activity, such as production, prices, employment or income. The indicator scheme just described makes it appropriate to ask whether a broader type of summary, combining both indicators pertaining to different aspects of activity as well as similar short-term timing behavior, can be constructed.

The National Bureau studies make it possible to do this; that is, to combine the indicators in a given class into weighted indexes representative of the class. Thus, series that usually lead in the business cycle can be combined into one index, coincident series into another, and lagging series into a third. Similarly, within the leading group alone, series that represent orders or commitments for capital investment projects can be combined into one index, those representing inventory investment or materials purchasing into a second, and those representing sensitive flows of money or credit into a third.

In the sense that they are not expressed in a common unit such as dollars or tons, the series selected for inclusion in each of the indexes are heterogeneous. However, in the special sense that they measure related aspects of business change, are sensitive to business cycles, and experience similar timing behavior during cyclical fluctuations, they are homogeneous. In this respect some of the best known aggregates are heterogeneous. For example, gross national product includes the change in inventories, a leading indicator; consumption expenditures, a coincident indicator; and investment expenditures, a lagging indicator.

The practice in index number construction is to utilize weights that are directly related to the purpose of the measure being compiled. In construction an index of market output, value-added or value of product weights are used, but where indexes of output are constructed to determine man-hour requirements, man-hour weights are utilized. Similarly, in constructing a forecast of, say, GNP by means of an econometric model, a number of variables expressed in heterogeneous units are weighted by coefficients that, directly or indirectly, express their estimated effect upon GNP. The analogous procedure here is to apply weights based upon the component indicators' value in forecasting or identifying short-term movements in aggregate economic activity. A suitable set of weights is provided by the scores referred to earlier.

The procedure used in constructing the indexes allows for the fact that some indicators, such as new orders, typically move in wide swings while others, such as the average workweek, experience narrow (but nevertheless significant) fluctuations. Each indicator is adjusted in such a way that, apart from its weight, it has the same opportunity to influence the index as any other indicator. The indexes themselves are adjusted in a similar manner, with the result that their swings are of the same order of magnitude on the average (namely, 1.0 percent per month) and can readily be compared. For example, if the most recent monthly increase in an index is 2.0, it is rising twice as fast as its average rate of change in the past; if the increase is 0.5, it is rising only half as fast as the historical average.

The index for the leading group is also subject to a further adjustment, designed to make its long-run trend the same as that of the index of coincident series. The major

difference that remains is in cyclical timing, with the leading index typically moving first, the coincident index next, and the lagging index last, as can be seen in the illustrative chart. This chart is currently published in BCD.

It is noteworthy that when the scoring system used to provide weights for the individual indicators is applied to the indexes themselves, the scores earned by the indexes are higher than those for any of the component indicators. In this sense the indexes are a superior form of indicator. But to understand and interpret their movements, close study of the components is essential.

One of the uses to which the leading index can be put is to make explicit forecasts for short periods ahead of GNP, total employment, or other variables. Some tests of a simple method for doing this have been made, with promising results. For instance, when data for the third quarter become available, say in October, the percentage change in GNP (in current dollars) between the current calendar year and the next can be forecast by observing the percentage change in the leading index between the third quarter and the preceding fiscal year. Annual forecasts obtained in this manner compare favorably in accuracy with what most forecasters have been able to achieve. During 1962-68 the average error in the GNP forecasts contained in the Economic Report of the President was 1.3 percentage point, while during this period the leading index method would have produced an average error of about 1.0 percentage point. In 1968 this superiority was not maintained, since the forecast of increase in GNP obtained from the leading index was about six percent, the Economic Report (February, 1968) put it at nearly eight percent, while the actual change will turn out to be close to nine percent. For 1969, the leading index (using data through September, 1968) forecast an increase in GNP in the neighborhood of seven percent, significantly lower than the actual increase in 1968. These forecasts can be revised monthly as additional data become available.

The method clearly is no substitute for a carefully-reasoned approach to the economic outlook. It merely helps to summarize the information contained in the leading indicators regarding the near-term future course of GNP or other variables that are systematically related to the business cycle. Hence it provides the forecaster with information useful in developing his actual forecast. It can also be used as a standard against which to judge past efforts, and might be of assistance in improving upon them. But it is not a recipe that will tell the forecaster everything he should know.

A few concluding observations may be helpful to those who use these indicators as an aid in interpreting current trends.

1. The change in the place of the leading indicators foreshadows increasing strength or weakness in aggregate economic activity. Sometimes weakness in the leading indicators is followed by a recession; that is, an extended, substantial and broadly diffused decline in aggregate economic activity, as in 1957-58. At other times, however, a decline in the leaders is followed only by a slowdown in the rate of expansion of aggregate economic activity, as in 1962 and 1967 (see the chart). Indeed, if the response of government policy to a decline in the leading indicators is prompt and vigorous enough, there may be no unfavorable developments in aggregate activity at all.

2. Whether in any particular instance a decline in the leading indicators signals a retardation or a recession will eventually be determined by the movements of the coincident indicators; that is, by such measures of aggregate economic activity as total production, employment, income, consumption, trade and the flow of funds. In view of the fact that economic upswings and downswings

have several relevant dimensions (length, depth and breadth), and that the data themselves are fallible and subject to revision, several months may elapse before a current decline can be reliably appraised.

3. The lagging indicators should not be neglected. They may provide evidence confirming a change in trend that has appeared earlier in the leading or coincident indicators. Their value in this role is all the greater because the factors that make them lag also make them relatively impervious to erratic movements. In addition, some of the lagging indicators have an important bearing on the subsequent behavior of the leading indicators. For example, when unit labor costs, a lagging indicator, rise rapidly as they have been doing of late, they may exert a downward pressure on profit margins, one of the leading indicators. In this connection, it is often the relation between the movements

in lagging and coincident indicators (in the case costs and prices) rather than those of lagging indicators alone that is crucial.

4. The ultimate objective of the work with indicators is the prevention of unfavorable developments, especially recession and inflation. The intent is not to compile good forecasting records; it is rather to develop warning signals which come sufficiently early to assure that effective preventive measures can be taken in time. Hence a successful record of forecasting recession and inflation would attest the failure of economic policy, while successful economic policy might well relegate many accurate forecasts to the limbo of apparent failure.

What can be said of the usefulness of business cycle indicators on balance? It seems clear from the record that the business indicators are helpful in judging the tone of current business and short-term prospects.

But because of their statistical limitations, the indicators must be used together with other data and: with full awareness of the background of business and consumer confidence and expectations, governmental policies and international events; with the expectation that the indicators will often be difficult to interpret and that interpretations will sometimes vary among analysts; and finally, with the knowledge that the signals they give will not always be correctly interpreted. The indicators provide a sensitive and revealing picture of the ebb and flow of economic tides which a skillful analyst of the economic, political and international scene can use to improve his chances of making a valid forecast of shortrun economic trends. If the analyst is aware of their limitations and alert to the world around him, he will find the indicators useful guideposts for taking stock of the economy and its needs.

SCORES FOR 26 ECONOMIC INDICATORS ON 1966 NBER SHORT LIST

Classification and series title (1)	Scores, 6 Criteria						
	Average score (2)	Economic significance (3)	Statistical adequacy (4)	Conformity (5)	Timing (6)	Smoothness (7)	Currency (8)
<b>Leading Indicators (12 series):</b>							
1. Average workweek, production workers manufacturing.....	66	50	65	81	66	60	80
4. Nonagriculture placements, BES.....	68	75	63	53	58	80	80
12. Index of net business formation.....	68	75	58	81	67	80	40
6. New orders, dur. goods industry.....	78	75	72	88	84	60	80
10. Contracts and orders, plant and equipment.....	64	75	63	92	50	40	40
29. New building permits, private housing units.....	67	50	60	76	80	60	80
31. Change in book value, manufacturing and trade inventories.....	65	75	67	77	78	20	40
23. Industrial materials prices.....	67	50	72	79	44	80	100
19. Stock prices, 500 common stocks.....	81	75	74	77	87	80	100
16. Corporate profits after taxes, Q.....	68	75	70	79	76	60	25
17. Ratio, price to unit labor cost, manufacturing.....	69	50	67	84	72	60	80
113. Change in consumer debt.....	63	50	79	77	60	60	40
<b>Roughly Coincident Indicators (8 series):</b>							
41. Employees in nonagriculture establishments.....	81	75	61	90	87	100	80
43. Unemployment rate, total (inverted).....	75	75	63	96	60	80	80
200. Gross national product in current dollars, Q.....	80	75	75	92	82	100	50
205. Gross national product in constant dollars, Q.....	73	75	75	91	58	80	50
47. Industrial production.....	72	75	63	94	38	100	80
52. Personal income.....	74	75	73	89	43	100	80
56. Manufacturing and trade sales.....	71	75	68	70	80	80	40
54. Sales of retail stores.....	69	75	77	89	12	80	100
<b>Lagging Indicators (6 series):</b>							
44. Unemployment rate, persons unemployed 15+ weeks (inverted).....	69	50	63	98	52	80	80
61. Business expenditures, new plant and equipment, Q.....	86	75	77	96	94	100	80
71. Book value, manufacturing and trade inventories.....	71	75	67	75	66	100	40
62. Labor cost per unit of output, manufacturing.....	69	50	70	83	56	80	80
72. Commercial and industrial loans outstanding.....	57	50	47	67	20	100	100
67. Bank rates on short-term business loans, Q.....	57	50	55	82	47	80	25

Note: The scores run a scale from zero to 100. For example, a series with a random relation to business cycles would be expected to score zero for conformity and timing (cols. 5 and 6).

Source: "Indicators of Business Expansions and Contractions," National Bureau of Economic Research, Inc., 261 Madison Ave., New York, N.Y. 10016, 1967.

## THE PROPAGANDA WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MICHEL. Mr. Speaker, as expected there has been a virtual tidal wave of words setting forth reactions, opinions, and predictions as an aftermath to President Nixon's report to the American people on Monday night. I would like to call the attention of my colleagues to two editorials from the Peoria Journal Star which appeared before the President spoke, one on October 29 and the other on November 2.

These editorials set forth with great clarity the complexities of the situation in Vietnam which President Nixon inherited and also expose the hypocrisy and cynicism of those who have made a career out of spreading inaccuracies and misconceptions about Vietnam and our reasons for being there.

I submit both editorials to be placed in the RECORD at this point:

[From the Peoria (Ill.) Journal Star, Nov. 2, 1969]

### THE PROPAGANDA WAR

For years the drum beat of "war protest" hammered away at the theme that the concept of rapacious communism was a prejudice, a myth, and an illusion that caused us to misjudge Hanoi.

We were told, and told, and told, that Hanoi is not unreasonable, that Hanoi really wanted peace—that it is the U.S. that is unreasonable. It was Lyndon Johnson who insisted on war.

If we would only stop the bombing and give Hanoi a chance to be reasonable! If we would only withdraw our policy of viciously searching out and killing Viet Cong, and give them a chance to be reasonable! If we would only recognize the right of self-determination and a genuine choice for the people of South Vietnam, permitting them to vote Communist if they wished, instead of forcing the Saigon regime on them!

We were told by the critics that the government of the United States did not want peace but was madly seeking "total victory". And we were told that total victory

was "impossible" and indecent and undesirable.

With such claims, such interpretations, and such charges a "peace movement" was developed—led by William Fulbright largely in its earliest stages and exploited by Gene McCarthy, a fourth choice "sacrifice" drafted to oppose Johnson in New Hampshire and to sabotage the Democratic primary elections.

McCarthy got about 30 per cent, or 12,000 votes, in New Hampshire, losing to the administration primary candidate, while Republican candidates absorbed most of the voters—but peace propagandists, including starry-eyed TV commentators, transformed that into a "victory over Johnson" which "forced him out of the presidency!"

What has happened to the entire bill of particulars on which the movement was built?

We did stop the bombing a year ago.

We did laboriously drag them to the negotiation table.

We did offer free elections for Communists or whatever in South Vietnam, as soon as a peace and truce makes such possible.

We did stop all but self-defense military activity.

We did begin a significant withdrawal process of combat units.

And what happened?

The "new policy" is that the U.S. must surrender.

Hanoi has not changed its position a single eyelash. It uses the "negotiations" merely to make propaganda statements urging on the "peace movement" of American citizens against the American government.

The European press which once also suspected the U.S. of seeking total victory and not being "reasonable" or giving Hanoi a chance to be reasonable has seen all this—and reversed itself widely.

The obstacle to peace is Hanoi. It is they who want that unreasonable and dastardly "total military victory," not us.

The real problem, as always, still is to get Hanoi interested in peace.

That's what our policies were designed to do in the first place, but the "peace movement" refused to believe it and sabotaged it!

Now our pacifists refuse to recognize the significance of the vastly changed situation—and what it proves about former gross and irresponsible errors in their pitch.

They refuse to look at the facts, their past conduct, and themselves in the face.

They refuse to face up to the fact that the thing needed to remove the real barrier to peace is to get Hanoi interested in peace, too.

Their actions continue to escalate the demand that we surrender. The "total victory" for us that was obsolete and completely immoral a year ago is now the prize they hold out to Hanoi to keep the war going!

If the peace fanatics had faced the fact of the need to interest Hanoi in peace, two years ago, instead of galloping off to sabotage those efforts with what are now demonstrably false claims—how many lives might have been saved long since!

The situation is simple now to anyone with the nerve to look it in the eye.

We want peace. Hanoi doesn't. They want victory.

The problem is not to convince Nixon. The problem is to convince Hanoi that peace is a worthy and desirable end.

What are the great lovers of peace doing about that? What is the "conscience" of Fulbright and McCarthy doing about that?

They are busy hiding their past lies and misrepresentations and errors behind a barrage of emotional demands and a stampede psychology—which they hope will keep people too busy and too worked up to look at the facts, their own miserable records, and their own misdirected contribution to needless killing benefitting nobody but the murderous power-seekers in Hanoi.

Another "moratorium" directed at Washington instead of Hanoi will be a criminal misdirection of effort.

[From the Peoria (Ill.) Journal Star,  
Oct. 29, 1969]

#### FIGURING NIXON OUT

It's funny the way people try to figure out Nixon's policy in Vietnam. Some think he's selling out and some started out certain that he's a "hawk" and ready to believe that every move he makes is some sort of trickery.

Nobody seems to remember the presidential campaign of 1960, except that Kennedy seemed very poised and quick in his answers, and Nixon had a heavy beard and looked pale and drawn on the TV.

It would help genuine understanding of Nixon's experience and his approach a great deal if people did remember the actual policy implications and substance of those debates.

John Kennedy strongly attacked the Eisenhower-Nixon policy of "massive retaliation." He maintained that the GOP administration had relled too heavily on "confrontation," and that this permitted us "too few choices" when faced with a crisis situation.

Kennedy called for the creation of a new special anti-guerrilla organization in addition to existing armed forces (the Special Forces later known as "Green Berets" which

he fathered when he became President.) He called for the expansion of the manpower in the armed forces and specifically the build-up of "conventional striking forces" to deal with "brush-fire" wars.

The whole philosophical basis for expanded military forces, with a new emphasis on conventional weapons and fighting "small wars" anywhere in the world in a measured fashion, was laid out in the campaign of 1960—and resisted by Richard Nixon.

The change of approach reached its full flower and anticipated use in Vietnam.

It hasn't worked out very well.

It is true that it never had a full and fair chance. It was sabotaged at first by Johnson and McNamara's political desire to fight a war without the American people noticing it; and sabotaged later by a "peace movement" that wrecked every effort to make this policy believable to the opposition.

But it was never the Nixon concept.

It was a concept born in the campaign of 1960, used to attack Nixon and the policies with which he was associated at the time, put forward as a better way of maintaining peace and stability in a shaky, atomic world and put into operation, figuratively speaking, "offer Nixon's politically dead body."

Nothing Nixon has done since his miraculous return to the pinnacles of political power is inconsistent with his "Eisenhower heritage," and that past attitude on our military posture. The present posture was never Nixon's.

It's odd indeed that so many loudly "dedicated" people neglect to simply look at the record, and go flying off into notions of the moment based on prejudice and confusion.

Meanwhile, it is obvious to anybody who cares to look through anything but fevered eyes that the process of changing posture again is vastly complicated by the situation Nixon faced when he took over the office.

How can we effectively extricate ourselves from Vietnam?

And, how can we do so and emerge with a livable situation, and an operational policy for keeping a stable peace?

Thus far, amid all the yakking about the war, he is the only person who has come up with a genuine, thoughtful course of action that gives us a reasonable chance.

Hysteria is not a basis for policy.

The Hanoi-linked managers will never change and some eager Democrats will try to make hay but it is time people who claim to "care so much" quit fighting the ghost of Lyndon Johnson and began to get acquainted with Richard Nixon, and who he really is.

TRIBUTE TO MRS. LORRAINE WALL HURNEY, DISTRICT DIRECTOR, CHICAGO DISTRICT OF THE IMMIGRATION AND NATURALIZATION SERVICE, AS SHE RETIRES FROM FEDERAL SERVICE

#### HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KLUCZYNSKI. Mr. Speaker, at a time when many of us are concerned about discrimination against women in the professions, and when we need the talents of all citizens to solve the difficult problems of the times, it is enlightening and reassuring to consider the career of Mrs. Lorraine Wall Hurney, whose retirement from her Federal career takes place this month after nearly 35 years of dedicated service.

The outstanding accomplishments of Mrs. Hurney attest to the great potential of American workingwomen. Widowed in 1935 and left with the support of three children and her mother, Mrs. Hurney began work as a stenographer in the Justice Department's Lands Division. She studied at night at the American University Law School, and was admitted to the District of Columbia Bar in 1939. She became a staff assistant in the Criminal Division of the Justice Department, and transferred, in 1941, to the Immigration Service as an associate legal counsel. Promoted to general attorney of the Immigration Service in 1953, she was appointed director of the Chicago district office of the U.S. Immigration and Naturalization Service 7 years later, thus becoming the highest salaried female civil servant in the history of the Immigration Service.

Mrs. Hurney is a member of the American Bar Association, the Federal Bar Association, and a former member of the board of directors of the District of Columbia Women's Bar Association. She is a member and former dean of Kappa Beta Pi, the international legal sorority. In 1963, Mrs. Hurney was named "Woman of Achievement" by the Business and Professional Women's Club of Philadelphia.

Mrs. Hurney is the kind of woman in Government who should be taken as an example by the thousands of young women who must choose careers each year. She is known and respected by civil servants and members of the public alike for her dedication to the principles of the U.S. Government and for her devotion to duty. She has been a responsible, respected, and extremely valuable public servant throughout her career. I should like to join her many friends and colleagues in wishing her happiness in retirement and in paying tribute to a very distinguished lady.

#### TRUCK TRAFFIC

#### HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MADDEN. Mr. Speaker, the Hammond Times of Hammond, Ind., each day has been running in its editorial columns a picture of various traffic accidents in which large multiton trucks have been involved.

We all know that the traffic hazards, especially in urban centers, have multiplied each year until it is almost impossible to drive automobiles at certain periods of the day, especially morning and evening.

The following editorial which appeared in the Hammond Times of Tuesday, November 4, has been one of many editorials each day picturing the devastating scene of an accident in which large highway trucks are involved:

#### AND YET ANOTHER

Today's pictures are the latest in a series that have been appearing on this page showing how trucks can induce havoc without being bigger.

The photograph at right is of a truck that skidded on a four-lane highway at a busy intersection in Schererville last Friday. Utility poles were broken; the intersection's traffic controls were put out of commission. Traffic backed up for miles. (Not printed in the RECORD.)

Perhaps a car could have done the same amount of damage. But not with the same ease.

The trucking industry argues that new elasticity in proposed federal legislation allowing 102-inch wide trucks (the limit now is 92 inches) makes for a safer truck.

Not when they go off the pavement or smash into another vehicle. The potential for death and destruction is not lessened; if anything it's greater because of the greater weight bigger trucks can carry.

Trucks are big enough now.

#### HOUSE JOINT RESOLUTION 934

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. REID of New York. Mr. Speaker, I strongly support House Joint Resolution 934, to increase the authorization for the food stamp program for fiscal 1970 from \$340 to \$610 million.

In my judgment, this increased amount is still inadequate to meet the food needs of the 14 million Americans who are suffering from severe malnutrition—some at the hunger line—because they are poor, in spite of the Department of Agriculture's claim that this is the most it can spend during fiscal 1970. Although the \$610 million we are considering today is more than twice the amount appropriated for food stamps for fiscal 1969, it is far short of the \$1.8 billion which would be needed simply to provide free food stamps for the most needy of the poor. Therefore, although I certainly support the resolution before us today, I regret that the committee was not more generous in its authorization.

In addition to the need for more financial support for the food stamp program, there are certain basic changes that must be made in the program if it is to be truly effective. The Senate, overriding its own Agriculture Committee, made some of those changes in its overall food stamp bill in late September, during floor consideration. We are told that it may be some time before the House Agriculture Committee reports out a comprehensive food stamp bill but I would hope that the committee will consider the much-needed Senate changes and adopt them as part of the House bill, as well.

If we are to conquer hunger in America, we must, as provided by the other body, provide free food stamps to families earning under \$60 per month; permit the continuation of the commodity distribution program in counties having food stamps; and require every county in the Nation to set up a food stamp program by January 1, 1971.

It is an outrage that the most affluent nation in the world still permits any of its citizens to go hungry, and it is the obligation of the Congress to see that those without food get it now.

#### THE RIGHT WAY

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ROUDEBUSH. Mr. Speaker, Indiana's largest newspaper has expressed editorial support for President Nixon's Vietnam policy.

I believe that the Indianapolis Star reflects the thinking of the majority of the people in Indiana toward the President's leadership.

The President has inherited one of the most difficult problems in our history, and deserves the support of the Congress and the people in his efforts to end the Vietnam war as quickly as possible while not turning over another nation to Communist slavery.

The editorial from the Indianapolis Star follows:

#### THE RIGHT WAY

President Nixon, in his address to the American people Monday night, laid on the line the cold, hard facts about Vietnam.

If the peace-at-any price advocates thought the President was going to announce a new Munich they were disappointed. If the warhawks thought he would order an invasion of North Vietnam they also were disappointed.

But we do not believe the majority of Americans, the "silent majority" Mr. Nixon spoke of, are disappointed. Rather, it is likely they now understand more clearly the efforts this nation has made to end the war and the strategy President Nixon is applying toward that goal.

In the successive Eisenhower, Kennedy, Johnson and Nixon administrations, the United States has made it clear that it does not seek a military victory in Vietnam. It has sought instead a negotiated settlement including only one mandatory point: South Vietnam's right to determine its own destiny by free elections. Representation by the National Liberation Front, political arm of the Viet Cong, has not been excluded.

But, as President Nixon said, Hanoi's continuing intransigence has resulted in agreement only on the shape of the table at the so-called Paris peace talks—not an iota more.

The President's speech indicated that, in spite of troop withdrawals that have already taken place, the chances for a negotiated settlement are dim, though the door in Paris is still open. He revealed that he had made personal appeals to the late Ho Chi Minh, to the Soviet Union and to private individuals, all with negative results.

In this connection, it should be borne in mind that, while Red China has been of little help to North Vietnam, the Soviet Union has supplied practically all of North Vietnam's war-making power and continues to equip Hanoi with every kind of military equipment and supplies short of manpower. There is no doubt Soviet Russia has a vested interest in continuing the war, that Russia is our real enemy and that, therefore, any kind of negotiated settlement is virtually impossible of achievement.

In his address, President Nixon explained the essentials of his Vietnam policy which contemplates an orderly reduction in U.S. troop strength there, concurrent with a progressive "Vietnamization" of the war. He underlined the fact that training and equipping of the South Vietnamese would be accelerated so that they will be rendered capable of continued effective opposition to the North Vietnamese and Viet Cong as American fighting men are withdrawn. He set no deadlines for troop withdrawals. To do so, he pointed out,

would merely make it possible for the enemy to sit tight until the last American had left, at which time they could overrun South Vietnam at will.

The President's plan of a calculated withdrawal does not depend on what Hanoi does or does not do. It depends on this nation's actions alone. It is a way out that does not compromise United States commitments to South Vietnam. It can prevent a Communist victory in a strategic area of Southeast Asia while at the same time avoiding a bigger, more deadly war. It is a plan that deserves the support of the American people, of the nation's representatives in Congress and of those who may be planning protest marches and "moratoriums."

"It is," as the President said, "not an easy way." It is, as he added, "the right way."

#### A FORTHRIGHT VICE PRESIDENT

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WYMAN. Mr. Speaker, Vice President AGNEW reflects the overwhelming sentiment of the "silent majority" on the subject of civil disobedience and violence. People are fed up with this sort of thing whatever the theme song and they would like to have those who are sponsoring or engaging in it know they are.

The Vice President is one of these "fed-up" Americans and he has laid it on the line—to his credit. In this context the following column by the noted Columnist James J. Kilpatrick appearing in the Washington Star is of interest:

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

(By James J. Kilpatrick)

In this award-conscious society, which is forever presenting Oscars, Emmies, brass plaques, illuminated scrolls, and other bottlecaps and doorstops, a special Golden Stump Award should be devised for the year's best speech by a man in public life. If nominations are in order for 1969, I hereby nominate Spiro Agnew's speech of Oct. 30 at Harrisburg. It was a beaut.

The vice president, it will be recalled, had gone down to New Orleans on the 19th for a Republic fund-raising rally. He seized the occasion to denounce "a spirit of national masochism, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Holy smokes! Here in Washington, the reaction was cataclysmic. The Post was aghast. Everywhere one looked, liberals were clutching their throats and turning purple. Around and about the Hill, Republican moderates were saying tsk, tsk, and now, now. The general assumption of the cocktail crowd was that the vice president would be summoned back to the White House, there to have his mouth washed out with soap. The "dump Agnew" movement had begun.

A less astute president than Richard Nixon might have yielded to the hissing of our local gaggle of geese. Nixon has an intuitive sense about these things. He stayed in the dugout and left his pitcher on the mound. On the 30th, Agnew turned up in Harrisburg.

"A little over a week ago," the vice president began, "I took a rather unusual step for a vice president: I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like

some of the things I saw happening in this country. I criticized those who encourage government by street carnival, and suggested it was time to stop the carousel.

"What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy."

Agnew avowed his own strong belief in a right to dissent, including the right of peaceful assembly. "But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic."

The tragedy of the Moratorium turnout, he added, was that thousands who wanted only to show a fervent desire for peace "were used by the political hustlers who ran the event." And who are these hustlers? They are the self-righteous, the self-proclaimed saviors of the American soul: "Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views."

Agnew spurned any thought of appeasing the professional protesters. He called instead for a positive polarization based on principles and values and American ideals. Once again, he tongue-lashed the "glib, activist element who would tell us our values are lies." He proposed "to separate them from our society with no more regret than we should feel over discarding rotten apples from a barrel."

There was much more. This was a speech built like a battering ram. It was the headlong rush of an honesty angry man. And unless I am vastly mistaken, the vice president will emerge from the hustings a national hero. You can forget this "dump Agnew" business. On beyond the Potomac, in heartland America, the name of Spiro Agnew is becoming a wonderful household word.

#### M-DAY BLOOD DRIVE

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HOSMER. Mr. Speaker, on Friday and Saturday the media of this Nation will doubtlessly focus a great deal of attention on activities relating to the so-called moratorium. If the past suggests anything, it will be that precious little of a constructive nature will receive the attention of our national press. Violent and offensive actions either for or against the war will enjoy enormous coverage while the constructive and law-abiding actions will take place in the shadows.

Mr. Speaker, I would like to call the attention of my colleagues to the "M-Day Blood Drive" which is being organized by a group of young Capitol Hill workers for Friday, November 14. This group is nonpolitical and nonpartisan; it comprises both supporters of the Vietnam war and its critics. While thousands will be expressing their opinion of the war, the leaders of the blood drive hope

that a few hundred Hill workers will express their feelings about their fellow man.

The need for blood in the Washington area is practically endless. The Red Cross estimates this need at 150 pints per day—minimum. Fifty pints per day go toward the treatment of children who suffer from leukemia. Several hundred more pints per week are needed for open heart surgery. There is, of course, no source for blood other than the human body. There is no substitute for it.

I can think of no activity more worthwhile than the saving of human lives. Surely it is one activity which deserves the support of all of us regardless of our stands on public issues. For this reason, I urge my colleagues to support this worthy effort by both giving blood themselves and by encouraging their staff members to donate.

#### BIG TRUCK BILL

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Albuquerque, N. Mex., Tribune, in the State of New Mexico. The editorial follows:

[From the Albuquerque (N. Mex.), Tribune, 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 miles 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 any larger or heavier than those now permitted seems unlikely to steady the nerves of the average motorist.

On balance, the truckers' interests 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.

#### GOLF TAPS HARPER INTO HALL OF FAME

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WHITEHURST. Mr. Speaker, this month the Professional Golf Association elected Chandler Harper to the Hall of Fame of the PGA. Ever since he won the Virginia State Amateur Championship at the age of 16 in 1930, Chandler Harper has brought distinction to his community in Portsmouth, Va., and to the Commonwealth. He has always been a keen competitor but has exemplified the highest standards of courtesy and sportsmanship which golf has brought to the sports world. Mr. Harper now operates his own golf club, Bide-A-Wee, in Portsmouth and this fall I had the honor of being present for the world seniors' match between Tommy Bolt of the United States and John Panton of Scotland. On Tuesday, November 18, Mr. Harper will receive his Hall of Fame scroll at the PGA meeting in Phoenix, Ariz.

Mr. Speaker, I am inserting in the RECORD an article by Dick Welsh which appeared in the Virginian-Pilot on Sunday, November 2, in which Mr. Harper's achievements have been so effectively listed:

#### GOLF TAPS HARPER INTO HALL OF FAME

(By Dick Welsh)

PORTSMOUTH.—Chandler Harper Saturday took his place among America's all-time greats of golf.

The 55-year-old Portsmouth professional was elected to the Hall of Fame of the Professional Golfers Association, an honor that has been bestowed on only 30 golfers in the past.

Members of the Hall of Fame selected Harper from seven nominees.

The PGA had notified Harper of his election 10 days ago but the announcement was not made public until Saturday.

"Election to the National PGA Hall of Fame is one thing I've always wanted," Harper said. "It is something that every golfer wants because it is an honor given by other golfers."

"I am elated. I was hoping such a day would come but I wasn't sure."

Election to the Hall of Fame is based on a professional golfer's competitive performance for his career. The golfer must be 50 years of age or older and must have retired from competitive golf, at least as a tour regular.

Harper hasn't played the PGA tour on a regular basis since 1955, the year he was named to the U.S. Ryder Cup team. He left his share of records for the pros to shoot at.

In 1954, Harper won the Texas Open with one of the hottest scoring streaks in PGA history. He fired 63-63-63-70—259 and in the process set records for 36, 54 and 72 holes.

The 54-hole record of 189 still stands, in the face of the Nicklaus-Palmer challenge.

Harper shares the 36-hole record, 126, with Sam Snead and two other pros. The 72-hole mark fell to Mike Souchak's 257 after it had stood for five years.

Harper's career spans more than 40 years. He holds records as both the youngest and oldest golfer ever to win the Virginia State Open. He was 18 when he won the State Open for the first time, in 1932, and this year, at 55, he won for a record ninth time. At 16, in 1930, Harper had won the Virginia State Amateur while he was a golf star at Wilson High.

Chandler's first big win on the national scene came in the 1942 International 4-Ball with Herman Keiser. He went on to other victories in post-war years—the 1950 Tucson Open, the 1953 El Paso Open, 1954 Texas Open, and the Colonial National Invitation at Fort Worth and the Virginia Beach Open in 1955.

Harper's greatest triumph of all was the National PGA title at Columbus, Ohio, in 1950.

Since he left the tour 14 years ago, Harper has operated his own golf club, Bide-A-Wee, and, in the last five years, has concentrated on Senior tournaments. His big wins in over-50 competition was the 1957 PGA Seniors and World Seniors title, the latter achieved over Max Faulkner in Dundee, Scotland, 2 up, in 1968.

This year, Harper executed an off-the-course first. He brought the World Seniors Match to the United States for the first time, Bide-A-Wee hosting the match between Tommy Bolt and John Panton. Bolt won in 39 holes.

"It is an honor that highlights a golf career," Harper said. "It certainly comes as the great climax for me."

Harper by no means will go into retirement as a Hall of Famer. He plans to make most of the national pro senior events and some state tournaments next year.

He will receive his Hall of Fame scroll on Nov. 18 at the PGA meeting in Phoenix.

#### RELIGIOUS ACTIVITIES BY ASTRONAUTS

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. PRICE of Texas. Mr. Speaker, I join the gentleman from Ohio (Mr. LUKENS) in sponsoring a concurrent resolution that expresses the sense of Congress that exercises of faith as practiced by astronauts engaged in space flight are compatible with the rights of freedom of speech and religion which are guaranteed by the Constitution of the United States.

The introduction of this resolution was prompted by the fact that certain godless individuals have instituted court action in my home State of Texas, action aimed at prohibiting astronauts from conducting any religious activities while in space.

I am appalled that such a lawsuit has been brought in our courts. The fact that it was brought in the State of Texas increases my indignation.

Our intrepid space explorers are turning science fiction into reality. In so doing, they face dangers that boggle the mind. To deny them the right to express their religious faith during their voyages denies them the spiritual comfort which

is their birthright as well as their constitutional right.

Mr. Speaker, historically, the courts of the land have been receptive to findings by Congress as to the constitutionality of various questions of fact. In my view, this issue is one of fact, and the fact is, that the astronauts have the legal right to publicly express their religious faith during the course of space flight.

#### RETURN OF THE NATIVES

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RARICK. Mr. Speaker, the African nation of Liberia, ruled by Negroes and extending citizenship only to members of that race, has deported 70 American Negroes who migrated there 2 years ago seeking what they called freedom.

It seems that the group originally consisted of 150, but about 50 have already returned to the United States. The remainder became naturalized Liberian citizens and found jobs.

Liberia offers land to all immigrants but, desiring a fully integrated society—except for the ruling aristocracy—demands that they not settle in ghettos, but settle uniformly over the countryside to provide a civilizing influence.

But the American Negro "freedom-seekers" were unwilling to comply with the Liberian Government's desegregation guidelines, or to work for a living—and far from being an uplifting influence, created for themselves an environment even more deplorable than the American ghettos they fled, and more wretched than the indigenous population.

Apparently the Liberian Government felt no guilt or self-condemnation because of the squalor the American Negroes lived in, but rightfully felt its country and people were unfairly burdened by their presence—and so deported them as undesirable aliens.

The environmentalists must be at a complete loss to explain this reaction. None of their standby clichés apply. White racism cannot be blamed. Police brutality is absent. No "civil rights" were deprived them.

Of course, the downtrodden U.S. taxpayers can expect the return of 70 additions to the domestic relief rolls, and as a reward for charity to the poor, be blamed for the inability of those Afro-Americans to develop their national identity and adapt to their natural heritage.

I include a news story in the RECORD at this point:

[From the Washington Post, Nov. 4, 1969]  
LIBERIA OUSTING 70 U.S. BLACKS WHO LOOKED FOR "REAL FREEDOM"

(By Stanton B. Peabody)

MONROVIA, LIBERIA, November 3.—More than 70 black American immigrants, who came here two years ago saying "We never had real freedom in America," have been given seven days to leave the country as undesirable aliens.

Attorney General James Pierre told newsmen today that Americans were living in a deplorable state, with no visible means of support. "We do not know how these people are living; they do not even make gardens," he said.

The immigrants were among 150 Americans who arrived here in November, 1967. Since then, some of them—mainly the younger ones—have returned to the United States saying they were misled about Liberia. About 25 others became naturalized Liberian citizens and found jobs. One group runs two ice cream parlors in Monrovia.

Pierre said Liberia had offered land to all the immigrants in accordance with its usual policies, but added that the government demands that immigrants spread out and assimilate with the population.

The group facing expulsion has continued to live as a colony in the village of Gfartala, about 15 miles inland from Monrovia. A Government team that visited the village recently expressed dismay at the way they were living, Pierre said.

The government, he added, could not tolerate this situation. Since the Americans had been in Liberia for two years and had not declared their intention to become citizens, they were considered undesirable aliens and must leave, he said.

#### JAPAN'S LEGACY AND DESTINY OF CHANGE

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DORN. Mr. Speaker, when Prime Minister Sato visits Washington on November 19 he will be accompanied by his able and distinguished Foreign Minister, Kiichi Aichi. This will be an extremely important visit which will affect the future destiny of the two greatest industrial powers in the free world.

Foreign Affairs published an outstanding article in its October issue by Foreign Minister Kiichi Aichi on "Japan's Legacy and Destiny of Change." Before the President and Prime Minister enter into these very important and timely discussions here in Washington, I commend to the attention of my colleagues in the Congress and to the people of our country the Foreign Minister's splendid and superb article:

#### JAPAN'S LEGACY AND DESTINY OF CHANGE (By Kiichi Aichi)

For a nation whose founding is lost in the mists of antiquity, Japan is in many respects a very new country. Last year we celebrated the hundredth anniversary of the Meiji Restoration, which marked our entry into the modern world. This year the Ministry of Foreign Affairs, which I am honored to head, observed its centennial. By contrast, the United States, which is in every respect a young nation, possesses a number of institutions that are far older than many of Japan's. The Department of State, for example, is only a dozen years short of its bicentennial, and Harvard University, with its 333-year-old history, is more than three times the age of my own alma mater, Tokyo University, now in its ninety-second year.

This newness of modern Japan, which makes it unique among the "advanced" nations, is also an essential key to our view of the world. To understand Japan's outlook and its vision of the future, it is necessary first to comprehend our country's brief and

turbulent history as a modern state, and the effects these compressed events have had on the Japanese mind.

Two sets of events in particular have been decisive in their impact: the developments leading to the Meiji Restoration, which forcibly integrated Japan into the nineteenth-century jungle of world diplomacy, and total defeat in the Second World War, which profoundly changed Japan's direction as a modern nation-state.

The first of these traumatic national experiences is so recent that, until a decade or so ago, there were people still living with personal memories of the feudal Tokugawa era. Indeed, Japan's "age of discontinuity," to borrow Professor Peter Drucker's apt phrase, began not with the contemporary technological explosion, but with the arrival in 1853 of America's "black ships," which came to open up Japan, and were met on the beach at Kurihama by the feudal levy armed with matchlocks and pikes, "as on Bosworth field."

From that moment to the present, the lot of our people has been forced change—rapid, relentless and often violent—and painful adaptation to change.

At the moment of Japan's forced emergence from 250 years of peaceful seclusion, the world was indeed a jungle. Powerful, well-organized and ruthless Western states, armed with tools and weapons forged in the Industrial Revolution, were engaged either in imposing their will on the weaker lands of Asia and Africa or in reducing them outright to colonies and dependencies. Ailing China, long the cultural and political leader of Eastern Asia, was slowly being nibbled away by the Western powers. Korea, like Japan, lay dormant in seclusion, but vast areas of Southeast Asia were already under Western domination. Aggressive Tsarist Russia cast a long shadow over the Siberian wastes, touching the northern approaches of the Japanese islands. All-powerful Britain had recently thrashed the Chinese Empire in the Opium War (an event which deeply impressed our forefathers), and its fleets dominated the seas of Pacific Asia.

Japan itself had felt the bite of Western arms when warships from the West, in punitive action, reduced to ashes the ports of the recalcitrant Lords of Choshu and Satsuma, then the most powerful men in feudal Japan. Moreover, the civil war which preceded the restoration was marked by British and French intrigues. No wonder the Japanese people, sensing a threat to their very existence, began their long quest for military and diplomatic security.

The pattern this quest took, over the next 75 years, was largely determined by Japan's view of the world environment in which our country found itself. Clearly, isolation was no longer a realistic alternative; some form of participation in the outside world was required. In the eyes of the Japanese people this participation could be neither passive nor confined to a regional scale, in the shelter of some stable East Asian community of nations, capable together of keeping a regional balance of power while fending off alien intruders. No such community or capability existed. Finally, Japan's almost total lack of natural resources required for the building of a modern economy dictated active participation in world trade.

Thus our country felt it had no choice but to adapt aggressively to changed circumstances and, as a matter of survival, to embark on a perilous competition with the West in pursuit of ever-receding security frontiers.

During the first quarter-century of its modern history, Japan laid the foundations for future growth and security by selectively Westernizing the basic social, economic and political institutions, and by launching its own delayed industrial revolution. With the beginning of its second quarter-century, in the 1890s, those preparations bore fruit. In

the environment of accelerated Western imperialism, our country developed into a strong military power, capable of defeating first the Chinese and then the Russians. Within 50 years of Commodore Perry's visit, Japan had attained membership in the world's Big Five. With these credentials, which involved transforming itself into the conquering image of the alien powers it once had feared, Japan plunged into its third quarter-century, which culminated in the holocaust of 1945.

The events of those first 75 years, which in retrospect unfolded with the inexorability of a Greek tragedy, exacted a great price in our nation's public spirit and personal sacrifice. For three-quarters of a century the state made enormous demands on the people, at the expense of social and political development, and the people responded faithfully. The slogan of the times, "Rich Country for Strong Arms," expressed the intensity of Japan's initial fear of the West, and symbolized the popular determination to overtake and surpass the West. Yet this single-minded course, whose supreme and final effort was the war in which Japanese arms were carried to far-flung reaches of Asia and the Pacific, ended in utter ruin in the ashes of Hiroshima and Nagasaki.

It is my belief that the trauma of utter defeat in 1945, and the restructuring of the international environment which followed, produced changes in my country as momentous as those initiated by the coming of the black ships in 1853. For the second time the Japanese state, society and world view were fundamentally transformed. No doubt the reforms introduced by the seven-year-long American Occupation gave great impetus to these changes, but in my view it was our people, painfully adapting once more to drastically altered circumstances, who shaped contemporary Japan.

In defeat the Japanese people were drawn into themselves as never before. The nation had suffered grievously from the war, was utterly disillusioned with the past, and for the time being was consumed by the daily desperate struggle for livelihood amid shortages and inflation. Even basic moral and social values had been shattered or discarded in the national catastrophe, and the pain was as much spiritual as physical. The earlier quest for security—and then for power and glory—held no meaning or attraction in the nuclear age. Stripped of the trappings of a major power, exhausted in the home islands under the forcible protection of victorious America, and confronted with the mammoth tasks of economic reconstruction, our people had no stomach for involvement in the troubles surrounding them.

Asia was in turmoil in the immediate postwar years. The sparks of Asian nationalism, fanned in part by Japan's wartime forays, suddenly burst into flame throughout South and Southeast Asia. China was in the birth throes of the Communist state, the dark clouds of the cold war were gathering rapidly and the groundwork was being laid for today's three-way confrontation among the two superpowers, the United States and the Soviet Union, and Communist China. Related problems of divided Korea, Viet Nam and China, and the gap (so wide in Asia) between North and South, rich and poor, had already been defined and needed but a little time to sharpen into major concerns of our age.

Yet our people felt insulated from all this by our own powerlessness and by the fact that our security was under the protection of the United States, which had entered the Asian vacuum left by Japan's defeat. The people felt incapable as well as disinclined either to act or react in the face of the momentous events on their doorstep. Their overriding concern was economic recovery and the watchword was "Increase Produc-

tion." What they yearned for was the modest prosperity of a middle-class nation, quietly content in its home islands, shunning unnecessary foreign involvement and, above all, renouncing war.

The postwar "peace" Constitution, though espoused by the American Occupation, evoked a deep response in the innermost feelings of the Japanese people. Few welcomed defeat and foreign occupation, but still fewer thirsted for revenge or yearned for the lost days of greatness of empire. In addition, the new Constitution discarded the old controls designed to perpetuate an all-powerful state, and provided for individual freedom and civil liberties. Institutions were reformed or evolved anew in all fields, especially in education, labor-management relations and emphasis on mass consumption. All these innovations received wide popular support—among the older generations, who remembered the profitless restraints and sacrifices of the past, as well as among the younger generations, who now take for granted both their freedom and their progress toward prosperity.

The freedoms of the new open society well served the national quest for economic security. The energy which had gone into maintaining strong armaments was redirected into rebuilding and then expanding the industrial plant, and improving mass living standards. By dint of hard work, sound technology, efficient administration and prevailing social and political stability (despite occasional turmoil), the Japanese people made, in retrospect, their initial adjustment to the radically changed environment of the postwar world.

Moreover, the multilateral and increasingly free and open world economic system, built up by the West since the Second World War and buttressed by global and regional institutions for cooperation, has provided the ideal environment for Japan and other nations to pursue their national economic objectives. It is neither the jungle of the late nineteenth century nor the protectionist thicket of the 1930s. Since postwar recovery, the expanding world economic system, secured from all-out war by the relatively stable superpower balance, has favored economic-minded countries, and Japan among them has prospered.

Japan's postwar recovery was speeded by early U.S. material assistance and, indirectly, by international developments such as the courageous United Nations defense of the Republic of Korea. By 1952, which also marked the end of the American Occupation, the rebuilt Japanese economy was beginning again to compete successfully in world markets. In subsequent years, Japan joined all the major international institutions—the United Nations and its agencies, the General Agreement on Tariffs and Trade, the International Monetary Fund and others.

Beginning in the mid-1950s, Japan set consistent records in rates of economic growth, progressing from bare subsistence to today's modest prosperity, in which its gross national product surpasses all but the United States in the free world. The goal of affluence, however, remains distant, since Japan's 1968 per capita income of \$1,110 ranks but twentieth in the world, a lag reflected in the low incomes of the smaller-scale manufacturing and agricultural enterprises, and in such unmet social-capital needs as roads, sewers, housing, parks and other public amenities that Western Europe and North America take for granted.

This concentration of the Japanese people, first on recovery and then on building the bases for their economic security, has produced gratifying results. The economy continues to grow at one of the highest rates in the world; long-standing weaknesses in the traditional sectors of the economy are gradually being ameliorated; and future growth targets have been set high. In international

trade the dynamic Japanese economy has long since outgrown the conceptual confines of a regional autarkic unit, implied in the defunct concept of a "Greater East Asia Co-prosperity Sphere." Although through trade, investment and economic assistance Japan is a major factor in the economic development of free Asia, the Japanese economy is effectively integrated into the global economic system, trading with the remotest corners of the world. (The United States is, of course, the leading partner, accounting for roughly one-third of Japan's two-way trade.)

A quarter-century after Hiroshima and the arrival of General Douglas MacArthur, Japan has established a strong base for future economic and social development, has earned membership among the world's leading industrial powers and finds itself accused, from time to time, of being an "economic animal."

## II

The postwar quest for economic security has been that of an inward-looking people, forced for lack of resources to seek its livelihood in the outside world. Propelled by circumstances into external trade, the Japanese people have nonetheless remained politically aloof, apprehensive of any strife near their shores, and fearful lest they become involved in a conflict not of their own making. The public conviction has been that the main stress in Japan's foreign relations should be on what came to be known as "economic diplomacy," at least while affluence is yet to be attained at home. The Economic Affairs Bureau has long been regarded as the principal department in the Foreign Ministry. Nowhere in the popular psychology has there been an appetite for active political leadership in international affairs.

To be sure, the desire to remain aloof from political involvement has not meant lack of interest in the rest of the world. Our people have avidly absorbed foreign (mainly Western) trends and achievements in the cultural and recreational fields, as well as the economic, scientific and technological. Foreign travel has increased by leaps and bounds, in keeping with the improvement in living standards. International contacts and interchanges, both private and official, have been growing at an extraordinary rate, and public interest in world affairs (reported voluminously by the influential Japanese mass media) must be considered at least as great as in any other nation in the world. Reestablishment of the worldwide diplomatic network as soon as the Peace Treaty came into effect, and subsequent affiliation with all the major international organizations, were accepted as a matter of course, largely because this degree of involvement appeared directly related to national prosperity.

Apparently the concept of an inward-looking "little Japan," free of unnecessary foreign entanglement, has seemed preferable to the instinctively feared and discredited alternative of foreign adventurism. This may also explain the public attitude which accepted as necessary the vital and mutually beneficial Security Treaty with the United States, while at the same time displaying great uneasiness over any incident involving American bases and forces. Even those who have rejected the little-Japan concept speak in terms of an influential Japan, "great without armaments."

However, to dismiss this inward-lookingness as a temporary phenomenon due to horror at defeat and devastation, or to treat it as a form of naïveté that can be dispelled by governmental public relations, is to disregard the role this popular psychology has played in sustaining Japan's successful adaptation over the past 24 years.

A quarter-century in the short history of modern Japan is not an inconsiderable span. After all, it corresponds to one-third of the time elapsed between the Meiji Restoration and Hiroshima. A more realistic reading

would be to assume that the inward-looking mentality has deep roots in the new Japan, especially when crowned with the aura of success. Japan has not only achieved reasonable prosperity, but has also enjoyed unbroken peace for the longest period since the Tokugawa era. During this time the people have not only rebuilt their economy, but have also busied themselves in the arts, in literature and other vital areas of civilized life, enriching their great heritage.

There has been a revival of interest in traditional things which antedated the Meiji Restoration. The amazing interest in archaeology has pushed back the frontiers of Japan's national origins, and together with the renewed enthusiasm for Japanese history, especially pre-Meiji, there is a strong concentration on things Japanese. Inward-lookingness is apparently satisfying a deep-seated need in the Japanese people to find themselves and to reestablish their identity. In this sense it may have something in common with the fierce Meiji determination to keep Japan free from foreign domination.

Another remarkable result of Japan's postwar adaptation is the transformation apparent in the national personality as manifested in politics, in business, in labor relations and in the daily intercourse of all Japanese, regardless of station. The democratization of Japanese society is especially evident in politics, since even the most conservative bureaucrat now knows that the public cannot be "guided," but must be "persuaded" or "sold." He also knows that sales resistance on the part of the public is high, especially on outward-looking subjects such as military security and Japan's political role in the world. Governmental efforts at public relations have yet to produce a clear consensus on matters of foreign policy, although it must also be acknowledged that there are political forces in Japan that thrive on the lack of consensus.

Interestingly, the now well-established habit of free speech has opened up for discussion such dreaded and once-taboo subjects as nuclear weapons, especially in connection with the Nonproliferation Treaty, now under close study. There is evidence that serious discussion of "outward-looking" subjects has begun, although not yet on a widely popular basis. Indications are that the Japanese people are slowly becoming aware of further changes in their circumstances, at home and abroad, and are groping toward new forms of adaptation. Some people describe this trend as a revival of nationalism, although whether this assessment is accurate remains to be seen.

Japan is being challenged anew, domestically and internationally, and may be on the threshold of a new era of change and adaptation. If so, this period of change may well coincide with a generational change, brought about by the passage of time, in all areas of Japanese leadership.

Domestically Japan faces two great problems, both of which have become increasingly visible with the growth in prosperity. These are public hazards, which are the by-products of industrialization; and the lack of social capital, which is a legacy of prewar sacrifices followed by postwar concentration on production. Intense industrialization brought with it pollution and other blights that constitute a growing threat to the public safety. Industrialization also accelerated the urbanization of Japan, spawning huge and sprawling megalopolises while nearly emptying centuries-old villages. Urbanization, in turn, highlighted the inadequacy of public services and amenities during a time when the public was becoming more vocal about its right to enjoy life, and was insistently asking when it might live like the citizens of the second-greatest economy in the free world. In some cases, such as the lack of good access roads, the problem has threatened to become a bottleneck to the expansion of production.

Thus it is now acknowledged throughout Japan that the next stage in the quest for economic security must be to improve the physical environment. The next decade, it is widely agreed, should be devoted not simply to the expansion of production, but able to the creation of more social capital and the solution of the problems that prosperity has brought. The press is busy pointing out the shortcomings of our living conditions, while scholars and experts are full of suggestions on how best to solve these problems. Political circles sensitive to the trend espouse the people's demands and the Government is under daily pressure.

In short, the whole issue has more and more assumed the character of a national challenge, a fit subject to absorb the greater part of our ever-expanding energies for the immediate future. It may also be presumed that concentration on these problems will strengthen, rather than weaken, the inward-looking tendencies of the Japanese people.

## III

On the international front, Japan's adaptability is now being challenged by three striking developments. One is the greatly heightened impact of the Japanese economy on the rest of the world. Another is the changing role of the United States in Pacific Asia. The third is the growth among Asian nations of confidence in their own development efforts, coupled with a growing sense of regionalism. Together these trends highlight Japan's unique position in Asia, and call for considered Japanese responses.

Our economy, because of its sheer size and strength (by 1975 the gross national product is expected to be more than four times that of 1960, at constant prices), has become an international factor formidable in its own right. Whatever the subjective wishes of inward-lookingness, Japan's economic influence could hardly be felt with greater intensity by her partners, principally the United States and most of the nations of Asia and the Pacific. Even the Soviet Union can no longer ignore Japan, especially in the light of the shift in Sino-Soviet relations.

Influence is but another name for responsibility, and the Japanese people are beginning to focus attention on how the nation will fulfill its new role in the company of such industrial powers as France, the United Kingdom and the Federal Republic of Germany. Clearly Japan can no longer be a passive agent in international affairs, particularly since economic power has become, in the eyes of the world, political power. The United States, for example, which objects to what it considers continuing restrictions on foreign access to Japanese markets, has raised this matter to the proportions of a major political issue.

It is unthinkable that Japan will not respond, in the spirit of give and take, to its international responsibilities in the economic field. To fail to do so would not only be damaging to the cooperative framework of the world economic system, but would also ultimately be contrary to our best interests, since our economic viability depends on the harmonious functioning of the multilateral cooperative system. Unwillingness to accommodate our interests to those of our partners—such as an overly cautious attitude in lowering barriers to foreign trade and investment—if pushed to an extreme, could result in isolation and alienation similar to that which Japan experienced in the bitter 1930s.

It is more profitable in the long run to defend our interests within the framework of the world system than outside it, and toward that end we should do our part in strengthening the system. Not all the demands of our trading partners are just and equitable, all the time, and each issue should be dealt with firmly on its merits, but only within the framework of the system.

Japan's second important challenge in external affairs is presented by the advent of what is called multipolarity in international relations, and the attendant changes in the relations of each of the two superpowers with its less powerful allies. This trend has not altered the fundamental structure of the U.S.-Soviet global equilibrium of force, but it has led the United States, after deep soul-searching in regard to the burdens it has carried in Viet Nam, to reexamine its role in the maintenance of international peace and stability, especially in Asia. As President Nixon has made clear, the United States, while intending to fulfill its treaty commitments, at the same time expects the nations of Asia to assume increasing responsibility for their own internal and external security, apart from cases involving the threat of nuclear weapons.

In this context Japan seems now to have become highly visible to Americans as an Asian power with the potential for contributing to the security of the region. Obviously a simple transfer of peacekeeping responsibilities in Asia from the United States to Japan is out of the question because of Japan's constitutional limitation and the great disparity in both actual and potential military power between our two countries. Japanese public opinion is simply not prepared for such an undertaking; nor, I believe, would the other free nations of Asia welcome it. Responsible Americans will understand, I am sure, that any ill-conceived Japanese military contribution to Asian stability would accomplish little except to squander Japan's security capabilities, and our painstakingly built-up good will in Asian countries, as well as domestic support for the Self-Defense Forces.

In practical terms, moreover, it is reasonable to assume that for some time to come there will be no substitute for the continuing presence of American deterrent power to counter effectively any designs for large-scale military adventures in the area.

What is feasible, as President Nixon has suggested, is for the nations of Asia to enhance their ability to shoulder their own security responsibilities. Japan's Self-Defense Forces are now making an important contribution to the keeping of the peace in East Asia because of the vital role they play in guaranteeing the primary defense of Japan. As a result, the American military presence is able to devote itself to the ultimate mission which it alone is equipped to perform: the deterrence of major war. This same division of labor will be applicable to Okinawa, after reversion, when Japan will be prepared to assume full responsibility for local security against aggression. I wish also to stress that American forces should remain on Okinawa to keep the peace in the region.

Japan's self-defense capability is considerable. Although Japanese defense forces may not constitutionally be deployed abroad, they constitute a very effective homeland defense—285,000 strong—with conventional firepower greater than that of the Imperial forces at their wartime peak. Our defense expenditures, \$1,340,000,000 in the current fiscal year, are increasing annually at a rate of 14-15 percent, which corresponds to the growth of our gross national product. According to some private projections, this implies that in about ten years Japan's defense budget might roughly correspond to Communist China's today, including Chinese outlays both for conventional armaments and for the backbreakingly expensive nuclear-weapons development program. In short, we can now rely substantially on our own means for our national security, apart, of course, from total war, whether conventional or nuclear. This, in the framework of our treaty relations with the United States, is, I believe, a vital contribution to the peace and stability of our region.

In this connection there is what is known as the "problem of 1970," when Opposition forces plan an all-out effort, accompanied by mass movements, to press the Government to abrogate the Security Treaty, which after June of next year can be terminated on one year's notice by either Japan or the United States. Needless to say, our Government has no intention of doing so.

I am also convinced that Japan is performing another vital role in furthering Asian stability. This is in the form of our support to Asian nations in their efforts to achieve a viable national existence in economic and social fields. Their success in these areas is not only essential to their internal stability, but can also ensure, in the long run, their capacity to assume greater responsibility for their own security.

The nations of Asia, from Korea to the vast Indian subcontinent, have been struggling since the end of World War II to establish viable states. Despite great obstacles, they have made progress, chiefly through their own efforts, but also with varying degrees of external aid. In many cases their progress has been possible because of the stability resulting from the American presence in Asia. There has been no real movement, during this same period, toward any lasting form of regional grouping that might one day lead to a community of nations such as has developed in Europe. This is understandable for historical reasons, and because of the great cultural, religious, ethnic and other differences which characterize Asia.

Nevertheless, successes in internal development of these nations have now led them to a stage where they are showing active interest in effective regional cooperation. Some countries in the area have been asking questions about the ability of Japan, as the region's leading economic power, to expand its assistance to nation-building efforts.

One of our responses to this fresh development was to set up the Ministerial Conference for the Development of Southeast Asia, which held its first meeting in 1966. That same year Japan made a decisive contribution to the capital of the Asian Development Bank, ensuring its early operation. At about the same time Japan lent its cooperation to the establishment of the Asian and Pacific Council, which held its fourth ministerial meeting in Japan earlier this year. These initiatives, combined with Japan's long-standing activities as a leading member of the United Nations Economic Commission for Asia and the Far East (where plans for the Asian Development Bank originated), have been accepted by our public as forms of constructive economic cooperation, and as manifestations of our willingness to play a useful role in promoting wider regional cooperation.

This is a cause in which I believe Japan can perform most effectively. To fail to respond to the expectations of our Asian neighbors would retard the development of a viable Asian community with Japan as an active and cooperating member. In the absence of such a community Japan would be excessively dependent on the United States to maintain the stability of its security frontiers. While the little-Japan mood takes the U.S. presence for granted and treats it as a substitute for regional cohesion, it would be dangerous to count on this substitution as permanent. The sensible alternative is for our country to shoulder its external responsibilities in the framework of expanding regional cooperation.

An important element in this cooperation is Japanese economic and technical aid. Assistance, both private and governmental, to Asian countries reached the level of \$559,000,000 last year, and the government budget for aid to these countries in the current fiscal year has increased 42 percent to \$452,300,000. As I informed the assembled Southeast Asian Development Ministers in Bangkok last April,

and as my distinguished colleague Finance Minister Takeo Fukuda made clear to the Second Annual meeting of the Asian Development Bank in Sydney that same month, we are prepared to increase our economic aid substantially. A Japanese Cabinet Ministers' conference in July confirmed our intention to promote actively Asian development in the coming decade. It is hoped that our present levels of aid to Asia will be doubled within five years.

Economic assistance, however, is only part of the task. What is also needed is a larger objective toward which all our diverse cooperative efforts may be directed. I personally believe, on the basis of our own historical experience and our view of the future, that no objective is more important than the construction in East Asia of a viable community of nations, embodying "unity in diversity." I believe we should help the nations of Asia to develop, aiming toward the attainment of a harmonious and stable whole, and in this context we should put at the disposal of other Asian countries our own experience at adaptation.

Japan's role should be one of service to each country in the region that is willing to accept it, and to the region as a whole. Needless to say, this is a role we can perform only with the agreement of our partners. A long series of talks, both bilateral and multilateral, must precede and accompany this undertaking so there will be no doubts about the intentions of all concerned. This is a task that will take a very long time, and will involve great numbers of people, Japanese and others. It will certainly cost money and energy, and will no doubt produce much criticism and little praise. Careful planning will be required; plans and priorities will have to be geared to each country's particular conditions and, of course, to our capabilities. It will be a vast and demanding enterprise, but it is our own interest to take vigorous part in it.

Comparing the domestic and external challenges Japan now faces, it is apparent that the two sets of problems are in competition with each other for the allocation of available resources and energies, and in capturing the interest and loyalties of the Japanese public. It would not be much of an exaggeration to speculate that, if nature were to take its course, the average Japanese would be far more interested in solving the knotty and multitudinous problems at home than in making the painful switchover to an outward-looking frame of mind, in order to reach a consensus on Japan's role in the outside world. However, the Japanese mind is characterized by resilience and shrewdness, and has proved it is capable of adapting. Furthermore, as I have already observed, the recognition is steadily spreading that our external circumstances are changing.

It is becoming clearer that Japan must deal with both its external responsibilities and its domestic challenges. We must act domestically if we are going to prevent our home environment from becoming unfit for life, and we must act internationally to ensure that our external environment will be viable. Successful adaptation to these changing conditions requires a skillful blending of both responses. Obviously the domestic challenges will cost vastly more than the external. The problem of resource allocation can be solved, therefore, by working out a rational set of priorities to meet external requirements, leaving ample flexibility to cope with unforeseen problems in such a long-term undertaking.

So far I have barely touched on the most important problem: how to secure the support of the Japanese people. Certainly it is not enough to harangue the people on the need to divest themselves of inward-looking attitudes. Resistance to this approach is strong. In my view the only course is to ap-

peal to the innate good sense of the Japanese people, nurturing carefully the tender shoots of dialogue that are already emerging in public discussion. Our Government owes our people a full explanation of the national interests involved in these endeavors. The public's voluntary support should be solicited. Leadership should be patient in explaining to the people, both through the Diet and directly, bearing in mind Prime Minister Eisaku Sato's recent observations to the Tokyo Foreign Correspondents' Club: "It is clear that the [Japanese] people are no longer satisfied with a merely negative pacifism aiming only at the country's safety. However, at the same time, national objectives which are not in harmony with the way individual citizens view the world in today's modern society are not viable."

Since these are very long-range undertakings, it is both possible and desirable to devote considerable time and energy to encouraging public interest in outward-looking ideas, gradually weaning the public away from little-Japanism. At the same time, various aspects of the external program can be initiated through practical measures, where the Government has the authority, and where it does not, Diet approval can be sought. I am confident that the cumulative effects of both action and explanation will bring favorable public response.

## IV

Finally, I should like to touch briefly on the future environment with which we must learn to deal anew. In carrying out the endeavors I have proposed it is obvious that Japan must be extremely sensitive to the requirements of the Asian countries with which we will be working. It is equally obvious that we should give careful thought to two of the three great entities of our region: Communist China and the United States. If the undertakings I have suggested get under way, we may expect that Pacific Asia in the 1970s will display increasingly complex relationships among the two superpowers, and Communist China and Japan.

The Chinese Communists at this moment show no predictability as to the future direction of their policies, internal or external, so I cannot foresee with confidence what their reaction will be. They must realize by now that none of the countries from the Japan Sea to the Indian Ocean, including the communist régimes, would welcome the establishment of a Chinese sphere of influence in this area. Whether China will interpret our intentions in hostile or indifferent terms remains to be seen. It seems safe to predict, however, that the Communist Chinese will have to take more notice of Japan as our national influence, in keeping with our responses to new challenges, continues to rise.

For our part, we will continue our present policies of maintaining diplomatic relations with the Republic of China and nongovernmental economic and cultural contacts with Peking, and, as long as there is any danger that the Republic of China may be evicted from the United Nations, of avoiding such an eventuality.

At the same time I am aware that, according to some, perpetuating the isolation of Peking is conducive neither to stability nor to peaceful development in Asia, and I am of the opinion that in coming years serious attention should be given to this problem. I privately think that the question of attaining a viable equilibrium in relations between nuclear-equipped Peking and ourselves will take at least another decade for a full answer. Suffice it to say that the Communist Chinese question is a fundamental one and, as such, figures in our domestic political life, where many elements are attempting to prove that we are being forced by the United States to

follow its lead. It is hardly necessary for me to deny this allegation.

As I have already implied, the regional military balance in East Asia is essentially that between the United States, our ally, and Communist China. In the context of the U.S. deterrent, I am sure the United States will welcome my proposals to help the countries of the region with their nation-building, which after all is the foundation for their security and stability. In the case of certain countries, this might mean that when necessary they would be ready to take over with their own troops any part of the visible American presence which Washington, under its modified strategy, may transfer elsewhere.

Turning to current bilateral issues between Japan and the United States, strong public attention has been focused on the problems of the reversion of Okinawa and of economic relations between the two countries.

The problem of the return of Okinawa, which has been the subject of exchange visits to our respective countries by Secretary of State William P. Rogers and myself, will hopefully be resolved later this year when Prime Minister Sato plans to visit President Nixon. Resolution of this issue will be significant, not only in the obvious sense that a long-separated part of our people will return to the fold, and that this will have been accomplished through peaceful and friendly talks between our two Governments; it will be significant also in the sense that the return of Okinawa will lift the last excuse in our public mind for clinging to our inward-lookingness. With Okinawa—so long a symbol of our defeat and impotence—back in our midst, our strength will have been made whole again, and we will be ready for our responsibilities. Here lies the importance of Okinawa to history.

In this connection, I should note that we are also actively trying to solve another important territorial problem—namely, that of our Northern Islands under Soviet occupation.

As for the very complicated economic problems, I have already touched briefly on some of their aspects, pointing out that Japan is prepared to play its part in maintaining and developing the world economic system, and that it is actively pursuing the liberalization of trade and capital investment, at the maximum speed consistent with domestic economic considerations. It is also self-evident that the difficult problems facing the multilateral economic system, both in monetary and trade fields, can be overcome only through the closest international cooperation, and with effective leadership from such economic giants as the United States and the European Economic Community. I should like to add that economic relations between the United States and Japan have proved by their nature to be mutually profitable over the long run. We need each other. Thus there should be no issue between us that cannot be settled by honest and well-thought-out give and take.

Unique among the world's advanced nations, Japan has been obliged to make extraordinary adjustments and adaptations in the short span of a century. Though our national psyche may bear some scars, we have been resilient as a people, and, so far, successful. Now we must respond to new problems, because if we fail to do so we may not be prepared when the next major challenge confronts us.

I, for one, am an optimist, and one of my favorite sayings is: "Listen to the call of the twenty-first century." It is my hope that with hard and sometimes painful work, my people by that time will have transcended the discontinuities of their past, and will be vital participants in the affairs of both the Asian and the world communities.

## THE DANGER OF ANTIMILITARISM

## HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LIPSCOMB. Mr. Speaker, on Tuesday, October 28, 1969, the Daily Report of Ontario, Calif., published an editorial entitled "The Danger of Antimilitarism." This editorial recognizes the widespread desire in America to end the Vietnam war, but it properly recognizes that in a world where peace still depends upon a balance of power antimilitaristic emotion is as bad a guide to policy as militaristic emotion. As a thoughtful and dispassionate reassessment is made of America's capabilities and responsibilities in the light of our Vietnam experience, the editorial points out that Americans seem to have forgotten, or no longer believe, that in this country the military is controlled by civilians. It was not a general but a civilian President who committed hundreds of thousands of American soldiers to a land war in Asia. The editorial further asserts that a wholesale retreat into isolationism and antimilitarism must not be imprudently followed in America in the name of peace and righteousness.

Under leave to extend my remarks, I insert this editorial in the CONGRESSIONAL RECORD for review by my colleagues:

## THE DANGER OF ANTIMILITARISM

Even the most hawkish supporters of America's involvement in Vietnam seem to have come to the conclusion that the war, as it has been fought, is not worth the candle. Its objectives, important as they were and are, have simply become outweighed by its immense costs in wealth, blood and domestic turmoil.

In this sense, at least, there is a kind of unity in America, though the controversy rages over how to cut the costs of the war while not abandoning utterly whatever achievements may still be salvaged from it.

Yet in our universal desire to end the war and our alarm at its divisive and inflationary effects at home, we are in danger of ignoring other, even more pernicious consequences of too precipitate and to complete a reversal of the policies and beliefs which led us into the conflict in the first place.

One of these consequences is a growing antimilitarism, which is shared both by those who view the war as immoral from start to finish and by those who once favored it but now feel that the military has let us down.

A recent news report told of widespread disillusionment among veteran career officers.

"Many of my contemporaries with 15 and 16 years of service are packing it in," an Army lieutenant colonel was quoted as saying. "Pride of profession has kept them going, but that pride is taking a terrible battering these days."

Air Force officer resignations jumped nearly 50 per cent in fiscal 1969 over fiscal 1968. Army resignations were up about 14 per cent. The climb was smaller in the Marine Corps while Navy figures remained the same.

The outlook for attracting new officers is dismal. ROTC recruitment on college campuses is expected to be noticeably affected by antimilitarism this year.

Americans seem to have forgotten, or no longer believe, that in this country the mili-

tary is controlled by civilians. It was not a general but a civilian president who committed hundreds of thousands of American soldiers to a land war in Asia, against the long-standing warnings of some of our most eminent military men—Generals Gavin, Shoup and Ridgway, for example.

Once in the war, the armed forces fought it as well as they could with the restrictions placed upon them—restrictions that were necessary to prevent the conflict from escalating into World War III but which any armchair strategist can now see doomed it to the indecisive, endless struggle it became.

The military may be accused of deceiving three or four administrations with constant promises of a turning point or the reaching of that elusive light at the end of the tunnel. But the responsibility ultimately rests on those who gave them an impossible job to do.

"It is unjust and unwise to attack the military because they have done their best to execute directions given them by the political leadership," writes Anthony Hartley, editor of Interplay magazine. "Unjust because they are not responsible for initiating policy. Unwise because too constant and extreme an antimilitarist onslaught risks creating in a professional body of officers bitterness leading in the not so long run to the very type of militarism which the critics fear."

The present climate of antimilitarism will have done America a disservice, he adds, if it produces a psychological rift between society and the armed services, which there is so much talk of making entirely voluntary. It will also have done the world a disservice if it creates uncertainty as to the execution of American commitments and ends by leaving a power vacuum in the most crucial areas of international tension.

In a world where peace still depends upon a balance of power, says Hartley, antimilitarist emotion is as bad a guide to policy as militarist emotion.

A thoughtful and dispassionate reassessment of America's capabilities and responsibilities in the light of the Vietnam experience is one thing.

A wholesale retreat into the kind of isolationism and antimilitarism that guided our policies between the two World Wars is quite another.

More calamities have been brought down on humanity in the name of peace and righteousness than by all the generals who ever lived.

YOU SAID A MOUTHFUL,  
MR. FILBEY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CUNNINGHAM. Mr. Speaker, postal employees have more, much more, to gain by the passage of H.R. 11750, the only true reform bill, which will at long last establish the framework for a truly efficient postal service. This bill has bipartisan support and has been recommended by the Johnson administration as well as the Nixon administration. It has the support of many former Postmasters General including the highly respected former Postmaster General Larry O'Brien. The American people demand the enactment of H.R. 11750. Only a few special interest groups oppose it.

Mr. Speaker, I insert here a statement by the Citizens Committee for Postal Reform.

Postal reform embodied in any other bill is not postal reform but a patchwork piece of legislation. And let no one be fooled that true postal reform can be attained except by the enactment of H.R. 11750.

The statement which was taken from the November 5 edition of the Washington Post follows:

YOU SAID A MOUTHFUL, MR. FILBEY

In last Wednesday's Post, Mr. Francis S. Filbey, President of the United Federation of Postal Workers, really laid it on the line about the working conditions postal employees face under our antiquated postal system.

In a dramatic marshaling of facts, he pointed out that

Postal clerks are imprisoned in a wage structure that has been substandard for so long that some postal clerks are being forced onto public welfare to make ends meet!

The bargaining rights of postal clerks are a joke.

It takes up to 25 years to reach the top pay step. And 97% of all postal clerks finish their careers right where they started—in the same grade!

The annual turnover among more than 300,000 U.S. postal clerks exceeds 45%. At least seven times the factor considered tolerable by private industry.

These conditions, Mr. Filbey reported, "have created the most militant employee unrest in the long history of the Post Office Department."

Mr. Filbey's description of postal working conditions is a major reason why HR 11750 was submitted to Congress.

Then why, as all these facts are known, must postal employees still get the short end of the stick? Why do their unions want to go hat in hand to Congress instead of bargaining collectively for wages and benefits? Why ploys of TVA, a government authority which is run on a businesslike basis?

They can.

TRUE POSTAL REFORM IS THE WAY

The provisions of HR 11750, the only true reform bill, will give postal workers the rights they asked for in their ad, and it's the only bill that will

The right to bargain collectively.

The right to have their wage requests weighed on merit—instead of having to compete in Congress with every other appropriation for the military, the farmers, social services, veterans and hundreds of other political "musts," as they now do.

The right to demand facilities and equipment that will increase their efficiency and productivity.

This is an astonishing situation that is without parallel in the entire history of labor-management relations. The proponents of HR 11750 find themselves attempting to change things and improve the plight of postal employees. Yet the union leaders urge Congress to keep things pretty much as they are.

The fact is that nothing short of total Postal Reform can provide any hope that our loyal postal workers will have the kind of job opportunities and rewards they deserve in the future.

NOW is the time to enact the provisions of HR 11750 as recommended by the Kappel Commission, President Nixon, ex-President Johnson, Postmaster General Blount and a distinguished bipartisan committee of business and political leaders.

Mr. Filbey, your help right now would be a great service to your 300,000 members.

WASHINGTON, D.C.

LAWRENCE F. O'BRIEN,  
THRUSTON B. MORTON,

National Cochairmen, Citizens Committee for Postal Reform.

SMALL BUSINESS COMMITTEE CONDUCTS HEARINGS ON THE TOOL AND DIE INDUSTRY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Subcommittee on Special Small Business Problems of the House Select Committee on Small Business, chaired by Hon. NEAL SMITH, of Iowa, has recently concluded extensive hearings into serious problems being encountered by this Nation's tool and die industry—an industry composed almost entirely of small businesses.

During the subcommittee's hearings, several problem areas were investigated, including two areas of prime importance:

First, the growth and expansion of captive—in-house—tool and die facilities by automotive manufacturers.

Second, the leasing of Government-owned machine tools by the Department of Defense to large prime contractors.

In both instances the subcommittee was successful in improving the competitive position of this small business segment of our economy.

The importance of a strong and viable tool and die industry is well known to all Members of Congress. This industry is the backbone of our great industrial system. There are 7,000 individual tool, die, and precision machining companies in the United States, with average employment of 30 employees. The essential ingredients of this industry are management, competence in design and production, highly skilled labor, and extremely sophisticated and expensive machinery.

Approximately 35 percent of the tool and die industry is almost completely dependent on the automotive industry for its existence, and historically the automotive industry has relied on independent tool and die companies to design and make the dies and other tooling for their automotive products. In recent years the automotive industry has expanded its own in-house tooling capacity to a point where the tool and die industry was fearful of a significant change in its historical relationship with the automotive manufacturers. Many in the tool and die industry believe that if this trend were allowed to continue, a substantial portion of the industry's capacity would be unavailable for other needs, including those relating to national defense.

As a result of these hearings the subcommittee was assured by the automotive manufacturers that they foresee no changes in their relationship with the tool and die industry, and offered to share technology and appraise the tool and die industry of changes in tooling needs.

The subcommittee was also informed by representatives of the tool and die industry that they were at a competitive disadvantage both in bidding on Government contracts and in commercial production because of Department of Defense policies regarding the leasing of Government-owned machine tools to

large prime contractors. As of March 31, 1969, a total of 74,000 Government-owned tools, with a combined acquisition value of approximately \$1.5 billion, were located in the facilities of Government contractors.

The 25 largest contractors had in their possession 34,000 machine tools with a total acquisition value of more than \$667 million. The Department of Defense and the Office of Emergency Preparedness allow prime contractors to perform commercial work on these machines, sometimes with commercial work running as high as 90 percent of individual machines. Prime contractors are charged for commercial use, but it was conceded by DOD that mere possession gives competitive advantages to the possessor of these tools over the nonpossessor in the bidding process.

In examining this problem the subcommittee was informed by the Office of Emergency Preparedness that it is planning to phase out all commercial use in excess of 25 percent of total available machine use and the Department of Defense stated that it is reexamining its policy regarding commercial use of under 25 percent. The Department of Defense also is examining ways of reducing or totally eliminating its inventory of machine tools.

These are promising and constructive developments and I want to commend the gentleman from Iowa (Mr. SMITH) and other members of his subcommittee for their effective and fruitful hearings on this most important matter. The other members of the subcommittee are Representative JOSEPH P. ADDABBO, Democrat, of New York; Representative WILLIAM L. HUNGATE, Democrat, of Missouri; Representative LAURENCE J. BURTON, Republican, of Utah; and Representative FRANK HORTON, Republican, of New York.

#### RURAL AFFAIRS COUNCIL

### HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SCHADEBERG. Mr. Speaker, I want to congratulate the Nixon administration on its announcement this morning of a Rural Affairs Council. I feel this is a great thrust forward for that segment of this Nation whose people have often been the forgotten heroes of American economy and politics.

I am hopeful this Council will fill the void that has existed in the development of realistic self-help for the rural areas of our Nation.

The American rural economy employs more workers than are employed in transportation, public utility, the steel industry, and the automobile industries combined. Agricultural assets are equal to about half the market value of all corporation stock on the New York Stock Exchange.

Three to four of every 10 jobs in private employment are related to agriculture.

I think it is essential to point out that the rural areas have been voicing them-

selves in the polling booths. In the last two out of three presidential elections, the strength of the rural vote has been the decisive factor.

I pledge my cooperation with this new and exacting program and eagerly await the direction which I know this Council will give to a much needed rural renewal effort.

#### ARE YOU JUMPY THESE DAYS?

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DORN. Mr. Speaker, the following newsletter to my constituents was prompted by complaints throughout the Nation about the high prices of beef and the threat of low-wage, foreign textile imports:

#### ARE YOU JUMPY THESE DAYS?

Several years ago tons of kangaroo meat were being sold in Pennsylvania labeled as American beef. This discovery by the Department of Agriculture prompted a story in the press which I placed in the Congressional Record entitled, "Are You Jumpy These Days."

Last year Congressman John Dent of Pennsylvania was conducting a public hearing to determine the impact of low-wage foreign imports on American employment and the American economy. During my testimony before the Dent Committee in behalf of the textile industry, I told Mr. Dent about the kangaroo meat. The Congressman expressed great shock and replied, "That makes me hopping mad." (Incidentally, many years ago, in New York City, I witnessed a boxing match between an American heavyweight and a kangaroo. The heavyweight boxer was piling up a wide lead until the kangaroo started using his hind legs. Then it was no contest, and the referee stopped the bout awarding the decision to the heavyweight on the grounds of unsportsmanlike conduct on the part of the kangaroo.) The Department of Agriculture did investigate and verify the reports of kangaroo meat being sold for beef, and the violators were prosecuted. This indicates how easily imports can often be brought into the United States and undermine job security, our balance of payments, and our whole economic structure.

There is a great hue and cry among certain groups to pressure our government to ease up on restrictions and permit more foreign beef imports into the United States. The American cattle farmer is not the cause of high beef prices to the American consumer. The cattle farmer realizes little and often no profit for his beef sold on the hoof. The American consumer is protected by law regarding beef and enjoys the finest quality constantly inspected by the Department of Agriculture. It would be a mistake to lower our standards and permit Communist meat, billy goat meat, donkey and mule meat, (a tragic and inhumane fate for the symbol of the Democratic Party and the mascot of the West Point football team) and horse meat to be falsely labeled and sold in the United States.

The entire South Carolina economy is threatened by cheap low-wage foreign textile imports. The economy of South Carolina is tied to the textile industry. Fifty percent of all industrial jobs in South Carolina are in the textile industry. We cannot compete with textiles from Hong Kong where workers are paid 25 cents an hour or Japan, where they receive 35 cents an hour, or other countries where as little as 10 cents an hour is paid textile workers.

An orderly, mutually advantageous trade agreement limiting imports of cotton, woolen, worsted and man-made fibers must be negotiated with Japan, Hong Kong, Korea, and our friends in Europe and Asia. We have been encouraged by Secretary Maurice Stans' trade missions to Europe and the Far East. Our informal House Textile Committee has again been organized and we are pleased that Mr. Stans and President Nixon are supporting us in our efforts to save the textile industry from low-wage cheap foreign imports.

For the United States to import an ever increasing volume of textile goods is as ridiculous as for Brazil to import coffee, India to import tea, Honduras to import bananas, and the Malay states to import raw rubber.

Should Japan continue to refuse to enter into a voluntary agreement limiting her huge textile exports of man-made fibers, woolen worsted and cotton to the United States, Congress must take action to limit by law these low-wage foreign textile imports.

Sincerely,

WM. JENNINGS BRYAN DORN,  
Secretary, Informal House  
Textile Committee.

#### COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. NELSEN. Mr. Speaker, I introduce today on behalf of myself and my distinguished colleagues, the Representative from Virginia (Mr. BROYHILL), the Representative from Texas (Mr. CABELL), the Representative from Maryland (Mr. HOGAN), and the Representative from Kansas (Mr. WINN) a bill to establish a Commission on the Organization of the Government of the District of Columbia—a little "Hoover" Commission.

The Commission, as established in the bill, is designed to promote economy, efficiency, and improved service in the transaction of the public business in the Government of the District of Columbia. It is intended as a study to aid the mayor, the city council, and the District Government as a whole, so that they can meet the increasing demands placed upon the offices, agencies and departments of the District government in the near future and in the years to come.

Recent testimony given before the House District Committee indicates that the District government is "scraping the bottom of the barrel" as far as finding new and additional sources of tax revenue is concerned. This is true of many of our larger cities. But, I want the District of Columbia to be prepared to realistically and efficiently meet this problem before it is thrust upon District officials and the District government as a fiscal dilemma.

Regardless of the form of self-government ultimately adopted for the District of Columbia, this bill should provide immediate relief to some of the problems facing the District of Columbia Government and its officials. It is not intended to interfere with the prompt and orderly consideration by the House or the Sen-

ate of other bills intended to help the District of Columbia, such as H.R. 11215 which I introduced earlier in the session and which would establish a Charter Commission for the District of Columbia. I do believe this bill will aid the District Government in getting its house in order. I also believe that it will provide an expert and impartial study of the operation and organization of the District government as it now exists. Certainly, it will aid the Congress and the District Committees in both Houses of Congress in dealing with District problems.

This bill looks to early formation of the Commission and quick study results. It provides that the Commission members must be appointed within 1 month of enactment and that the final report be submitted to Congress within 18 months after enactment. It is my hope that, if this bill is enacted, not only will the staff of the Commission be comprised of experts in various fields of management, tax, fiscal affairs, organization, and administration, but that the members of the Commission itself will be composed of dedicated, knowledgeable individuals who are prepared to devote a considerable amount of time in conducting the Commission study. It is to be expected that the final report will be professional in every sense of the word. It would also appear that in organization and operations the Commission would pattern itself after the earlier Hoover Commission.

Speaking for myself, this is part of a group of bills, or series of bills, that I have introduced during this session which concern the District of Columbia. H.R. 12854, H.R. 12855, H.R. 12856, and H.R. 14189, which represent the President's crime package, provide, respectively, for a reorganization of the District courts, bail reform, public defender services, and juvenile code revision; H.R. 11215 calls for a Charter Commission to examine the feasibility and desirability of various methods by which the structure of the District Government may be improved and by which the District of Columbia may achieve a greater measure of self-government than presently exists; H.R. 11216 calls for a nonvoting delegate for the District of Columbia; and this bill helps to round out what I personally believe is a package of legislation which will alleviate many problems of the District of Columbia and which is in the interest of the residents of the District of Columbia.

It is my hope that this measure will receive the most favorable consideration from my colleagues in the House and that it will have the support of the administration, the mayor, the city council and all others who are interested in better government.

At this point I include a brief outline of this bill:

#### COMMISSION ON ORGANIZATION OF THE D.C. GOVERNMENT

##### WHAT THE BILL WILL DO

Provide recommendations to—

1. Reduce expenditures consistent with efficient performance of essential services, activities, and functions.
2. Eliminate duplication and overlapping of services, activities, and functions.

3. Consolidate similar services, activities, and functions.

4. Abolish inefficient and unnecessary services, activities, and functions.

5. Eliminate non-essential services, activities, and functions which are competitive with private enterprise.

6. Define responsibilities of officials.

7. Relocate agencies responsible directly to the Commissioner to other departments or agencies.

#### COMMISSION DUTIES

1. Study and investigate the present organization and methods of operation of the D.C. departments, agencies, bureaus, etc. to arrive at the recommendations mentioned above.

2. Report back to Congress with interim reports, a report 12 months after enactment, and a final report 18 months after enactment.

#### MEMBERSHIP OF COMMISSION

Commission to have 12 members—

1. President will appoint 4 members; 2 members from Federal or D.C. Governments, 2 from private life.

2. President of Senate, Chairman of Senate D.C. Committee, and the Chairman of Subcommittee on D.C. Appropriations will appoint 4 members; 2 members from Senate, 2 members from private life.

3. Speaker of House, Chairman of D.C. Committee, and the Chairman of Subcommittee on D.C. Appropriations will appoint 4 members; 2 members from the House, 2 from private life.

4. Members are to be appointed within 30 days of enactment.

5. Vacancies to be filled same way as appointed.

6. Members of Commission, not members of Congress or Federal or D.C. employees, will be appointed at GS-18 level.

#### ORGANIZATION AND POWERS OF COMMISSION

1. The Commission will have a Chairman and Vice Chairman and 7 members will constitute a quorum.

2. GSA and other Federal agencies will provide administrative support to Commission on a reimbursable basis.

3. The Commission will appoint and fix the compensation of its employees.

4. The Commission, its subcommittees or members, may hold hearings and issue subpoenas.

5. The Commission may obtain all information, statistics, etc. from the D.C. Government needed to conduct its study.

### THE INSIDIOUS NATURE OF CHEMICAL POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in the Christian Science Monitor of Saturday, November 1, 1969, reporting on a new area of environmental hazard which should give grave concern to any who are interested in preserving this world as a viable and decent place to live:

#### THE INSIDIOUS NATURE OF CHEMICAL POLLUTION

(By Robert C. Cowen)

LONDON.—Britain's massive, and puzzling, die-off of seabirds has dramatized the insidious nature of chemical pollution.

While people point accusing fingers at DDT and related bug sprays, other poisonous chemicals spread into our environment unpublicized and virtually undetected.

Thus researchers got something of a surprise to find that some of the dead birds had heavy body burdens of a class of toxic industrial chemicals known as PCBs (polychlorinated biphenyls). They're widely used in making paints and plastics and in many other manufacturing processes.

As with lead from automobile exhaust, asbestos from brake linings, or mercury from seed dressing and industry, pollution experts have been aware that the PCBs were a potential problem. But little track has been kept of them, so little was known about their environmental spread.

Finding hundreds of parts per million of PCBs in seabirds suggests that Britain, and by implication other countries, may be pouring far more of this class of chemical into the environment than suspected.

Even the fact that PCBs may be menacing birds would not have come to light if wildlife experts here were not pushing a crash investigation into the spectacular seabird disaster.

Somewhere at sea, a tragedy has been taking place. It was unknown until mid-December when dead and dying birds began washing ashore, landing on ships, and dropping out of the sky. They include a number of species—cormorants, gannets, gullmots, puffins, razorbills, and shags.

It is impossible to estimate their numbers. Far more birds may be involved than have been found so far. Some reports speak of 10,000 birds perishing. Certainly many thousands were involved in the tragedy.

At this writing, no expert can more than guess what happened. Many birds are so emaciated they appear to have starved. But did they starve for lack of food or were they ill or poisoned and hence unable to eat?

Did strong winds and other bad weather conditions of recent weeks also play a role? Some of the species are molting and hence couldn't fly away from bad weather or a food-short region.

#### MORE QUESTIONS UNANSWERED

Dr. Norman W. Moore, head of the Toxic Chemicals and Wildlife Division of Britain's Nature Conservancy, says a confluence of various factors may be involved. Indeed, experts may never know exactly what happened.

But the incidental finding of the PCBs has raised the question of whether more attention should be paid to such pollution, quite apart from the bird death mystery.

Levels 10 to 12 times the amount of PCBs found in bird specimens used in routine monitoring tests were found in eight of nine of the seabirds examined by Nature Conservancy experts. This suggests that rather heavy PCB pollution may be occurring somewhere along British coasts.

The chemicals were found partly because tests for them are similar to tests for DDT and its relatives. But, in testing for poisons, experts only find what they look for. Often they haven't looked for PCBs. And if other kinds of poisons are getting into the environment, they too, may go undetected because no one thinks to look for them.

This is how massive mercury poisoning caught Sweden off guard. The deadly metal seems to have come from seed dressings used to protect seeds against fungi and from various industrial processes. Mercury pollution attracted attention when pheasants and other birds began dying in unusual numbers about 1963. Subsequent studies found the poison spread widely, especially into fish in both fresh and salt water.

Sweden has taken energetic measures to combat this pollution. It has, for example, banned mercury seed dressings. It has set standards of contamination for fish that, at times, have practically shut off some kinds of fishing.

## SWEDES LEARN LESSON

Not all the pollution comes from Sweden. Other Baltic countries contribute to it. But Sweden has learned a lesson in how stealthily an environmental poison can build up to be a serious problem.

Commenting on this, Dr. Bengt Lundholm, secretary of Sweden's Ecological Research Committee, has explained: "... we have found that the mercury levels started to rise in the Nordic environment at the end of the last century [when the woods pulp business, which uses mercury, began].

"It took roughly 70 years before the effects appeared and society was taken by surprise. This could have been avoided if we had continuously followed the level of heavy metals [which are poisonous] in the environment."

You could say the same thing for lead today. Coming from automobile engines and some industrial processes, the level of this metal in air is rising. From time to time, reports of this break into the news. But, as yet, no one knows to what extent the contamination is spreading or how seriously to take it.

To help find out, a team from Scripps Institution of Oceanography has been sampling "pure" air far at sea to measure the natural background of lead in the atmosphere. Even here, they recently reported, they find enough lead to indicate pollution. The "pure" air isn't so "pure" after all.

The contamination is 100 to 1,000 times less than in San Diego. Still they judge it to be above what they would believe to be a historical natural level.

This merely suggests that lead is spreading through the lower atmosphere. A lot more research will be needed to pin down the lead-pollution hazard. But, like mercury even a slow buildup of environmental lead must be taken very seriously.

All of this illustrates the complex nature of man's chemical assault on his environment.

Recent moves to ban or restrict DDT and related poisons in some countries may give a false impression that this assault is being contained. Important as such steps are, they scarcely begin to avert the chemical poison hazard. Indeed, scientists have scarcely begun to understand the nature and scope of the hazard, let alone figure out what to do about it.

## STUDENT OPPOSES MORATORIUM TACTICS

**Hon. G. V. (SONNY) MONTGOMERY**  
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MONTGOMERY. Mr. Speaker, contrary to some national news reports, all student leaders on college campuses have not embraced the idea of the Vietnam moratorium demonstrations. As a case in point, I commend to my colleagues the following editorial that appeared in the Spectator at Mississippi State College for Women. Editor of the student newspaper is Miss Lynn Johnston of Forest, Miss. I would like to think Miss Johnston speaks for all college students. I know she expresses well the opinion of the majority of the students in Mississippi. The editorial is as follows:

SPECTATING BY THE EDITOR

(By Lynn Johnston)

Yesterday a nationwide moratorium against the Vietnam war was observed by

students in various colleges and universities across the country. Student organizers scheduled marches, rallies, teach-ins, and class boycotts, in a massive attempt to bring our servicemen home. The majority of activity originated in eastern schools, but institutions in other parts of the country also endorsed the program.

All of us hate war. We hate death. We don't understand just why this conflict has to continue. We want out.

We suffer while our men struggle to win for us that thing we call peace. They're working hard, because they know how much we value peace; they know it's the life-blood of any nation.

On the other hand, we're students. We're students at a college of our own choosing, attending institutions that help to form the backbone of our nation.

So what have you got when you break something's backbone to save its blood?

It is the opinion of this writer that the Vietnam Moratorium was wrong. We do believe the war should be stopped, and we do believe that students should show government officials, including the President, how they feel about it. But we don't believe our nation can get anywhere when we attempt to reach one goal by tearing down another. We have many problems, but they can be solved in a manner which better reflects the ideals we Americans claim are ours.

At the present time, Mississippi Intercollegiate Council, a branch of Southern Universities Student Government Association, is in the process of forming a Youth Advisory Board. The Board is composed of student body presidents of all colleges of the state. Its purpose will be to consult with the governor on any matter students feel needs attention. Through this Board, MIC hopes to establish a better channel of communication between state and student government, thereby helping alleviate conflicting ideas and procedures.

In our opinion, this is the way to get things done . . . not by disrupting classes, protesting, or marching; but by approaching our leaders peacefully . . . peacefully . . . for the Cause of Peace.

## MANLY FLEISCHMANN IS NAMED TO HEAD NEW YORK STATE STUDY OF GRADE, HIGH SCHOOL ROLES

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DULSKI. Mr. Speaker, Governor Rockefeller and the New York Board of Regents have initiated a broad study of elementary and secondary education in our State and have named a distinguished resident of my district to head the commission.

He is Manly Fleischmann of Buffalo, N.Y., an able attorney and a veteran of public service. Former President Truman named him Administrator of the Defense Production Administration during the Korean war and he served in the same area of production control early in World War II, as assistant general counsel of the War Production Board.

Upon being commissioned in the Navy in 1943, he was assigned to the OSS and directed espionage activities with a corps of the British Army in Burma and India. At the end of the war, he returned to the practice of law in Buffalo until his call to aid President Truman in mobilizing for the Korean conflict.

He has been very active in both local and State community and cultural activities since returning to Buffalo. Since 1965, he has been a trustee of the State University of New York. Mr. Fleischmann's public service record, to his community, to his State and to his Nation is exemplary.

In a joint announcement, the Governor and the board of regents said:

New York is justly proud of its educational eminence and the opportunities its excellent school system has afforded its people.

However, we cannot uncritically project our present system forward without change, in this age of profound change, without running the risk that our schools may lack educational relevance and financial viability in the future.

Therefore, we have created a State Commission on the Quality Cost and Financing of Elementary and Secondary Education to conduct a searching examination of these schools, and to make recommendations for meeting the challenges to them in the next decade bearing on their quality, relevance, cost, efficiency and financing.

The Commission's work will cover both public schools and nonpublic schools, which now serve one-fifth of the State's elementary and secondary pupils.

We are extremely fortunate that a most distinguished American has agreed to serve as the Chairman of the Commission; Mr. Manly Fleischmann of Buffalo, New York.

He is a man with almost 30 years of high-level public service having served as President Truman's Defense Production Administrator, an early architect in the formation of NATO, a noted attorney, a director of several major corporations, a trustee of our State University and fittingly, a teacher at one time in his long, illustrious career.

Mr. Speaker, because of the broad interest in our country today on educational standards and the future of education, I am also including from the joint statement the basic questions which the commission is asked specifically to explore:

The Commission is specifically charged, though not limited in its scope, to examine our elementary and secondary education system against these fundamental questions.

1. What is the objective of the elementary and secondary school in the decade ahead? What does society have a right to expect and what will it require from its educational system in the future?

2. To what extent is our present system of education meeting the objectives expected of it?

3. Where the educational system is not meeting its objectives what changes are required to get it on the proper course. For example, what changes are needed in the curriculum, in the preparation and utilization of teachers, in the organization of school districts, in control over educational policy, and to achieve educational flexibility that can meet social and economic change?

4. What costs are involved in achieving the purposes of education? How will these costs be influenced by such economic factors as construction, transportation, professional staff ratios and collective negotiations between school boards and educational employee organizations?

5. What financial resources are available to finance education, now and in the future? What are the appropriate financial responsibilities for education among the Federal, state and local governments? What is the impact of such factors as different tax bases in different school districts, and present statutory limits on taxation and bonded indebtedness?

6. What is the potential of modern technology, if fully applied to the classroom, both

to lift the quality of education and to lower its cost?

7. What is the proper role of the state regarding the financial needs on non-public schools, particularly those serving disadvantaged neighborhoods?

While the entire nation would profit from answers to these questions, New York cannot wait until the nation decides to act. We must have the best education possible for our children, with maximum dollar value derived from every dollar invested in education.

Therefore, we are taking the initiative in naming a commission to probe these fundamental questions and, hopefully, to recommend the right educational course New York should set for its future.

## AIR AND WATER POLLUTION

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SYMINGTON. Mr. Speaker, the St. Louis metropolitan area was indeed fortunate in having the Senate Public Works Subcommittee on Air and Water Pollution hold a public hearing in our city on October 27. Conducted by Senator THOMAS EAGLETON, the hearing was extremely effective in providing a forum for the discussion of St. Louis' fight against air pollution. While the text of the hearing will be published at a later date, I felt that my colleagues would be interested in a sampling of the statements presented, and I include them, and my own, at this point in the RECORD:

STATEMENT OF CONGRESSMAN JAMES W. SYMINGTON

Mr. Chairman: We meet today, Mr. Chairman, in a great metropolitan area. Our city, which grew from the site chosen in 1764 by August Chouteau and Pierre Liguist, is today located at the crossroads of the most prosperous nation in the world. Bestriding the Mississippi River at its confluence with the Missouri River, St. Louis is a community unified by a single cultural, social and economic life, sharing a common environment, even though divided by political boundaries.

Located at the hub of the nation, our promise has always been great. Even 100 years ago Horace Greeley wrote of St. Louis: "Man will soon accomplish her destiny by rendering her the seat of an immense industry, the home of a far-reaching, ever-expanding commerce." Indeed, a vast trade was early established by Liguist, and manufacturing soon followed. With the discovery of iron, coal and other natural resources nearby, manufacturing grew, and from it today's metropolis.

Black smoke at one time epitomized our industrial activity and prosperity. But that same symbol of progress soon became a threat to the physical health—and the economic health—of the city; by 1940, smoke abatement efforts were showing effect and control was established over that problem of our environment.

Today we face a similar challenge. As our technology and industry have become more complex and sophisticated, so have the problems of environmental pollution—not merely in St. Louis, but throughout the nation and the world. While air contamination often cannot be seen or felt, its dangers have already been made manifest through a number of tragic incidents like those in Donora, Pennsylvania, London, and New York, and the crisis this summer in the St. Louis area. This latter incident is largely responsible for our gathering here

today. One question it encourages us to explore is what kind and degree of action are we willing to take to avoid more incidents like these in the future. And for my part, what can be done on the Federal level to supplement and encourage such action. Surely we cannot afford to respond to the problems of air pollution only on a crisis basis. Such action might destroy symptoms; it will never eliminate causes. We must tackle these causes, or we will surely suffocate in the effects.

#### NATIONAL INDUSTRIAL EMISSION STANDARDS

First, I would like to briefly discuss the question of national industrial emission standards. When the Air Quality Act was being debated, considerable attention was devoted to the concept of national emission standards. Ultimately, of course, national standards were not incorporated in this legislation. The Act, as passed, provided a plan for the implementation and enforcement of emission standards on a regional level. I believe this regional approach is a sound one, and that it can be a very effective one, if it is adhered to by State and local governments, industry, and citizens. I also feel that regional enforcement authority should be, as called for in the Act, strictly backed by the Federal government. Nonetheless, I believe that our entire air quality program could be strengthened by the implementation of national emission standards. In the first place, one major factor which has contributed to the lack of initiative at the state and local level in setting emission standards is the threat of economic recrimination. Unfortunately, the local government's role of protecting the public health and welfare seems to be in direct conflict with its role of insuring economic growth. At the present time, local enforcement officials hesitate to enforce standards, since industrial polluters have the option to relocate their facilities in areas with less stringent regulations. Even a minimum national emission standard would help to eliminate the attractiveness of this option.

There are other reasons for strengthening pollution control efforts through some type of national standards. First, it will take some time before all air quality control regions are established and operating effectively in accordance with the Air Quality Control Act. Until such time as all air quality regions are designated and their authority becomes effective, will we permit the uncontrolled pollution of the environment?

Secondly, and more significantly, there are a number of areas which may never be included in any air quality region. Do we ignore these areas until they become critical, or even rely on voluntary local efforts to prevent them from becoming so? Indeed, the primary purpose of national standards should be the protection of those people living in the vicinity of industries in areas which either are not yet, or will not be, included in air quality control regions. These people, after all, have the same right to a healthy environment as do those living in areas which are or will be included in air quality regions.

In considering the case for national standards, however, we should not presume that any such standard would be adequate to effectively control emissions in our urban areas, or would in any way reduce the need for more stringent regional standards for industrialized areas. As a case in point, we might consider the report proposing emission standards for various air contaminants which has been published by the American Society of Mechanical Engineers. That report also states that it is unlikely that these standards would be adequate in any urban area in this country—that they would have to be augmented by more stringent regional

emission standards in order to provide a safe environment.

Thirdly, because pollutants do not respect political boundaries, an emission which does not present a problem in its particular region may be carried to another region where it will create a problem. Basic national standards would be intended to prevent emissions from low concentration areas from contributing to the problems in areas of high pollution concentration, perhaps until the sources of the contamination could be brought into an air quality control region.

There are also technological advantages which could result from national industrial standards. Uniform standards for emissions from various sources could encourage the creation of a national market for pollution control devices. The great range of standards now existing makes the large-scale development of modern methods of control technically and economically not feasible. More definitive standards could certainly facilitate the development of control techniques. This does not mean, however, that we should ignore existing control methods until the most modern pollution control devices become accessible. While advancing the "state of the art" we should do what we can to improve the state of the air.

In passing the Air Quality Act, it was the intent of Congress that the primary responsibility devolved on states comprising air quality control regions. I think we should remember that one reason for ineffective air pollution control in the past has been our dependence on voluntary development of and compliance with safe air standards, without strict enforcement requirements. The Air Quality Control Act provides for (1) state development of emission standards—which must be approved at the Federal level; and (2) compulsory industry compliance with those standards, which are to be enforced at the state and local level, with federal interference if they are not. I cannot see any real conflict between effective action by states in accordance with the Air Quality Act, and the need for national emission standards. In fact, I believe it would be a mistake to advocate the adoption of national standards as a substitute for regional standards geared to the different conditions of different areas. Consider the implications of such a suggestion. The air pollution control program would become completely a creature of the Federal government. We would have to be willing to accept Federal development of standards, as well as Federal enforcement of those standards, without local or state interference in cases where standards were not adhered to. Are we willing to give the Federal government complete jurisdiction over industrial pollution? I think not. We must remember that our objective is to control pollution, not to control industry. Most important is that an effective alliance against pollution be established. This means a partnership of industry and government at all levels. Under the Air Quality Act, it means regional emission standards for industry, to be enforced by state and local government, and insured by the Federal government. This Act also provides for a commission to study the need for national standards. The report of that commission—to be submitted to Congress next month—should be enlightening as to the feasibility and desirability of the adoption of national emission standards. I trust they will be deemed useful.

#### GUARANTEED MARKET FOR LOW EMISSION AUTOMOBILES

There are other areas of legislation, aside from amendment to strengthen the Air Quality Control Act, where Federal support could bolster local and state efforts in pollution control. For instance, in terms of the total quantity of pollutants, the automobile represents the most important single source of air pollution in the United States today.

Automotive sources continue to emit more pollutants than all stationary sources combined. In our city alone 1,114,000 tons of carbon monoxide and 373,600 tons of hydrocarbons are emitted each year from these sources.

The Federal program has sought to cope with automotive air pollution by establishing nationwide standards that limit the emissions of automotive pollutants. Since 1968, when the first national standards became effective, annual automotive emissions per car have decreased 62%.

More stringent standards were issued in June of 1968—to become effective in 1970. In the years after 1971 and 1968 and 1970 standards will achieve a sharp downturn in national emissions per vehicle. However, unless more restrictive national controls are imposed at an earlier date, decreased vehicular pollution levels will be short-lived. By the mid-seventies expanding vehicle population and usage will again send automotive pollution levels soaring. So, we must fight a continuous battle with the ubiquitous automobile for clean air.

Although primary responsibility for developing emission control systems lies with the vehicle manufacturers and fuel producers, Federal policy has been to stimulate and assist in furthering the development of improved control systems. In this regard, I have co-sponsored a bill to make the 400,000 vehicle inventory of the Federal agencies a guaranteed market for low-emission automotive propulsion systems—whether steam, electric or modified internal combustion in nature. The bill would provide for the creation of a Low Emission Certification Board which would decide whether a particular vehicle is a low-emission vehicle, and whether it would be a suitable substitute for any class of automobile now purchased by the Federal government for the use of its agencies.

Certified low-emission vehicles would be purchased in place of non-certified vehicles. Emission standards would follow California's Low-Emission Motor Vehicle Act which has proven so successful thus far. No low-emission vehicle would be eligible for U.S. procurement if its costs exceed 125% of the procurement and maintenance costs of the class of vehicles for which it is a substitute.

The Staff Report for the Senate Committee on Commerce entitled *The Search for a Low Emission Vehicle* recommended such action:

"Legislation requiring Federal procurement of low-emission vehicles will foster low-emission vehicle development. Such legislation will make feasible independent innovative development of low-emission vehicles. By offering legislatively guaranteed markets, a reasonable rate of initial production is possible. Initial costs of low-emission vehicles can thereby be made more competitive with existing vehicles.

The large capitalization for nationwide dealerships and servicing centers would be unnecessary. Sales of these vehicles can be arranged centrally with the purchasing agents of the various departments thereby reducing marketing costs, and many Government vehicles are centrally serviced thereby reducing investment costs for service centers.

Most importantly, the procurement legislation might create a consumer demand for low-emission vehicles. This demand might prompt Detroit auto manufacturers to accelerate their development work in the low-emission field.

#### DEVELOPMENT OF MASS TRANSIT

Another area of Federal legislation to be considered in the battle against air pollution is mass transit, for as the motor vehicle population increases, so will air pollution—even if we continue to impose stronger standards. The U.S. is experiencing sharp upward trends in urbanization, industrialization, and in automobile usage. Already, our metropolitan

areas encompass 78% of our population. These situations point out the urgency of greatly expanding the development and use of nonpolluting transportation vehicles and systems. In the past local, state and Federal agencies responsible for the development of transportation systems have tended to overlook pollution aspects of various transportation designs and emphasis has been placed on expanded highway construction. Today, as a result, the average American spends some 13% of each working day breathing in the fumes of the car in front of him. And to further aggravate the problem, we are now producing automobiles faster than we are producing people. This trend makes our battle to offset automotive contamination similar to a journey on a tread mill.

Although any meaningful use of mass transit will involve substantial public investment, relatively modest support of innovations with existing transit systems could have noticeable effects on auto use. As an example, a recent high speed rail project from the Village of Skokie to downtown Chicago initiated by the Chicago Transit Authority, with financial assistance from the Department of Housing and Urban Development, shifted approximately 2,000 auto trips to mass transit facilities. Federal spending related to programs of this type could change commuter travel patterns and significantly reduce air pollution.

In this regard, there is growing interest in legislative programs for mass transit. Last spring I joined with 40 of my colleagues in proposing a bill to provide \$10 billion in Federal expenditures over the next 4 years for mass transit conveyances; and to establish a mass transit Trust Fund to be administered by the Department of Transportation.

While local innovation for mass transit has not been overwhelming, the amount of federal assistance available for highways has been so much greater than that for mass transit that cities have never really been given equitable options when considering transportation systems. This bill would greatly help to put mass transit on a par with highways and thus help to alleviate a major source of air pollution.

#### POLLUTION STANDARDS FOR GOVERNMENT CONTRACTS

With regard to other Federal efforts in the fight for a healthy environment, I feel serious consideration should be given to legislation which would prohibit the issuance of federal government contracts to those industries which do not meet certain pollution control standards.

We find precedent for such a measure in the Equal Opportunity Employment Act and the Health and Safety Construction Act. These regulations insure equal employment and safe working standards for our nation's labor force. Can we do less in protecting them and all our citizens from the health hazards of pollution?

The federal government has taken a first step in assuming its responsibility in this area through the Federal Facilities Air Pollution Abatement Program. The July, 1968 progress report shows a total of 387 installations implementing 442 remedial action programs. This program is commendable and its extension into all areas of federal contracting would seem logical and valuable.

In considering a proposal such as this, we immediately face the dilemma of setting uniform yet just standards. Do we commission the Secretary of Health, Education and Welfare to promulgate national emission standards? In accordance with most recent legislation, it would seem that air quality control regions would provide the most effective and equitable standards. In this way, each application for a federal contract could be reviewed in light of the applicant's compliance with emission standards in his air quality control region. If national emission standards were adopted, these could be ap-

plied to applicants not located in air quality control regions.

There are questions technically and administratively which would have to be studied before a proposal such as this could become a reality; but we cannot afford to neglect any reasonable and feasible effort in this fight to control the pollution threat.

This possibility of establishing pollution standards for government contractors, together with national industrial emission standards, the establishment of a guaranteed market for low emission vehicles, and federal funding for development of mass transit systems, represents constructive ways in which the Federal government can contribute to air pollution control efforts. However, only a public policy which is contributed to by every level of government, by industry, and by all citizens can effectively alleviate the dangers of air pollution. This has been the objective of the Air Quality Act of 1967: to promote and encourage the development of policies and institutions geared to the regional nature of air pollution problems. Whether this policy succeeds will depend on the degree of commitment we get from State and local government, from industry, and from the taxpayer and citizen.

There are cynics, I am sure, that would argue that the Air Quality Control Act, in placing emphasis on State and local efforts, runs against the lessons of history because the lesson of our Federal system is that, increasingly, State and local government and local and private groups find it difficult to successfully deal with public problems until there is no recourse but national policy, national agencies and national enforcement.

I reject their argument. Although this may or may not be the lesson of history, it cannot be the lesson of the future. We must undertake in ways suggested by the Air Quality Act, and possibly by the further federal efforts I have suggested, to revitalize the policy-making processes of our country at the state and local level and revitalize the idea that public policy is not only the product of public agencies, but of the private sector and of concerned citizens.

I believe that in St. Louis we have the concerned citizenry so necessary to the formation of effective public policy. And this concern is to be encouraged. It is greatly stimulated by the warnings of ecologists all over the world who are alerting us to the dangers of our continuing desecration of the natural environment. Air pollution is only a part of man's disregard for the delicate balance of nature upon which life on this planet depends.

None of us would like to think he is contributing to the evolution of a world populated—in the words of Missouri Botanical Gardens Director David Gates—by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water." But tragic air pollution incidents within the last twenty years indicate that this may be the very course we are pursuing.

"The problem of earth hygiene", as Soviet physicist Andrei Sakharov has said, "is highly complex and closely tied to economic and social problems. This problem can therefore not be solved on a national and especially not on a local basis." Certainly, strong programs to control pollution in our country will be a step in the right direction. But the ultimate salvation of our global environment requires that we surmount political and ideological differences, and work together as members of the family of man to care for our planet home.

STATEMENT OF DR. S. DAVID ROCKOFF, CHAIRMAN, EXECUTIVE COMMITTEE OF THE "LUNG SPECIALISTS OF ST. LOUIS AGAINST AIR POLLUTION"

On behalf of the "Lung Specialists of St. Louis Against Air Pollution", I wish to thank

you for inviting us to appear before this subcommittee. My name is S. David Rockoff. I am an Associate Professor at the Washington University School of Medicine where I am in charge of the pulmonary radiology section and am involved in research related to air pollution.

I am Chairman of the Executive Committee of the "Lung Specialists of St. Louis Against Air Pollution." This is an organization of 28 physicians who represent the large majority of specialists in the St. Louis metropolitan region whose primary professional activities include the diagnosis, research and treatment of diseases of the lung.

The very existence of our organization testifies to our conviction that air pollution in the St. Louis region constitutes a serious hazard to health. The citizens of this community have been suffering silently for years, thinking that a necessary concomitant of industrial and technological progress was putrid air. However, there has been a palpable change in attitude toward air pollution. The people have become educated to the fact that air pollution not only smells bad and makes them feel miserable, but also destroys their lungs and the lungs of their children. They are dismayed to learn that while they urge their children not to smoke, the effects of breathing big city air have been likened to smoking 1 to 2½ packs of cigarettes a day, as regards the development of lung cancer. They are now aware that the daily high pollution levels are hazardous and that the acute episodes, such as occurred here last August, augment and dramatize the chronic pollution problem.

The air in the St. Louis region has been monitored for years and continues to be monitored. Much is known about the kinds, quantities and sources of the various pollutants. The deleterious effect of many of these pollutants on pulmonary physiology and pathology in animals and in man have been incontrovertibly established. There are those who counsel that additional investigations of the causal relationship between pollutants and lung damage must be performed in St. Louis before broader and more stringent regulations are adopted here. We reject this counsel as utter nonsense. It is reasonable to assume that a pollutant causing damage to living beings in Chicago will also cause damage to living beings in St. Louis.

The "great killers" of man yet to be controlled by medical science; that is, cancer and cardiovascular disease, have been shown capable of being caused or aggravated by environmental pollution. Yet, research concerning the relationship between air pollution and these diseases has been mostly sporadic and does not today constitute part of the mainstream of medical research. We propose that research concerning air pollution-related illness be given high priority in terms of Federal spending. The introduction of effective controls, however, should not await completion of what should be a continuing research effort.

The use of *ambient air standards*; that is, setting goals for general atmospheric concentrations of pollutants, appears on the surface to be laudable and does give us a way to "keep score" as to how well we are doing. However, greater emphasis must be on *emission standards*. Without good emission standards, there cannot be effective enforcement. Without effective enforcement, ambient air standards cannot be achieved.

In your invitation to appear at this hearing, we were asked to give our impressions of the action being taken by local officials for long-range control of air pollution and the possible requirement for Federal assistance in coping with pollution problems. We firmly believe that local enactment and enforcement of anti-pollution regulations will never solve the pollution problem, even if on a "regional" basis. First, it places an unfair burden on local public officials. On the one hand they are frequently elected be-

cause they recognize the importance of a strong local industrial climate. On the other hand, they are asked to act forcefully against polluting industries, at the risk of losing these industries to areas having less strict pollution control. The regional concept of pollution control fails to take into account that an industry may compete with companies who manufacture in one or more different jurisdictions. Uniform Federal standards rather than regional standards would ameliorate this difficulty.

Second, local action will not solve the pollution problem because the local pollution is often due to causes outside of the local jurisdiction. The St. Louis metropolitan region is a classic example of this dilemma. A large part of our pollution comes from the East side of the Mississippi River, from Illinois. That state has been slow in adopting strong measures against air pollution, resulting in the continued inundation of St. Louis by choking and harmful fumes when the wind blows from the East or is stationary. Uniformity of control, when left to the States, requires interstate compacts which, experience has amply demonstrated, are difficult to enact. Further, many of the large polluting industries are monopolies, such as the utilities. In these cases a disgruntled citizen, who would ordinarily show his ire by dealing with a non-polluting competitor, does not have this option. Making the matter worse is that the utility's plant is often across a state line. Such a utility is not even bound by the air pollution regulations of the state to which it is supplying much of its product. It is obvious to us that the air pollution problem transcends even national boundaries. In fact, we are certain that eventually there will have to be international compacts because, as with nuclear fallout, no matter how well we clean up our air, pollution from other nations will eventually affect us.

A third reason for not leaving pollution control in the province of the State legislatures was illustrated by the recent instance in which the initial appropriation of funds proposed by the Missouri legislature for the Missouri Air Conservation Commission was insufficient for that Commission to receive matching funds from the Federal Government. It was only after a "grass roots" outcry that sufficient funds were restored to the State's Air Conservation Commission budget.

Fourth, the liberal use (or misuse) of variances weakens the local enforcement of even existing air pollution control laws. In private discussions with our group, some local officials have expressed their apprehension concerning the prospect of interminable court battles should they seek to close an offending plant. We sense that this may have been a factor in the granting of some of the variances. Also the members of the Appeal Boards are often businessmen and industrialists, perhaps even employed by the very industries they are charged to control.

Federal intervention is required for yet another reason. Had medical science, ecology and environmental technology developed earlier in the history of this country, we would not be confronted with the present enormous problem. It would have been recognized at the outset that industrial and automobile emissions were hazardous to health. No factory would have been permitted to open its doors and no automobile allowed on the road before proving that the wastes it was to emit would not harm the environment.

Our present laws reflect this historical development. Even in those areas which have stringent codes or laws controlling pollution, variances are often sought by industries. Such a variance is theoretically not to be granted when its issuance constitutes the continuance of a health hazard. But, and this is the key point, the burden of proof that a health hazard exists is on the air pollution enforcement agency. We believe that it

is time for our laws to reflect the change in public attitude toward pollution alluded to earlier in this statement. We believe that an industrial product should be shown not to be harmful *before* being put into operation.

There is precedence for the law proposed. The burden of proof that a drug does not have side effects which are overtly damaging or lethal is on the industry producing the drug. There are Federal regulations to control this. The responsibility of the manufacturer with regard to air pollution should be even greater since when people take drugs they do so willingly and thereby accept a certain risk. Receipt of an industry's or auto's air pollution is an involuntary act performed by all of us. Should we not have at least as much protection as the pill taker?

Our final argument for strong Federal control of this problem is that it provides for rapid, uniform extension of the laws to cover newly recognized hazards. For instance, there are at present no uniform statutes regarding the emission of trace elements, even though some are known to be hazardous such as arsenic, beryllium and cadmium. Benz-alpha-pyrene, which is emitted from auto exhausts and from fossil coal burning is a recognized cause of experimental cancer, but no controls exist over its emission. Asbestos is a well accepted cause of human cancer. Yet there is no control over its use in brake linings of autos, even though emission occurs when brakes are applied. Synthetics are being developed daily whose production by-products have effects which are not now known but which need analyzing *before* they are permitted to be released into the environment. It should be noted that trash burning is especially hazardous when one considers that trash contains many of the above substances and these are disseminated by burning. The law must provide for the rapid adoption of controls over pollutants other than those commonly dealt with as it becomes apparent that they are potential health hazards.

In summer, we urge that 1) the ambient air quality standards be made meaningful and attainable by the adoption of strict emission standards, 2) that the standards be made nationwide rather than local or regional, with the final responsibility for enforcement being with the Federal Government, 3) that the standards be made to cover all existing pollutants, even though in many cases arbitrary criteria will have to be established initially because of the absence of hard data and because of the very complicated problem of synergism (that is, the potentiation of the effect of one pollutant by another), 4) that provision be made in the law for the rapid adoption of nationwide standards to cover pollutants newly determined to be potentially harmful, 5) that the burden of proof of the safety of emissions from an industry or its product be placed on the industry itself, and 6) that financial assistance for the health effects research of air pollution be given high priority by the Federal Government.

STATEMENT OF LEWIS C. GREEN, FORMER CHAIRMAN, MISSOURI AIR CONSERVATION COMMISSION

Mr. Chairman, my name is Lewis C. Green. Until a few months ago I was Chairman of the Air Conservation Commission of Missouri, a post which I held for more than three and a half years. I have now retired from that position, and I am appearing here today as a lawyer and as a private citizen.

I want to thank this Committee for giving me the opportunity to appear today. For nearly four years I have worked within the framework of the currently fashionable concepts of air pollution control, in an effort to accelerate the urgently needed cleaning of our air in St. Louis. As the result of that experience, I have concluded that we will not make satisfactory progress until the federal government, and particularly the

United States Congress, drastically revises certain fundamental concepts now prevalent. Today I would like respectfully to direct your attention to three of them.

The Federal Government must assume a primary responsibility for air pollution control.

In the Clean Air Act of 1963, and again in the Air Quality Act of 1967, Congress explicitly asserted that the control of air pollution "is the primary responsibility of States and local governments." In keeping with this premise, Congress has directed its efforts toward prodding the state and local governments to take effective action.

I respectfully submit that the time is at hand for the United States government to come out of hiding, and accept a primary responsibility in this area. I make this submission for two principal reasons.

1. It is currently fashionable, but quite misleading, to assert that air pollution is a "regional problem." Of course, it is, but it is more than that. In fact, air pollution is a national problem, and a hemispheric problem, and indeed a global problem. For example, for many years the excessive carbon dioxide dumped into the earth's atmosphere appeared in such quantities and for such duration that it caused the entire temperature of the earth to rise steadily. The consequences of such a trend, in terms of melting glaciers and other phenomena, can be foreseen only dimly.

For another example, the trend toward warming of the earth from this cause was arrested, not by reducing the amount of carbon dioxide in the earth's atmosphere, but by dumping huge quantities of particulates into the earth's atmosphere, in such quantities and for such durations that they have shielded the earth from the sun to a substantial extent, causing the earth's temperature generally to diminish over the last two decades. The rapid increase in jet airplane travel appears to be accelerating this trend. The possible consequences of this trend, also, can be foreseen only dimly.

Lead poisoning is an ailment well known to modern medicine. All of us are inhaling, and retaining in our systems, more lead today than ever before. The lead we inhale comes not alone from our own "air quality regions"; we know that lead travels across continents in the ambient air, and is increasing substantially all over the globe, including the North Pole.

Some of the harm being done by the more persistent pesticides has already been documented, and more of the consequences are being detected every year. It now seems clear that these pesticides travel hundreds or thousands of miles in the ambient air before settling to the earth's surface, where they work their way into the ecological system, with profound effects, far from the point of origin.

Other examples could be cited by the scientists, and I am confident that further research will disclose additional examples of the global consequences of the wastes we are dumping in the ambient air.

The fact is that the air we breathe is the public property of the nation, not of any "region." You Senators are the duly appointed guardians of that public property. I respectfully urge that the United States Congress forthwith assume a primary responsibility which it cannot forever pass off to others.

2. Furthermore, in too many states, the state and local governments have refused to accept the responsibility you have repeatedly attempted to pass to them. The residents of such states, and the visitors in such states, are entitled to clean air to breathe. They are citizens of the United States, as well as their own states, and they are entitled to claim from the United States protection of their rights.

More important, the refusal of one state to accept this responsibility inflicts an in-

tolerable insult upon the citizens of neighboring states. The prevention and redress of such grievances is the primary responsibility of the federal government. Let me give you one basic example of our experience in St. Louis.

In 1963, the State of Illinois created an Air Pollution Control Board. Between 1963 and 1966, a comprehensive study of the air pollution problem of the entire St. Louis area was made, under the auspices of the federal government, the Illinois and Missouri governments, and various local governments and interested persons. On May 31, 1966, that Interstate Study published its recommendations for specific emission controls.

Shortly after May 31, 1966, the State of Missouri called public hearings on those Interstate Study recommendations; public hearings were held in November of that year, and by February, 1967 the State of Missouri had approved them, with minor changes, and Missouri is now enforcing them.

As of today, almost three and a half years after those recommendations were made, the State of Illinois has not adopted them. Although the sulfur dioxide crisis here is one of the most acute in the nation, Illinois has adopted no emission control regulation whatever respecting the sulfur oxides. As to particulate emissions from fuel-burning, the State of Illinois, at the request of the large industries, has substituted for the Interstate Study recommendation a substantially weaker regulation. As to particulate emissions from manufacturing processes, the State of Illinois purported to adopt the recommended regulation, but substituted specific, less stringent regulations for each of the major industries on the East Side, and refused to adopt a regulation which would provide an efficient enforcement tool.

In short, the State of Illinois has steadfastly refused to go any farther than the organized industrial polluters have desired to go. While some companies on the East Side have somewhat improved their historically filthy operations, the government has ignored the Interstate Study recommendations, and refused to adopt regulations comparable to those of Missouri, or those of other major metropolitan areas. The City of St. Louis can never be cleaned up in this way.

For years, the federal government has urged the states to assume their responsibilities. It is clear that some states, at least, are not willing to do so, and that this inaction is no longer tolerable. Begging, cajoling, advising and assisting have been futile. Air pollution presents an urgent crisis now. We cannot afford the time lost in deferring to a supposed primary responsibility of unwilling state and local governments. It is now time for the United States to assume its primary responsibility directly.

This is not to say that a huge federal bureaucracy must be established to enforce detailed emission limitations in every metropolitan area in the country. The enforcement task could, in intrastate regions, be left to state and local officials, under a watchful federal eye; in interstate regions, the task of enforcement could be assumed by a regional authority, made up of representatives of each concerned state and the federal government. In such a case, as I suggested to this Subcommittee two years ago, the Congress should insist that such an interstate regional authority be truly regional, for uniformity of enforcement throughout the region will be essential to a fair and effective air pollution control program. This is to say, however, that Congress should now give urgent and favorable attention to President Johnson's advocacy of stringent national emission limitations for the major industrial polluters.

The concept of clean air must be substituted for the concept of air quality management.

The first, most important, step for the federal government to take in assuming its full

responsibility is to throw out the concept of air quality management. From my experience, I have concluded that no single aspect of our national air pollution program is more degrading, obstructive, or misguided. It is important that you understand it fully.

The fashionable approach to the air pollution control game works like this. First, we spend a great deal of time measuring the measurable quantities of certain chemicals and particulates in the ambient air. Those that we can't measure, we simply ignore for the rest of the game, on the ground that we don't know enough about them. To a substantial extent we can control the results we obtain by choosing the locations for taking the measurements.

Second, having justified limitless months or years of inaction by taking these measurements, we call upon the doctors, and other scientists, to tell us exactly what quantities of these ingredients in our ambient sewer will clearly cause damage, or death. The doctors, having no way to duplicate in the laboratory the real-life concentrations, over a real human lifetime, or the synergistic effects of the various chemicals and particulates, are generally unable to do this. Any chemical which fails to evoke a specific number from our medical experts is ignored for the rest of the game, on the ground that we don't know enough about it. If we can arrive at a number, representing a concentration at which substantial harm will probably occur, we set as our goal for the ambient air the next lower number, hoping (without knowledge) that substantial harm will not occur at that level also.

Third, we compare the numbers: the concentrations actually existing, and the "desired" concentrations; we determine that the actual concentration must be reduced by, say, one-half, or one-third.

Fourth, we inventory all the known sources of the specific pollutant we are considering, and the quantities emitted from each, and order that each source, or class of sources, must reduce its emissions by, say, one-half or one-third. (This is grossly oversimplified; in fact, we generally require a proportionally greater degree of control for the large sources than for the small sources.)

Then we sit back, admire the artistic symmetry of our computations, and hope that everything will work perfectly, that the concentration of the specific pollutant in the ambient air will in fact be reduced to the specified goal, and that the specified concentration will not, in fact, contribute to detectable illness or damage.

The basic premise of this elaborate process is that it is socially desirable to permit anyone—specifically, any industrial plant—to dump his wastes into the ambient air, and thence into the nostrils and lungs of you and me, and all the rest of us, until it is shown by positive proof that a specific waste is causing some specific harm. I respectfully submit that this is a degrading premise, that it is unworthy of a civilized society, and that this is not now, if it ever was, what society desires. The time has come to reverse the burden of proof, and to recognize and adopt instead the fundamental premise that the air around us is the public property of the nation—of all of us—and that no one has a right needlessly to befool it with his wastes. Each one of us has a right to breathe air that is clean, not just air that is fairly dirty, but has not yet been proved harmful. In short, Congress should act forthwith to require every industrial plant in the nation to reduce its waste emissions to, at most, de minimis proportions, to the extent that the needed technology is available.

I have said that this concept of air quality management is not only degrading but also obstructive. In following this elaborate procedure, we learn to ignore all those pollutants which cannot conveniently be fitted

into a computer at every step, perhaps because they cannot conveniently be measured, or because the doctors cannot tell us exactly what concentrations will bring on lung cancer or emphysema. So far, we have succeeded in plugging into the computers not much more than particulates, sulfur oxides, and carbon monoxide, and nobody knows how to control carbon monoxide anyway. This process leads us to ignore other pollutants. Even as to particulates and sulfur oxides, the performance of this elaborate procedure is time-consuming and expensive.

Finally, the air quality management concept is misguided in terms of both time and space. In attempting to curtail emissions only to the extent supposedly required to render the air generally endurable, this concept invites disaster when a prolonged thermal inversion creates a short-term peak, or "episode." And this regional concept totally ignores the larger view: the national, hemispheric, or global effect of the great quantities of particulates, carbon dioxide, sulfur oxides, lead, pesticides, and other pollutants dumped into our atmosphere, which I mentioned previously.

For all these reasons, the concept of air quality management must be discarded. It is time for Congress to proceed forthwith to implement President Johnson's proposal for national emission standards for the major industrial processes, and to see to it that these standards are set at levels designed to reduce combustion and process emissions to de minimis proportions.

This is not to say that air sampling is useless, and that knowledge of local air quality is unnecessary. Such knowledge is vital for at least two purposes. First, continuous monitoring of the ambient air will provide the only sure guide to evaluating the success or failure of our control program. Second, in those instances where the technology is not adequate to reduce emissions to de minimis proportions, a detailed knowledge of the air quality, and its effects, will guide us in determining whether emissions must be reduced anyway, beyond the point of present technical competence. This we have done in St. Louis, for example, by requiring a change in fuel usage on the part of many users, and by prodding the local electric utility to provide leadership in development of large sulfur dioxide removal processes.

But the air sampling process should not be regarded as an end in itself. It is properly an auxiliary method, to be invoked when the technical competence has not yet been developed to reduce the emissions of a specific pollutant to de minimis proportions.

**MASS TRANSIT MUST BE GIVEN HIGHEST PRIORITY**

Finally, a word about the automobile. The gasoline internal combustion engine, as we know it, is a filthy device. I am not qualified to formulate and express a scientific opinion, but I have noticed that the engineers are not at all reticent in expressing legal opinions, so I will not hesitate. I believe that we are asking too much of our scientists when we ask them to devise a way for all of us to operate these little devices cleanly. Even if it should some day prove feasible to achieve an adequate degree of cleanliness in a laboratory, under perfect conditions, with the engine perfectly tuned, I submit that it will never be feasible for millions of users to maintain such perfect conditions as they drive their cars through all kinds of weather, over bumps and potholes, under all conditions.

It may be that the steam car, or the fuel cell, or some other alternative, will some day reduce to manageable proportions the automobile's contribution to air pollution. But that day seems to be far in the future. And even if that should happen some day, the automobile in the inner city is causing a multitude of other problems. It seems clear that the only feasible solution to all of these

problems is mass transportation. I respectfully suggest that the United States Congress should move immediately, on a grand financial scale, to develop mass transit in the major metropolitan areas. It is high time to stop bringing cars into the city, by financing new urban highways and parking garages, and to start keeping cars out of the city, by financing mass transit.

**STATEMENT OF DR. RAYMOND C. SLAVIN ON BEHALF OF THE COMMITTEE FOR ENVIRONMENTAL INFORMATION**

The acute air pollution episode St. Louisans experienced in August was felt throughout the Midwest, from Columbia, Missouri, to Cleveland, Ohio and from north of Chicago to the Gulf. Meteorological conditions were similar in the whole area; pollution levels depended on the amount and type of pollutants emitted in the various cities. Let us think that this was some kind of meteorological "freak", a similar weather situation prevailed several days later. The only factor saving us from a new pollution episode was the Labor Day weekend closing of industrial plants. The point was thus brought home that there is nothing inherently dangerous about a weather inversion—the hazard depends on the amount of pollutants waiting to be trapped by an inversion or other stagnant air condition.

St. Louisans suddenly sat up and took notice. Donora, Pennsylvania, London, England, New York City—cities where air pollution disasters have occurred no longer seemed so remote. The point was that it could happen right here in St. Louis. It was at this point that St. Louisans began discussing in newspapers, on radio and television, in their homes, schools, and places of employment, plans for cutting down on emissions of pollutants when weather conditions are unfavorable, and thus avoiding the seemingly inexorable path to an air pollution disaster.

There is more than one course of action open to us. We are referring now to different basic approaches to the problem of avoiding an air pollution disaster. One approach would focus on a disaster plan with no other basic change in our current day-to-day air pollution control efforts. Alternatively, we could concentrate on lowering daily pollution to levels where even prolonged unfavorable weather conditions would not produce a disaster. I am not here to recommend either course of action. The purpose of my testimony on behalf of the Committee for Environmental Information is to share with you our evaluation of how much can be accomplished by each of these approaches. Which one is selected depends not only on an evaluation of available data and a knowledge of medical effects of pollution but also on the value citizens and their representatives place on human health; property, materials, plants and esthetics; how they balance these against the economic values represented by unrestricted industrial operations; how much tax money they are willing to invest in establishing and enforcing controls. When it comes to such decisions we are no more expert than other citizens.

The first approach would mean continuing on our present course, which we would characterize as an attempt to reduce certain pollutants gradually (particularly sulfur dioxide and particulates), while at present allowing other pollutants to continue unabated and new ones to be added to our atmosphere.

Exactly where this course of action is taking us is hard to evaluate. Monitoring information is limited to ambient air quality measurements at one downtown location for a limited range of pollutants. Manufacturing plants are required to report certain information to air pollution control officials regarding what comes out of their stacks, but control officials are required to keep this information confidential. It is proprietary information and its release might damage the

competitive position of the companies concerned. Neither scientists who would like to evaluate St. Louis pollution, nor citizens who might wish to change the quality of the air they breathe, can get this basic information: what is in the air?

However, we do know that present legal controls on industry affect only SO<sub>2</sub> and particulates. Control officials have no authority to require reduction in the emissions from chemical plants, for example, on the basis of the confidential information provided, unless they can prove that such emissions are health hazards.

We know from personal experience in August that the levels of pollution, when atmospheric conditions are unfavorable, can be high enough to be annoying to all of us and to cause some distress to patients with allergies and bronchopulmonary problems. A significant number of our patients with chronic pulmonary problems at the clinics and wards of the University affiliated hospitals had an increase in respiratory symptoms during and following those days. In view of the limited nature of our current control efforts, levels of pollution here easily could reach true disaster proportions involving the illness and death of hundreds of those people particularly sensitive to air pollution. We certainly do not have the information to rule such a possibility out.

The present temporary plan for an emergency alert, with vague, voluntary controls could hardly be expected to cope with a disaster situation. However, a disaster plan which includes authority for shutting down major stationary sources of pollution and reducing the use of automobiles could certainly be prepared which could prevent an air pollution episode from reaching disaster proportions.

A plan of this kind could be based on our present weather predicting capabilities. Since we know that conditions leading to air pollution episodes develop with a certain regularity and can be predicted before they happen with at least 70 percent accuracy industry could be ordered to cut down emissions before unfavorable weather conditions develop. This would effectively forestall the kind of situation we found ourselves in last August.

The weakness of this approach is that it would leave daily pollution levels essentially unchanged. The meteorological conditions which favor contamination of man's atmospheric environment in metropolitan areas may be divided into two categories:

1. High level accumulations of various pollutants over a time period of several days, leading to disasters.

2. Long-term, lower-level concentrations of pollution representing a potential accumulative effect.

The atmospheric factors characterizing the weather conditions associated with urban air pollution are thermal inversions, calm wind conditions and sunshine, particularly the ultraviolet light components which interact photochemically with pollutants and humidity. If these factors reach critical levels, serious pollution episodes take place, like the pollution alert of August, 1969. However, due to the limited self-cleansing capability of the atmosphere, even the low-level concentrations may generate harmful effects over longer periods of time.

Everyone agrees as to the effects of an air pollution disaster. The Meuse Valley of Belgium, Donora, Pennsylvania, New York City, London have all had well documented episodes of "killer smogs" marked by a dramatic increase in deaths and in severe debilitating cardiac and respiratory diseases. What is not as well agreed on is the effect on health of breathing lower levels of air pollution daily over a period of years. Evidence is, however, accumulating that this insidious type of daily exposure over a long period is indeed harmful. To cite one study, Dr. John P. Wyatt, Chairman of the Department of

Pathology at the University of Manitoba in Winnipeg, Canada, studied two groups of men, one in St. Louis and one in Winnipeg. These two groups were exactly comparable in age, smoking habits, previous disease and occupations. The only difference between the two groups was that one group in St. Louis was breathing urbanized, industrial metropolitan air and the other in Winnipeg was breathing rural non-industrial air. The study revealed a marked increase in chronic lung disease, including bronchitis and emphysema, in the St. Louis group. Studies of school children in Japan and in England have shown that pulmonary function—natural, easy breathing—is impaired in children living or going to school in polluted areas, as compared to children in areas where the air was cleaner. Today's children breathing polluted air resulting in decreased pulmonary function will grow into tomorrow's adults with chronic respiratory disease.

We should recognize, therefore, that accepting this approach to air pollution disaster control includes accepting some cost in health—a cost more subtle and less noticeable than the sudden death of a disaster episode, a cost impossible to quantify with present knowledge, but a real cost, nonetheless.

An alternative approach to avoiding an air pollution disaster would be to decrease pollution all the time so that air quality never reaches disaster proportions. This alternative does take into account the long term health effects of air pollution. It would seek to control pollutants at their source and eliminate the incidence of episodes calling for emergency action.

Under the Air Quality Act of 1967, we are taking a one-by-one approach to pollutants. We are seeking to document the health effects of each pollutant and to base air quality criteria on this information. In the laboratory, it is possible to investigate some of the pollutants one by one, but in the air we breathe, known and unknown pollutants are mixed together in a complex and continually changing relationship, and it is this complex mixture, this polluted urban atmosphere that we know to be hazardous to health. It will take long, slow, careful, costly investigations to determine the effects of each pollutant separately and in various combinations—and meanwhile the mixture we are actually breathing will have changed again. We are manufacturing new plastics, in the process emitting new pollutants; when we are through using them, we burn them in municipal incinerators once more emitting unknown and unmeasured pollutants. A city like St. Louis, which has many chemical plants, which are constantly adding new products, gets new additives to its atmosphere frequently. Dr. Eric Cassell recently remarked that "The number of substances indiscriminately added to the air increases all the time. Gasoline additives contain copper, nickel, vanadium, titanium, boron, barium, and numerous other catalytic metals. Plastic bags contain trace metals of endless variety. Transistor batteries contain large amounts of mercury and other toxic metals. Food packaging, clothing, building materials, rubber, asbestos and endless other substances end their lives in the air and become part of the respiratory intake of every urban individual."

We are not suggesting that it was a mistake to act against sulfur dioxide and particulates. Dr. Bertram Carnow of the University of Illinois Medical School has shown in a now classic study that patients with chronic pulmonary disease have a definite increase in symptoms and in acute disease in association with high levels of sulfur dioxide. But the sulfur dioxide is not acting alone. Reducing sulfur dioxide or any other one or two pollutants will not make the air clean. And controlling only those pollutants which can be clearly shown to have an effect on health by themselves, means simply not to act against a larger proportion of pollutants

because that kind of cause and effect relationship has not been established, and perhaps cannot be established.

It seems to us that this whole approach to air pollution and health is upside down. Why must we leave a pollutant in the air until it can be proved that it is harmful? Why should not the burden of proof be the other way around? That is, no one should release any substance into the air other people must breathe unless it can be shown to be *harmless*, unless he can prove that it is *not* injurious. This is the guiding principle in the acceptance of food additives and drugs. Proof must be submitted that a new food additive or a new drug will not harm human health before it can be placed on the market. While this system is a long way from perfection, the principle is sound, and perhaps even more appropriate to air. We do have some choice in the matter of the foods we eat and the drugs we use, while we have very little choice as to the air we breathe.

The air pollution episode of August may prove to be a good thing for St. Louis in the long run if it forces us all to recognize that an air pollution disaster is a real threat to this area and that we do not now have the machinery to avoid it. There is no cheap and easy answer. If we choose to have clean air, it will require not simply enforcing present regulations more rigorously. It will require some basic changes in law, regulation and industrial practices.

STATEMENT OF DAVID M. GATES, DIRECTOR, MISSOURI BOTANICAL GARDEN AND PROFESSOR OF BIOLOGY, WASHINGTON UNIVERSITY

St. Louis is a city with a multitude of air pollution problems created by industrial, automotive, and other sources of pollutants. The days which normally would be the clearest and sunniest in St. Louis are those with the heaviest concentration of pollutants. The sloping topography, which drains to the Mississippi River, tends to produce a catchment basin where at times of temperature inversion pollutants concentrate over the central part of the city. Many of the industrial sources are concentrated along the Mississippi River but a large number of other sources are distributed throughout the metropolitan area.

Normally, fine weather conditions, which produce clear skies and are stimulating to health and morale, occur as a high pressure system in the atmosphere centers itself over the city. But it is precisely under these conditions that the high concentrations of pollutants build up within the metropolitan area and as the wind direction shifts to the east it carries the pollutants throughout the residential districts. Pollution buildup is heavy at other times as well when air movement is low. Do not for a moment believe that the filth put into the air in St. Louis is thereby strictly a local issue with only local consequences. It is truly a national and global issue since the air you pollute continues dirty for a long part of its circulation around the world. If the Russians and the Chinese polluted the air to the extent we do, it would come back dirty as it started the next journey across the United States. The atmosphere above the United States is now persistently dirty, with the result that the global climate, as well as local climate, is changed. The dirty air of our cities makes for more clouds, more rain, less sunshine, and a less healthy climate. The amount of sunshine received today in mountain regions of Switzerland and the U.S. appears to be distinctly less than it was 40 years ago.

Although control devices to reduce the emission of pollutants appear to industry to be relatively expensive, so also is the loss of working hours, through sick leave and inefficiency, an expensive cost to industry. I believe all would agree that a healthy environment is a productive environment. The consumer has not paid the true costs of the

commodities he purchases. Now the time has come to face up to the real cost of the products we use. If the Federal Government subsidizes the cost of control the consumer will pay through higher taxes. If the individual corporation is responsible for the development and installation of control devices then the increased cost of the manufactured product must be passed on to the consumer. I tend to favor private enterprise under a system of strong laws and diligent enforcement. In some manner, the technology of our nation must be encouraged to devise the necessary control devices and to install them in the appropriate industries. One must pay the cost for a clean healthy environment or man will degenerate to a miserably low level of existence.

It is also abundantly clear to me that we should put massive amounts of Federal money into the development of clean rapid transit systems, preferably underground, within each of our urban areas. We simply cannot continue the privilege of individual transport by means of the internal combustion engine within our metropolitan areas. Commuters, driving their own cars, sitting for approximately an hour a day breathing the exhaust of the car ahead, simply does not make sense. Again the costs of an extensive rapid transit system may not be as expensive as first appears since one must trade off against the cost of driving individual automobiles and of expressways, and the erosion of human health.

As Director of one of the world's greatest botanical gardens I am deeply concerned as I see the damage to plants in the Garden and in the city by air pollution. Not only are plants damaged within urban areas but now serious damage is occurring many miles downwind, in the country beyond. Yet man is utterly and completely dependent upon plants for the oxygen he breathes and for the food he eats.

We are appalled when told that the people of Europe during the middle ages threw garbage from their homes into the street; yet this is precisely our behavior today. Chemicals in the sky are just as repulsive to us; just as erosive to human health; and just as rotten as decaying garbage in the street. Federal laws are needed, which transcend state boundaries, which are just and which are strictly enforced. These laws must be fair and in the interests of all the people. Whenever exceptions to pollution control are made it is at a cost to the well being of the people of the community. No one should be allowed to use the atmosphere as a garbage dump.

VIETNAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HAMILTON. Mr. Speaker, my able colleague from Indiana, ANDY JACOBS, recently led the House of Representatives in the finest and most extended debate the House has held on the most complex problem in the history of the Republic: Vietnam.

Congressman JACOBS supported the Vietnam moratorium of October 15, 1969. Although I did not do so, I was, nevertheless, impressed by the spirit in which Congressman JACOBS presented the subject to the House, and I believe his efforts served a worthwhile national purpose.

It is refreshing to note that others also appreciated his leadership, and I

include one letter to Congressman JACOBS that has also come to my attention:

SAN DIEGO, CALIF.,  
October 16, 1969.

HON. ANDREW JACOBS,  
House of Representatives,  
Washington, D.C.

DEAR SIR: I applaud your courageous efforts in demanding the United States stop "propping up a dictatorship" in Vietnam, and your attempt in sponsoring the all-night war session in Congress.

Your military experience as combat infantry soldier lends more to your voice in speaking on behalf of our dead and dying American soldiers than many Congressmen who merely find sanctuary behind their name and their desk.

Sir, I wonder how quickly this war would terminate if our so-called "statesmen" were thrown onto the battlefield with gun in hand . . . it would be one of utmost expediency, I am sure.

Sincerely yours,

MARIE ANNE DEMEY,  
Sister to Captain John DeMey, U.S.  
Army, killed in action June 20, 1969,  
Vietnam.

### THE FLAG IS NOT JUST CLOTH

#### HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LIPSCOMB. Mr. Speaker, on Friday, October 31, 1969, the Daily Report of Ontario, Calif., published an editorial, entitled "The Flag Is Not Just Cloth," which makes note of the fact that during the destruction of three draft board offices in Ohio the American flags in the offices were smeared with red ink.

Quite properly, the editorial questions the understanding of the meaning of patriotism of those who desecrated the American flags. It further points out that the American flag is not the property of any one political group in America. It does not belong only to the party in power. The American flag is the common property of all Americans. To desecrate the flag as a form of political protest is to properly raise the question as to whom or what the vandals are serving. The attention of my colleagues is called to the Daily Report editorial inserted in the RECORD below:

#### THE FLAG IS NOT JUST CLOTH

In the space of a month, records in three draft board offices in Ohio have been destroyed by arsonists.

The burnings in the cities of Akron, Lorain and Painesville followed a similar pattern. In each case, entry was somehow gained at night, and draft records were removed from file cabinets, piled on the floor and set aflame with an inflammable liquid. American flags in the offices were smeared with red ink.

It is possible that those who committed these acts consider themselves to be obeying a higher patriotism in defiance of a tyrannical and evil government, thought they have not had the courage to come forward and reveal themselves. It is remotely possible that, come the revolution, they will be officially acknowledged as people's heroes.

However, while their clandestine destruction of draft records, of which duplicates exist, may or may not cast doubt on their intelligence, the desecration of the American

flag certainly calls into question their understanding of the meaning of patriotism.

The flag is not the property of any one political group in America. It does not belong to the party in power. And it is not to be used as a wiping rag by those who disagree with the policies of the nation.

Governments come and go; the flag endures.

Those who violate it may feel that it belongs to no one, but that is only true because it belongs to everyone.

The latest twist among the hatemongers—even anarchists—is to wrap themselves in the National Emblem, and from that position preach their destructive sermons. It's a lesson in sarcasm.

To desecrate the flag as a form of political protest is to reveal the same kind of thinking which has twisted the meaning of Stephen Decatur's famous and much-criticized toast: "Our country! In her intercourse with foreign nations, may she always be right; but our country, right or wrong."

Decatur was not saying we should blindly follow whoever happened to be leading the country at any particular time, no matter how much in error that leadership might be. He was saying simply that, right or wrong, it was still our country, and he hoped its policies were more often right than wrong.

If those who vandalized three draft board offices in Ohio are not serving our country, of which the Stars and Stripes is the symbol, it makes us wonder whom or what are they serving?

#### SOME LISTEN, MR. V.P.

#### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Topeka, Kans., Daily Capital which candidly responds to the self-appointed critics of Vice President AGNEW. I would agree that the Vice President "is getting through to the silent majority." The editorial follows:

#### SOME LISTEN, MR. V.P.

Those self-appointed critics, who come early to scoff at him by asking derisively, "Spiro who?" are remaining to find Agnew rapidly becoming a household word.

And a glance at the political muscle of those households accepting the vice president's barbed remarks as welcome and overdue certainly must disturb his would-be detractors.

The effectiveness of Agnew's observations, ringing with Trumanesque timbre, is becoming more obvious daily. Agnew's position appeals particularly to the robust, skilled working class.

Members of this weighty segment of employed Americans feel they have been overlooked and ignored as the professional politicians turned both their energies and sympathies towards problems of minorities.

Another sign that Agnew is coming through loud and clear is the almost reflex reaction of his steadiest opponents. His well-aimed political pokes seem always to arouse wrath among the same persons, causing them to jump in pain and wail in anguish.

Agnew has been described variously as being politically naive, intemperate, inept and too rough. His critics complain he lacks finesse.

But it seems obvious he is getting through to the silent majority. His office staff says his mail is running 2 to 1 in his favor.

If President Nixon, who once swung the hatchet for former President Eisenhower, disapproved mightily of Agnew's remarks, he could stop them with a few well chosen suggestions. That the President has chosen to stand aside speaks much for his confidence in Agnew or his own personal feelings.

There were those who thought President Truman, campaigning in language that would have served a candidate for sheriff, was damaging his public image as a presidential nominee.

The voters in 1948 let the political pundits and soothsayers know they enjoy some plain talk along with the political platitudes and campaign mish-mash.

It's too early to forget that Agnew won the governorship of Maryland, apparently using the same blunt, outspoken style he now continues.

One must wonder if some of his outspoken critics who say Agnew suffers from foot-in-mouth disease don't themselves only open their mouths to change feet.

### AID TO HIGHER EDUCATION THROUGH INCOME TAX CREDITS

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ASHBROOK. Mr. Speaker, many forces are at work to reduce, or curtail, or exclude funds from, institutions of higher learning. This is especially true of private schools that find themselves caught between rising costs and legal obstacles to governmental funding.

For several years the proposal to institute tax credits to ease the noose threatening educational institutions has been batted around but never enacted. While much of the activity to allow income tax credit for tuition expenses has been on the Senate side, there has also been substantial interest in the House. I first introduced legislation to provide tax credits for tuition expenses and also for gifts or contributions on March 3, 1965, during the 89th Congress. I have continued to present the bill in succeeding Congresses.

This approach to financing of higher education in the United States is the subject of a paper by Roger Freeman. The paper was solicited by the Joint Economic Committee and included in their recent compendium of papers.

Mr. Freeman is senior staff member of the Hoover Institution at Stanford University and was an initiator of efforts several years ago on behalf of this approach.

As he notes, the impact of lack of funds upon the private colleges, especially church-connected schools, could force many to close. They cannot compete with public institutions. He notes:

The widening tuition gap has had many detrimental results. Enrollment which for many decades used to be divided about 50:50 between public and private IHL has since 1951 been shifting toward public IHL which now accommodate 69% of all students.

Without government assistance the private schools are forced to raise tuition because of pressures not felt by the public schools. Yet, they cannot boost them to a level high enough to meet their needs.

Mr. Freeman's paper traces the recent history of income tax credits, the arguments for this approach, the need for it, and also discusses the arguments against it. I insert it into the Record at this point, and I encourage anyone interested in finding a solution to the increasing financial problems of our schools to study it carefully:

FEDERAL ASSISTANCE TO HIGHER EDUCATION THROUGH INCOME TAX CREDITS\*

(By Roger A. Freeman, senior staff member, the Hoover Institution on War, Revolution and Peace, Stanford University, Calif.)

At this year's expenditure level of \$58.5 billion, education ranks as America's most ebullient growth industry. With only six percent of the world's population and between one-fourth and one-third of its developed resources, the people of the United States are now investing in education almost as much—and possibly as much—as all the other nations combined. Nothing testifies more eloquently to the American faith in education than the priority which the people have granted it in financial terms: over the past twenty years educational spending multiplied eight times, business and private investment and personal consumption only three times. Allowing for the loss of one-third of the dollar's value over that period, we find that personal consumption slightly more than doubled (+111%) in constant value dollars while educational spending multiplied almost six times (+472%).<sup>1</sup> This magnificent record, which exceeds even the fondest hopes of twenty years ago, disproves slanderous charges that the American people spend lavishly on themselves while treating their schools niggardly.

Higher education has advanced moneywise no less dramatically than education in general: spending by colleges and universities multiplied 8½ times over the 20-year period. Higher education more than tripled its share of the national income and product, pushing it from .7% of GNP in 1947/48 to 2.3% in 1967/68.

There are now some signs which suggest that financial needs may not grow as rapidly in the future as they have in the past. Higher educational enrollment is projected to increase only 36% in the next eight years, compared with a 93% jump in the past eight years.<sup>2</sup>

The baby boom of the postwar period has now largely been absorbed. A steady and continuing decline in the number of births—which dropped 19% between 1960 and 1968—implies that enrollment pressures will subside and may disappear in the late 1970s and the 1980s. To some extent, however, diminishing births could be offset by further growth in the percentage of our young people who continue their formal education after graduating from high school.

On the other hand, even the tripling of their income during the 1960s appears not to have solved nor even eased the financial problems of colleges and universities. Paradoxically, the situation seems to be growing worse as the institutions' resources multiply at a faster rate. The Association of American Universities (AAU) declared in April 1968 (as it could have done ten or twenty years earlier with greater justification): "The most critical question facing higher education today is how to find sufficient resources."

Considering the growing wave of campus revolts in recent years, some of us may doubt that finding sufficient resources truly is "the most critical question facing higher education today." Finding leadership capable of coping with the violent uprising could be more crucial.<sup>3</sup> But there is much evidence to

support AAU's further statement that higher education faces "a severe and worsening fiscal crisis." Ford Foundation President McGeorge Bundy ever referred to an "imminent bankruptcy" of American higher education. With outlays rising faster than established sources of income, and with planned outlays exceeding prospective receipts, many colleges are indeed, as Duncan Norton-Taylor expressed it "living with a formula for bankruptcy."<sup>4</sup> If the colleges in *Fortune's* survey—Yale, Cal. Tech, Stanford, Pomona, Dartmouth, etc.—the country's wealthiest, are in trouble because donations and tuitions don't grow fast enough, most of the other 1400 odd private colleges must be even worse off. Nor do state institutions have an easy time getting their financial requests approved by governors and legislatures which find budgetary demands from all sides soaring beyond the willingness of their constituents to have their taxes raised. Small wonder that the administrators of most IHL have become convinced that only the national government can deliver them from ruin. The national government has in fact responded to the plea in recent years, though not adequately.

GROWTH IN FEDERAL AID TO HIGHER EDUCATION

Federal aid to education came into its own during the 1960s. From \$2 billion in 1960, the amount inched to \$3.1 billion by 1964, then jumped steeply, reaching \$8.8 billion in 1968. The President's Budget for 1970 proposes \$9.8 billion to be disbursed through well over 100 programs of grants and loans, most of them of recent origin. But there still is no program of general support of IHL, just as there is none for elementary and secondary schools.

Federal funds for higher education totalled \$4.4 billion in 1968 and are estimated at \$5 billion in the President's Budget for 1970 as follows:

	Millions
Research .....	\$1,530
Facilities and equipment.....	934
Student aid.....	1,935
Teacher training.....	92
Current operations.....	538
<b>Total .....</b>	<b>5,030</b>

<sup>1</sup> *Special Analyses, Budget of the United States, Fiscal Year 1970, Part 2 J.*

Aid to current operations consists mostly of support for medical and other graduate education, ROTC activities and for several other specified purposes. Only an insignificant fraction of the federal funds is available for undergraduate instruction which used to be regarded as the colleges' primary task. Regular faculty and staff salaries and operating expenses (not including organized research) are still the biggest item in college budgets. They total over \$10 billion a year nationally, are usually the hardest objectives to raise funds for but receive almost no federal support.

This may explain why unmet needs and demands in higher education seem to increase rather than diminish as federal funds multiply: the government has been feeding cake to a man who is hungry but dying from thirst and begging for water.

*Why is there no general federal support of higher education?*

It is not because institutional spokesmen have not asked for it repeatedly. The chairman of President Kennedy's Task Force on Education, President Frederick L. Hovde of Purdue University, told the House Education Committee in 1961 that "the highest priority need of colleges and universities, both public and private, is for general support and particularly for faculty salaries." Similar pleas were made many times before and after. But no President ever recom-

mended general grants for higher education nor did Congress ever consider such a plan. Educational administrators, however, did not change their tune: At a joint press conference in Washington November 12, 1968, representatives of the nation's seven major higher education organizations declared that "general federal financial support of colleges and universities is higher education's No. 1 unmet need." (emphasis supplied).

Why does the national government appropriate no funds for the broad purposes of IHL, as the states are doing, to the extent of about \$5 billion a year at the present time? For one, because Congress is always reluctant to make money available to anybody except welfare recipients without specifying in considerable detail how it is to be expended and without having the spending closely controlled by a federal agency. Restrictions and controls accompanying federal funds for research and other purposes have long been a thorn in the side of educational administrators. When faced with a choice between money with controls or no money, however they opt for the former.

A more difficult, and seemingly insuperable, obstacle to general support is the controversy over the interpretation of the First Amendment clause prohibiting the establishment of religion.

State appropriations go only to the 1037 IHL under (state or local) governmental control, not, with a few minor exceptions, to the other 1500 colleges and universities which are under private auspices.

This has already resulted in a growing imbalance between public and private IHL in enrollment, tuition, salaries, etc. To exclude private colleges and universities from a new and major federal support program would sound the death knell for many or most of them within a few years.

About 900 of the private IHL are church-connected: 500 are Protestant, 381 Catholic and the remainder sponsored by other denominations. To include them in a general federal aid program would violate deeply held beliefs of a large segment of the American people about the separation of church and state. Such a program would also probably not survive a Supreme Court test. But to deny those institutions the federal benefits would face most of them with the alternative of either severing their religious ties and turning secular or withering until they are forced to close their doors. To declare private colleges ineligible as long as they maintain their religious connections would be tantamount to offering them an incentive premium for cutting their church ties and come close to imposing a penalty on the free exercise of religion.

This conflict of conscience divides the American public and neither side is able to compromise on principles held as dearly as freedom and religion and equal justice on one side and the "wall of separation" on the other.

Numerous and extended efforts to enact a program of general federal support, for the elementary-secondary schools or for higher education, have consistently failed, for several decades, and the prospects of an acceptable solution look no more promising today than they ever did.

The forces backing church-connected IHL may not be able to have a program adopted to their liking. But they have been able to prevent a bill from passing which they believe would irremediably harm their institutions and discriminate against their faithful.

Some members of Congress will not vote for federal aid to higher education if it includes private IHL and some won't vote for it if it excludes them. Because of this impasse only programs which are closely circumscribed, often minor or peripheral, have been able to find approval. No plan of direct institutional

Footnotes at end of article.

support appears possible for as far as we can see ahead.

However, *indirect* aid could be provided by helping those who now support higher education to finance it more adequately.

#### INDIRECT AID TO HIGHER EDUCATION

The three major non-federal sources for IHL are: states, students and donors. To aid states would solve little because they are blocked from subsidizing denominational IHL by the First Amendment and the Supreme Court as effectively as the national government. But students and their parents and donors can be assisted in financing the institutions more generously through a method which has found strong support among the public and in both political parties: federal income tax credits for tuitions and gifts.

In sponsoring an educational tax credit proposal which I had presented to the Senate Labor and Public Welfare Committee ten days earlier, former Vice President Hubert H. Humphrey (then Assistant Senate Majority Leader) explained on the floor of the Senate:

"While this tax credit proposal would not solve all the financial problems related to higher education, it would represent a significant contribution well within our national means. It would provide this assistance in a manner that avoids any argument about federal control of education and also the nagging question of church-state relations. Moreover, it would provide this aid without having to expand the Federal bureaucracy to administer the program.

"Support in the Congress has been growing for this general approach to the problem of federal aid to higher education. I know the appropriate committees in both Houses are giving these proposals careful scrutiny and consideration. I hope that the Administration will consider seriously requesting such legislation from the Congress."<sup>5</sup>

There is ample evidence that the vast majority of the American people favors the tax credit approach. A national survey by the Opinion Research Corporation of Princeton, New Jersey, conducted for CBS-TV in 1966, disclosed that 70% of the public favors and 13% opposes educational tax credits. The highest support was found among persons in the \$5,000 to \$6,999 income bracket (88%) and among young people, between 18 and 29 years of age (80%).<sup>7</sup>

A nationwide questionnaire by *Better Homes and Gardens* (June 1968) showed that "almost three-fourths of these 300,000 consumers told us they think a family's college expenses are so basic that they should be deductible on individual federal income tax returns." Numerous other polls have shown substantially similar results: support of educational tax credits by between 70% and 80% of the public. A questionnaire to the president and trustees of all public and private IHL by the Citizens National Committee on Higher Education brought a favorable reply from 90% of the respondents. Only one group showed a slight majority in opposition: the presidents—but not the trustees—of state universities and colleges. They believe that only government-owned, i.e., public, institutions should be aided by government.

#### PRESENT FEDERAL AID TO HIGHER EDUCATION

Before going into the details of educational tax credit plans I would like to discuss the virtues and the shortcomings of some of the major existing and proposed federal programs in higher education.

Research funds have helped to advance academic knowledge, particularly in the natural and life sciences where they are concentrated, and have enabled some universities to add eminent scholars to their faculty at very respectable salaries—usually by hiring them away from less favored

colleges. They have assisted in important tasks of the national government. But they have not aided the recipient IHL financially and should no more be labelled aid to education than the purchase of research from industrial or other organization is called federal aid.

A serious aspect of the Federal research grants is their concentration among a small number of big universities: more than 90% of the money goes to 5% of all IHL which leaves the remaining 95% of institutions relatively poorer off than they were before.<sup>8</sup> This has led to a "brain drain" from the medium and smaller institutions to the big, to an undue concentration of talent in a few places. It is making "the rich richer and the poor poorer," encourages a "fight for teaching," and causes grave imbalances and innumerable administrative difficulties within institutions and between the universities and federal departments.

Several congressional committees have investigated the problem in recent years and had some harsh words to say about the detrimental effect of the present system of allocating federal research grants, in unbalancing the program of the small number of recipient institutions and weakening the overwhelming majority of American colleges. But they were no more able to agree on a politically feasible alternative than the academic community.

Scientists and university administrators complain bitterly about the obnoxious restrictions and controls to which federal research grants subject them. But having partaken of the sweet taste of federal cash they are no longer able to resist its lure, no matter what the price. They did voice dismay when research funds were cut late in 1968.

Only 13% of federal outlays for research and development are channeled to IHL and that share is not likely to increase significantly in the next few years.

*Construction grants and loans*, initiated in 1963 and expanded in 1965, have proven helpful to IHL. They assist hundreds of institutions in building needed classrooms, libraries, laboratories, etc. But they offer no relief on current finances. Quite the contrary. The completion of each new building adds materially to the cost of operations and the need for general revenue. IHL almost never use current income for major construction purposes: public IHL depend for building funds on earmarked state appropriations and proceeds of state bond issues while private IHL rely on earmarked donations.

Moreover, with the enrollment curve flattening out, expansion of facilities should become less urgent as time goes on. In any case, construction seldom presents as pressing or difficult a financial problem as faculty salaries because building funds are usually easier to obtain than unspecified general revenues.

This is why IHL do not borrow to finance academic buildings, in contrast to private business and individuals who commonly raise funds for major capital outlays through long term loans. It is not that IHL could not sell their bonds but they have for many years entered the money market as investors rather than as borrowers (except for "self-financed" residence and dining halls). Their reason: future principal retirement and interest would cut into current revenues and restrict general operating funds. College administrators and trustees are far more concerned about strengthening current fund income needed to pay faculty and other salaries than about construction money. They can have a great university in ancient or mediocre buildings—but not with a mediocre faculty. Whether we like it or not, the level of income that IHL are able to offer is a major—and possibly the major—factor in influencing the decisions of many of our most talented young men and women to choose an academic career rather than some other professional or business vocation. There is a positive correlation between faculty salaries and the caliber of professors in years to come. Buildings can be completed in two years or less but it takes close to a generation to build an eminent faculty. But, as I mentioned earlier, almost no federal aid is available to pay the salaries of faculty in undergraduate instruction.

*Student aid*, at \$1.8 billion in 1969, is an important item. Much of it is earmarked for graduate fellowships and training in a few specified professions, most of the rest for NDEA and guaranteed loans, veterans benefits, work-study, leaving about \$130 million for the only program that might be called scholarships: educational opportunity grants to students with "exceptional financial needs." Fewer than 5% of all undergraduates participate in that program. Most students who need assistance are helped by loans, work-study and by scholarships available from private or state sources.

#### THE TUITION PROBLEM

The cost of attending IHL has been going up steadily though not as fast in public IHL as prices and more slowly than income in both public and private IHL:

	Tuitions and fees		Total cost (including room and board)		Consumer prices	Personal income per capita <sup>1</sup>
	Public	Private	Public	Private		
1958-59.....	\$224	\$867	\$932	\$1,687	.....	\$2,074
1968-69.....	\$299	\$1,380	\$1,092	\$2,326	.....	\$3,409
Increase (percent).....	34	59	17	38	17	64
Projection:						
1978-79 (in 1967-68 dollars).....	\$375	\$1,906	\$1,264	\$2,988	.....	
Increase (percent).....	25	38	16	29	.....	

<sup>1</sup> Calendar years 1958 and 1968.

Source: Department of HEW, "The Chronicle of Higher Education," Oct. 28, 1968.

If income has been growing faster than the cost of attending college, why do many families have so much trouble financing their children's education? Because more of their children attend. College enrollment equalled 15% of the 18 to 21-year old population in 1940 and now runs at 48%, headed still higher. A family that formerly counted itself fortunate if it managed to put one son through college will now try to enable several or all of its children to acquire a higher education. And it must do so if those young men and women are later on to fill any but manual jobs. The impact on average family finance has thus become much harder, and and in some cases disastrous.

At a cost of four years of undergraduate education between \$10,000 and \$20,000 for each child, higher education may cost more than the family home. It can be a far heavier burden than mortgage interest, state and local taxes, medical expenses or casualty losses—for which the tax law grants relief. Nonrecognition of college costs for tax purposes adds to the burden of higher education. It may have been justified in days when attendance was the privilege of a small well-to-do minority, but today it constitutes a grave injustice.

Sending its children to college of course imposes no financial hardship on a wealthy family. Nor is attendance an insuperable

Footnotes at end of article.

task for a student from a low-income family who, if otherwise qualified (and often even if he is not), is eligible for a scholarship, federal, state or private.

But students from a middle-income background and their families can frequently raise the required funds only with great difficulty; they may be ineligible for federal and other scholarships. Though they account for the majority of the student body at most institutions they are hit the hardest by the inadequacies of the present system. Somehow, they seem to fall between two stools. An official study at the University of California at Berkeley in 1967 (conducted by David Bradwell & Associates) found that students from middle-income families are financially worse off than those from poor backgrounds.

Public IHL have been raising tuitions much more slowly than private IHL. They derive only between 10% and 20% of their income from fees because their requirements are met mostly by state appropriations. Private IHL have no such recourse and must cover the difference between their costs and donations largely from tuitions. Consequently the "tuition gap" has been widening. While the tuition ratio between public and private IHL used to fluctuate around 1:3 until the early 1950s, it now stands at 1:4.6 and is likely to exceed 1:5 within a few years.

The widening tuition gap has had many detrimental results. Enrollment which for many decades used to be divided about 50:50 between public and private IHL has since 1951 been shifting toward public IHL which now accommodate 69% of all students. About three of every four new students now enroll in a public IHL. If the tuition gap continues to grow, public IHL will, in the late 1970s, account for 80% or more of the student body. This is of course a very expensive proposition for the taxpayers who are shouldered with 80% to 90% of the cost of educating the students at public IHL. Moreover, if present trends continue, the situation in higher education several years hence will resemble the picture in the lower schools where the public schools account for 85% of the enrollment and enjoy a virtual monopoly in many areas, particularly in regard to children from families which are less than affluent.

The growing tuition gap prevents private IHL from raising their tuitions to a level sufficient to meet their needs. A few years ago Chancellor Lawrence A. Kimpton of the University of Chicago told an audience of state college administrators: "To put it in the crassest terms possible—and I know this will offend many of the brotherhood—it is hard to market a product at a fair price when down the street someone is giving it away."

Why should students at IHL pay only 10% or 20% of the cost of their education? Why should they place most of the burden on the general taxpayer when they will, as a result of their education, earn a much higher income throughout their working lives? Would it not be preferable to charge higher fees to all students and reserve part of the greater revenues to increase the number and amount of scholarships for students from low-income families? Most students at public IHL now spend much more for alcohol and cigarettes, not to mention automobiles, than on their education.

Does it not give a student a completely wrong set of values if a college charges him full cost for room and board but only a small amount for his education? Would it not be preferable, *ceteris paribus*, to give him a discount (or even a waiver) on his board and room but charge him closer to full fare for his education?

In its 1956/57 annual report the Carnegie Foundation for the Advancement of Teaching suggested: "Private institutions may eventually have to charge the full cost of

education in tuition. They can then go even further than they have to date in providing various forms of scholarship aid for those students who need it."

As long as public IHL keep their tuitions at a small fraction of cost, few private IHL can afford to follow that advice.

Private colleges pay their professors on the average about \$1,000 less than state colleges,<sup>9</sup> and levels of compensation are likely to be reflected, sooner or later, in the caliber of the faculty. This will place private colleges in a precarious position. Who would want to pay five times as high a tuition to send his son or daughter to an inferior college?

These problems could be solved if public IHL were to raise their tuitions substantially while expanding their student aid funds. That would still give them large additional revenues for their general purposes. In turn this would make it easier for private colleges to boost their tuitions.

Would this not drive the costs of education beyond the capacity of a large number or most families? It might—unless government aided with the payment of the increased fees. Such aid could be provided, for example, in the form of broad-scaled ample scholarships or through a system of government vouchers which the students would give to their institutions, to be cashed by them.

Vouchers for college students would enable the institutions, public and private, to charge considerably higher fees without burdening the students or their families; the added revenues could be spent by each college for whatever it needs most.

While such a plan would overcome some of the shortcomings of the present system, it could be subject to constitutional challenge as litigation and several decisions on similar state or local plans in recent years suggest.

The only method of aiding students, and indirectly institutions, that is completely safe from constitutional challenge is tax credits: no money would flow from the national government either to an institution or a student. Individual taxpayers would reduce their payments to the government. Tax deductions for many purposes, including church support, have always been an integral part of our tax system and have as such never been questioned on constitutional grounds. Nor is it conceivable that they could.

Before discussing the various aspects of educational tax credits we probably should survey some of the major alternatives suggested by educational organizations.

#### RECENT PROPOSALS FOR EXPANSION OF FEDERAL AID TO HIGHER EDUCATION

Some of the leading organizations in higher education have within the past year submitted plans for expanded federal aid.

The National Association of State Universities and Land-Grant Colleges and the American Association of State Colleges and Universities have asked for more generous grants and loans for construction purposes and "operating support for all accredited institutions that can participate. . ."

The clause "that can participate" is a more sophisticated way of saying what used to be expressed in plain language until a few years ago: that private institutions, but most decidedly church-connected colleges, should not be eligible. In other words, that only public IHL should receive broad federal support on an institutional basis. The associations approve of graduate fellowships and traineeships but "continue to oppose a general federal scholarship program in the absence of evidence that it would in fact assure college attendance for a substantial number of the highly talented who cannot now attend under existing public and private programs. . ."

Footnotes at end of article.

The two associations oppose tax relief for tuitions and fees and also object to an expanded student loan program with long terms of repayment (Educational Opportunity Bank) because it would require a student to "indenture" himself for most of his working life.

The Association of American Universities (AAU) advocates direct general-purpose institutional grants to all public and private IHL which meet recognized standards. How such grants to church-connected institutions could be protected from constitutional challenge the association fails to explain.

In the early 1950s, shortly after a presidential commission had recommended federal grants for operation and construction at IHL, AAU sponsored a Commission on Financing Higher Education which after laboring for three years declared: "This Commission has reached the unanimous conclusion that we, as a nation, should call a halt at this time to the introduction of new programs of direct federal aid to colleges and universities." The Commission's Executive Director wrote as late as 1963 that "the conclusions of the Commission on Financing Higher Education have not been outdated either by events or by further analysis."<sup>10</sup> But as of 1968 the AAU recommended besides the mentioned institutional grants, expansion of federal scholarships and fellowships, student loans, facility, research and other categorical aid.

In a special report to the Carnegie Foundation for the Advancement of Teaching in December 1968 its Commission on Higher Education, chaired by former University of California President Clark Kerr, recommended for federal action: a major expansion of scholarships, fellowships, work study, student loans with greatly lengthened terms of repayment, enlarged support of research and construction and of other categories such as medical education, libraries, international studies, developing institutions, etc. To supplement inadequate tuitions, the Commission suggests "cost of education supplements" paid directly to institutions. The question is not even mentioned how such payments should be made to church-connected institutions.

While the three groups agree in their demands for more federal money and on more generous construction grants they disagree on almost everything else, although some dissents are covered up. In regard to general purpose aid the state IHL want it for themselves while the other two groups do not refer to the trap that has killed all such proposals in the past: aid to denominational IHL. Some of the institutional heads may hope to persuade Congress to enact a general aid program and from which institutions with church connections would then be dropped either during the legislative process or subsequently by judicial action.

Does this help to "reduce the rising tide of conflict between the [public and private] institutions," as Clark Kerr suggested?<sup>11</sup> Quite the contrary; it is apt to aggravate and perpetuate it.

Would Congress and the American public face the disappearance of many or most of the 900 church-connected colleges and universities with the same equanimity and unconcern as the administrators of state universities? Not very likely.

Many who are convinced that the financial problem in higher education cannot be solved without massive federal aid might be willing to accept such an outcome if there were no alternative available. But there is an alternative—to permit federal income tax credit for tuitions and other expenses and for donations to higher education.

#### TAX CREDITS FOR TUITIONS AND OTHER EXPENSES IN HIGHER EDUCATION

Soon after the Commission on Financing Higher Education in 1952 recommended against the introduction of new programs of direct federal aid to higher education, the

American Council on Education, the American Alumni Council, and other groups sponsored plans for helping higher education by indirect means, through tax relief for tuitions. But the methods proposed—income tax deduction, additional exemptions or flat percentage credits—would have conferred most of the benefits to higher income brackets and to private IHL. Several hundred bills on tax aid to higher education were introduced but none brought congressional action because of the inequities involved.

Disappointed by their failure, educational organizations in the early 1960s shifted their efforts toward securing direct grants. Bills for construction and student aid and various other purposes were enacted but no plan for institutional support was considered by Congress.

In 1963 when I was asked by the Senate Labor and Welfare Committee to testify on President Kennedy's recommendations for federal aid to education I conceived of a method of aiding higher education that allocated the benefits more fairly: federal income tax credits for tuitions and other educational expenses on a graduated or sliding scale. I testified and submitted the plan on May 27, 1963.<sup>12</sup> Ten days later the then assistant majority leader Senator Hubert H. Humphrey announced on the floor of the Senate that he had introduced a bill to implement the plan as a "sensible and workable system of federal assistance."

"It is essential that an across-the-board tax credit program be initiated to assist every person currently facing the considerable expenses associated with higher education. . . ."

"I have sponsored similar tax credit legislation for many years. However, the bill I introduce today is, in my opinion, a significantly improved measure over all earlier versions.

"Tax deductible, additional exemption, and tax credit bills share a common purpose: first, to assist persons financing a college education and second to provide indirect assistance to the institutions of higher education." <sup>13</sup>

Senator Humphrey then cited from my testimony before the Senate Committee on May 27 and continued:

"The sliding tax credit schedule provides a sensible and workable system of federal assistance that helps every student, indirectly helps both public and private institutions, and does so in a manner that in no way interferes with individual or institutional freedom or policies. This bill, providing for a declining tax credit for expenditures on tuition, fees, books, and supplies mitigates the distortion found in the large majority of bills that rely on tax deductions, additional exemptions, or non-variable tax credit. . . ."

The graduated percentage tax credit plan rapidly gained sponsors in both political parties and soon commanded majority support in the Senate. During a debate on November 21, 1963, Senator Keating said:

"Perhaps the bill could properly be called the Ribicoff-Keating-Humphrey-Goldwater bill. Having said that, I should say that it ought to have widespread support in the Senate, if four Senators of different philosophies have stated their adherence to the sliding scale principle. We can, therefore, look forward to big things for this amendment." <sup>14</sup>

The plan came up for congressional action three times and commanded a clear majority on each occasion. But it was not enacted when "the Johnson Administration used every ounce of influence it could muster" and "snapped the whip and lashed Senators in line against the proposal" (citing reports from *U.S. News and World Report* of February 14, 1964, and the *Washington Star* of March 14, 1966). Key legislators were told by Presidential Assistance W. Marvin Watson "that 'they were through' at the White House

if they backed the Ribicoff plan." Mr. Watson ". . . emphasized that he was speaking for the President who . . . was prepared to deal them out of all Federal patronage and projects if 'you cross him on this vote.'" (The *New York Herald Tribune*, March 10, 1966.) Even some of the bill's sponsors were forced to reverse themselves and vote against it at Senate votes in February 1964 and March 1966 so that the plan could be defeated by a narrow margin. In 1967 the educational tax credit bill was sponsored by 47 Senators of both political parties and on April 14 of that year the Senate adopted the plan with a vote of 53:26. But again President Johnson succeeded subsequently in preventing enactment.<sup>15</sup>

#### WHAT WOULD TUITION TAX CREDITS DO?

The Ribicoff-Dominick plan—so named after its leading sponsors Senators Abraham Ribicoff and Peter Dominick—would permit anybody who pays for tuitions, fees, books and supplies for a student at an IHL (whether the payer be the student himself, his parents or a benefactor) 75% of the first \$200, 25% of the next \$300 and 10% of the next \$1,000. This means that expenses of \$300 would allow a credit of \$175 (58%), expenses of \$1,500 a credit of \$325 (22%). The credit starts tapering off from an income of \$25,000 and vanishes at \$57,500.

The Treasury Department estimated in 1964 that the Ribicoff-Dominick plan would cost \$750 million a year, gradually rising to \$1.3 billion, and that 62% of the credits would accrue to beneficiaries with an income between \$3,000 and \$10,000, 91% to persons with an income under \$20,000.<sup>16</sup>

The claim was raised by the state universities that educational tax credits would "help those who need it the least." This is simply not true and sounds particularly strange coming from an organization which for many years has steadfastly opposed the expansion of federal scholarship programs. Most of the benefits of the tax credit plan would accrue to lower-middle and middle-income families which suffer more heavily from the burden of sending their offspring through college than any other economic group.

In other words, the tax credit plan offers little or nothing to the rich, little or nothing to the poor and aims at easing the future college burden of the vast majority of students who come from families "in between." Students from families with so low an income that they pay no or little income tax probably account for less than 10% of the enrollment. Most of them, as I mentioned earlier, are probably on a scholarship of one type or another.<sup>17</sup>

Senator Ribicoff explained:

"We must face squarely the need to provide tax relief to ease the heavy burden of college costs. It has been discussed for over a decade. Now we must decide if, as a nation, we are to treat education's costs as we do the interest on a home mortgage, or flood damage, or health expenses.

"This proposal is for the average family in America. It is for the people who constitute the backbone of America—the blue collar workers, the white collar workers, the wage earners, and salaried persons of the lower-and-middle-income group who are struggling to pay their bills, buy their homes, and educate their children. They work hard for their wages or salary—and it is all taxable.

"Our income tax is a graduated tax. It is based on ability to pay. If they pay a \$1,000 medical bill, they get some tax relief. If a tornado or flood causes them \$1,000 of damage, they get tax relief. But if they pay \$1,000 a year for 4 years to send their sons and daughters to college, they bear that burden with no help from our tax laws."<sup>18</sup>

Senator Dominick defined the aim of the plan: to enable a student's family to use its pre-tax earnings to pay for his college education.

The granting of tuition tax credits would

not only free more scholarships for students from a low-income background, it would also stimulate thousands of potential donors to offer scholarships to needy students for which they would receive credits on their income tax.

*What are the objections to educational tax credits?*

Some have declared tuition tax credits to be unfair because they would provide no direct benefits to persons who pay no income tax. That is like saying that for example the 1964 income tax deduction was unfair because persons whose income is so low that they are not taxable did not benefit from the cut; or that personal exemptions and deductions are unfair to persons whose income is wholly derived from social security, unemployment compensation or public assistance because they cannot take advantage of them.<sup>19</sup>

If, however, it were felt desirable to make direct benefits available to persons who pay no income tax, the tax credits could be made absolute, as I suggested to the Senate Labor and Public Welfare and Finance Committees in 1963: a potential recipient would compute his income tax including his tuition tax credit and if his return winds up with a final net credit it would be paid to him, like any other net credit on an income tax return.<sup>20</sup>

Some have even claimed that tuition tax credits would be unfair to persons who have no college expenses. That is like saying that deductions for medical expenses, casualty losses or state taxes are unfair to persons who incur no such outlays, or that granting exemptions for dependents is unfair to persons who have no dependents. I do not believe that such contrived and specious arguments deserve to be taken seriously.

You may have noted that I referred to benefits to students and their parents while earlier I was talking about helping the institutions. Opponents to educational tax credits have criticized the suggestion that both, institutions and students, would be benefited. Obviously, they say, it can be only one or the other.

But this is a misunderstanding. IHL have been steadily boosting their tuitions and if they continue to do—as they most certainly will—tax credits will enable them to receive substantial additional revenue without imposing a commensurate burden on their students. A significant share of the tuition increase will be borne by the Treasury and not by the students. Thus the benefits will in all likelihood be split between students and institutions. It is entirely irrelevant what the proportion will be. As long as a substantial part of the support of higher education is derived from fees, it is immaterial for the benefit question at what point in the stream the funds are added.

The Association of State Universities and Land Grant Colleges wrote in a circular letter dated February 27, 1963:

"While the plan has been 'sold' to many parents as a means of getting financial relief from the federal treasury for the cost of sending children to college, it was in origin and is in its primary intent, a plan to siphon off substantial amounts from the federal treasury for support of colleges and universities."

Opponents in the 1964 and 1966 debates quoted repeatedly from my statements to the two Senate committees in 1963 in order to prove that what I really intended to do was to help institutions more than parents. I may as well admit that I do not regard the aim to aid colleges and universities at this point in time to be of a sinister nature nor a nefarious plot which needs to be unmasked. I can see nothing wrong with helping students and their families support the college of their choice. Aid to parents and to institutions are simply two sides of a coin which cannot be divided though some pretend that the one side they are look-

Footnotes at end of article.

ing at is the whole coin. It seems to me that the charge that a plan would "siphon off substantial amounts from the federal treasury for the support of colleges and universities" comes in particular ill grace from groups which have long been leading a campaign to channel large federal funds into higher education—provided that their member institutions and no others were the only beneficiaries.

Nobody has ever seriously asked whether the tax law permits the deduction of gifts for educational, charitable and religious activities because it wants to aid the donor or the activity. We take it for granted that it is the intent of the provision to help the giver give, to motivate and enable him to give more for a cause that is held to be in the public interest. Similarly, tuition tax credits are not intended to help the taxpayer as such but to help him support the college of his choice.

It is significant that the cost of tax credits and their impact on the U.S. budget deficit are being quoted as an argument by groups which advocate sharply increased federal spending for purposes in which they have a stake. The budget deficit, it seems, is of concern only when it is occasioned by a reduction in revenues through tax credits, but irrelevant to the extent to which it is caused by direct federal expenditures.

Opponents say that institutions could benefit from tax credits only if they boosted tuitions and that higher tuitions would raise barriers for students from low-income backgrounds who would receive no benefits from the credits. The fact is of course that tuitions have been climbing steadily and will certainly continue to do so. The U.S. Office of Education prepared a projection—assuredly not based on the possible approval of tax credits—according to which average tuitions will rise from \$1,380 in 1968/69 to \$1,906 in 1978/79 at private IHL. Many families will find some of those boosts hard to bear unless they are granted relief in some form.

It is frivolous and nearly slanderous to charge—as some have—that boards of trustees would boost tuitions simply for the purpose of raiding the treasury, if income tax credits were made available. Boards approve tuition increases only when the financial needs of the institutions demand it—and often not even then. The question is whether students will have to bear the whole impact or only part of it. It is obvious that students from low-income backgrounds can be protected by being given a reduction or exemption from tuition boosts.

Some object to tax credits because they would open another loophole in the Internal Revenue Code. This would indeed be a valid argument if the federal income tax were otherwise comprehensive. The fact is, however, that in 1966 less than half of all personal income was taxable. Out of \$587 billion personal income, \$301 billion escaped taxation through deductions, exemptions, exclusions and credits to benefit literally hundreds of activities or to ease special burdens. Why should education be discriminated against and forever remain a stepchild of the tax code? Until at least a substantial share of the missing \$301 billion is subjected to taxation it does not seem fair to single out education for the rough treatment while granting numerous other activities a favored status. To worry about endangering the integrity of our income tax through educational tax credits is like being concerned about imperiling the virtue of a prostitute by letting her read a sexy book.

President Charles Cole of Amherst College once made a cogent comment on the fairness of tuition tax credits: "Tax payments to states which finance public universities are deductible from income reported for federal taxes, but if the payment for education is

made to a private institution, no tax allowance is to be had."<sup>21</sup>

Investment credits, authorized in 1962 at President Kennedy's recommendation, proved to be a very effective stimulant for plant expansion and job creation. Similarly, tax credits could turn out to be a very profitable investment for the taxpayers. If such credits were granted and some students thereby enabled to attend a private IHL—while without the credit they could not afford to enroll at any but a low-tuition public IHL—the taxpayers would save \$2,000 a year or more for a concession which is limited to \$325 under the Ribicoff-Dominick Plan.

That plan is heavily slanted in favor of low-tuition public institutions. A student who pays a tuition of \$299 (the 1968/69 average) at a public IHL would have 59% of his payment wiped out by the credit; a student at an average private IHL (1968/69 tuition \$1,380) would only get a credit equal to 23% of his cost. Dollarwise the credit of the student at the private IHL would be \$138 higher—but his additional fees would amount to \$1,038, or eight times as much.

One argument sometimes used against tax credits appears to be fact-based: tax credits would not enable the national government to increase its influence on the policies and practices of IHL while added programs of direct grants-in-aid to institutions would significantly strengthen the supervision and control which federal departments already exercise through some of the existing programs. Whether greater control of education by the central government is desirable or not is a question of political philosophy.

It is not surprising that the Association of American Colleges in 1964 with an overwhelming vote decided to endorse tax credits in higher education. President Nixon has also advocated educational tax credits during the presidential campaign, in keeping with the Republican platform adopted in August 1968.

Another form of tax credits can be at least as beneficial to IHL as tuition credits: credits for donations.

#### FEDERAL INCOME TAX CREDITS FOR DONATIONS TO HIGHER EDUCATION

Donations to higher education are highly concentrated in two ways:

(a) The bulk of the gifts goes to well-known prestige institutions with the crumbs left for the others;

(b) Most of the total amount of gifts from individuals comes from wealthy persons and families. Small contributors account for only a small share of the aggregate.

This is probably inevitable under our present federal tax laws. The Internal Revenue Code permits an individual to donate to higher education, and to deduct from his income for tax purposes, up to 30% of his income, a corporation up to 5% of its profits. But most taxpayers give nothing to higher education and those who donate give only a small fraction of their allowable contribution except a few persons in the highest income brackets. Under our progressive income tax scale, with rates ranging from 14% to 70%, high-income persons can shift up to 70% of the cost of their gift to the U.S. Treasury. Moreover, by donating property which has gained in value over the years, they can avoid paying a capital gains tax. So their gift may in the end cost them little if anything.

But taxpayers in the lower brackets find that up to 86% of their donation comes from their own pockets. And since it is so much more expensive for them to donate, not many of them do. Only a small fraction of the ten million college graduates and of another ten million persons who attended college for from one to three years are regular contributors to their alma mater or to any other college—although they paid only part of the cost of their education while they attended and most derive substantial material benefits from the

education they received or the degree they were given.

The undesirable consequences of the high concentration of voluntary giving—from a few wealthy individuals and families and to *name* colleges—are too obvious to require much explanation. It is much healthier for a college to get 10,000 contributions of \$100 each, and get them on an annually recurring basis, than to receive a \$1 million gift from a rich individual.

Voluntary support of higher education could be placed on a far broader foundation, with millions of new contributors making regular annual donations by a change in the tax law which has been repeatedly suggested in recent years but not yet been approved by Congress: to permit deduction of a donation from the income tax itself rather than merely from the tax base (adjusted gross income). A proposal to permit a 100% tax credit (i.e. a direct offset against tax liability) up to \$100 to individuals and \$5,000 to corporations was submitted to the Senate Labor and Public Welfare Committee on May 16, 1963 by President John A. Howard of Rockford College and President Landrum Bolling of Earlham College on behalf of an ad hoc committee of college and university presidents. Several bills to implement the plan were introduced in the 88th and succeeding Congresses but no further action has so far been taken.

If a donation up to a ceiling of \$100 (or preferably a somewhat larger amount) were deductible from the federal income tax liability itself it would give taxpayers the choice of sending \$100 to the federal tax collector or to a college. This would cause millions of alumni and others to make regular annual donations to higher education and huge amounts of new money would flow to the colleges, public and private, for general operating purposes and for scholarships. Small colleges would then more equitably participate in the gifts and the existing imbalance would gradually be reduced. Federal income tax credits for donations to institutions of higher learning could well become the most significant advance in college finance and would help save many institutions which otherwise might not be able to survive.

#### CONCLUSION

The urgency of current pleas for congressional authorization of sharply increased funds for IHL reflects a spreading fear that the institutions may shortly face a grave financial crisis. There are good reasons for this fear, although they are not necessarily the reasons most frequently cited by petitioners for funds. The mass riots, violence and wanton destruction that have occurred on college campuses across the nation, the forcible disruption of studies and of orderly administration that have been permitted to take place and to continue at institutions, large and small, public and private, have seriously eroded the respect, affection and genuine pride which the American people have traditionally accorded to higher education and its leaders. Nor have student—and even faculty—expressions of outright hostility to all programs that tend to strengthen the defensive capacity of the United States—through research, through ROTC and other forms of cooperation—done much to endear the academic world to other Americans. Recent polls suggest that a growing segment of the general public has become disenchanted with higher education, appalled and repulsed by many of its products.

Those sentiments are beginning to show in a diminished flow of incoming gifts, and in adverse votes on education issues on state and local ballots. Sooner or later they may also be reflected in the treatment that colleges and universities can expect from state legislatures which must shape their policies to conform with the wishes of their constituents.

Not without reason do the heads of institu-

<sup>21</sup>Footnotes at end of article.

tions fear that increases in donations and state appropriations may be harder to come by in the future than they have been in years past. That is why they petition Congress to grant them immunity from the impending backlash. Enlarged federal grants to institutions could for a time protect academia from the people's wrath. But they could also lead to a lasting alienation between town and gown, coming ironically at about the time of the greatest democratization of higher education, at a time when many institutions in their eagerness to make everybody fit for college have made college fit everybody.<sup>12</sup>

Nor has the efficiency with which educational funds are being spent, augmented the confidence of erstwhile and would-be supporters. Any industry that utilized its skilled staff and costly facilities as wastefully as the average American college or university would have been bankrupt long ago. Such waste has become excessive and flagrant in recent years. One of our most experienced academic management experts, Harold B. Wess, recently posed the crucial question: "Is Efficiency Taboo in Academia?" as the title of an article that merits attention (*Educational Record*, Winter 1968).

In 1968 even the American Association of University Professors admitted that, in contrast to the rest of the economy, higher education has registered little or no increase in productivity through technology. The Association denied that soaring costs are the product of either inflation or inefficiency; but it did conclude that "ways will have to be explored to increase productivity of those engaged in the educational process" (*Annual Report of Committee Z*).

Greater efficiency and a better product are more likely to emerge on the American campus when the voice of the broad public, upon whose efforts and good will the support of higher education ultimately depends, is no longer drowned out by the strident cries of belligerents bent on the destruction of our society and its institutions. It might well be that the public voice can speak and be heard more clearly if tax credits are used to aid education rather than federal grants which aim to shield colleges and universities from the popular will.

## FOOTNOTES

\*Opinions expressed are my own and should not be attributed to any of the organizations with which I am or was connected.

<sup>1</sup> Educational data from: USOE, *Digest of Educational Statistics, 1968 and Statistical Summary of Education, 1947-48*. Economic data from: *Economic Report of the President*, January 1969.

<sup>2</sup> USOE, *Projections of Educational Statistics to 1976-77*, 1968.

<sup>3</sup> Could the preoccupation of university authorities with the procurement of greater resources be somehow related to their inability to meet the challenge of campus unrest?

<sup>4</sup> Duncan Norton-Taylor "Private Colleges: A question of Survival," *Fortune*, October 1967.

<sup>5</sup> *Congressional Record*, June 6, 1963, p. 10254.

<sup>7</sup> *Congressional Record*, April 27, 1966, p. 9048.

<sup>8</sup> Those rates of concentration were somewhat reduced in the past few years.

<sup>9</sup> The situation is, however, reversed in universities.

<sup>10</sup> *Educational Record*, 1963.

<sup>11</sup> Clark Kerr, "The Distribution of Money and Power," *The Public Interest*, Spring 1968.

<sup>12</sup> *Education Legislation—1963*, Hearings of the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, 88th Congress, 1st Session, 1963, pp. 1265 ff, *Congressional Record*, May 27, 1963, pp. 9464 ff.

<sup>13</sup> *Congressional Record*, June 6, 1963, p. 10253.

<sup>14</sup> *Congressional Record*, November 21, 1963, p. 22594.

<sup>15</sup> A more extensive description of the Congressional proceedings is contained in my book *Crisis in College Finance?*, Washington, D.C., The Institute for Social Science Research, 1965, Chapter 10. Adoption of the plan: *Congressional Record*, April 14, 1967, pp. 9665.

<sup>16</sup> *Congressional Record*, February 3, 1964, p. 1808.

<sup>17</sup> 94% of the students from the lowest quartile in family income now receive some form of federal assistance. *Special Analyses, Budget of the United States*, Fiscal Year 1970, p. 124. This does not include students receiving state or private scholarships.

<sup>18</sup> *Congressional Record*, February 6, 1967, p. 2642.

<sup>19</sup> In 1966 about \$10 billion in deductions (standard and itemized) and personal exemptions did not help reduce the tax liability of the persons who had submitted those returns because their deductions and exemptions exceeded their income by that amount. Those returns were not taxable even before applying the \$10 billion deductions and exemptions to which the law entitled them. Does that mean that deductions and exemptions are unfair?

<sup>20</sup> Amendments to that effect were offered by Senators Hartke, Prouty, etc.

<sup>21</sup> *Higher Education in the United States: The Economic Problems*, Seymour E. Harris, ed., Harvard University Press, 1960, p. 15.

<sup>22</sup> According to a Gallup Poll, published March 13, 1969, 84% of the public wants federal aid withdrawn from campus lawbreakers. On but few issues has public opinion been so clearly united as on this. But no college or university has obeyed the federal prohibition against granting federal funds to students convicted of campus disruptions. A further widening of the chasm between the campus and the community could lead to a ruin of higher education.

## POLL OF SILENT MAJORITY

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RHODES. Mr. Speaker, in the wake of demonstrations, moratoria, sit-ins and shout-downs, the voice of the "silent majority" sometimes seems to be obliterated entirely.

Nevertheless, it occasionally breaks through. That voice could be seen in the hundreds of telegrams on President Nixon's desk expressing support for his speech on Vietnam.

In Arizona, that voice could be seen in the results of a radio straw poll conducted by Buck Owens Broadcasting, Inc.—KTUF—in the Greater Phoenix area. The results of that poll, as reported in the following letter, may be of interest to those who are wondering what the silent majority is really thinking:

BUCK OWENS BROADCASTING, INC.,  
Phoenix, Ariz., October 31, 1969.

HON. JOHN J. RHODES,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN RHODES: For your information . . . on October 23, 1969; K-TUF Radio conducted a telephone poll of its listeners regarding the war in Vietnam.

October 21 and 22 we broadcast announce-

ments advising K-TUF listeners that they would have the opportunity to state their feelings on the Vietnam war by telephone on October 23.

On that Thursday K-TUF News took calls from 7:00 a.m., to 6:00 p.m. When listeners called they were asked:

1. Do you approve or disapprove of our nation's current policies on South Vietnam?  
Poll: Approve 315, Disapprove 117.

2. Did you agree or disagree with the Moratorium Day staged earlier this month?  
Poll: Agree 54, Disagree 343.

Although we did not ask callers their names and addresses; we learned that we received calls from Phoenix, Mesa, A.S.U., Globe, Chandler, Tempe, Scottsdale, Prescott and Sun City.

I feel our audience spread is in the lower middle, middle, and upper middle income areas. The majority of our audience is between 25 and 49 years of age. Many of the head-of-households served in World War II.

You'll note that more persons disagreed (and some violently) with the Moratorium than approved of current policies in Vietnam. Many stated that they did not agree with current policies in Vietnam and said they wanted a complete military victory in Vietnam as soon as possible.

We are considering a similar poll on November 15th. Should you have any thoughts regarding this, I would be pleased to hear from you.

Sincerely,

JOE THOMPSON,  
Vice President.

## POTOMAC VALLEY TEST FACILITY

## HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BROYHILL of Virginia, Mr. Speaker, Mrs. Louise B. Haack, of Falls Church, Va., has called my attention to a rather bitter editorial which she believes should be read thoughtfully by those of us here in Washington who are charged with making the decisions for the people of this Nation.

Mrs. Haack's letter, and the article to which she referred follow:

FALLS CHURCH, VA.,  
October 30, 1969.

HON. JOEL T. BROYHILL,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: The enclosed editorial has just been reprinted in the current issue of the *Saturday Review*. I had made copies of it when it first appeared in *Science* because I felt it should be read into the *Congressional Record*—but failed to send it along. I am therefore grateful to have a reprove and bring attention to it at this time.

Dr. Wolfe has been Executive Secretary of AAAS for many years. He has announced his resignation and plans to join the staff of the University of Washington. He is a profound and lucid thinker and is surely on intimate terms with the Washington scene (he has lived here for more than 20 years). This succinct and bitter commentary is undoubtedly the product of these years, synthesized through mature, reflective thought. It is deserving of the attention of every person responsible to the people of this great nation for decisions which, in the long run, create both mischief and evil.

Sincerely,

Mrs. LOUISE B. HAACK.

## POTOMAC VALLEY TEST FACILITY

If we had had the foresight a few years ago to establish the Potomac Valley Test Facility, several recent national problems could have been handled more satisfactorily. An example was the problem of what to do with a large supply of unwanted poison gas in Colorado. The Army proposed to ship it by train to the East Coast and then to dump it at sea off the coast of New Jersey. Had the Potomac Valley Test Facility been in existence, several containers of the gas could have been dropped into the Potomac River, between the White House and the Pentagon, from an altitude calculated to give the impact velocity expected at sea bottom. Dropping a few containers into the Potomac River would have given congressmen, Army officials, and other interested persons an opportunity to observe at first hand whether the containers survived unharmed, and if they did not, the rate of leakage of the gas and its effects on the neighboring flora and fauna. Nothing quite takes the place of direct, personal experience in evaluating an event and its consequences. The nation's central decision makers should not be denied this experience.

More recently, the Edgewood Arsenal and Fort McClellan have suspended open-air testing of nerve gas until a team of scientists can determine whether such tests are as free from danger as they are reputed to be. The National Academy of Sciences, which is frequently asked to advise the government on difficult technical matters, has its headquarters in Washington. Also nearby are the National Bureau of Standards, the Food and Drug Administration, and other agencies that can provide much technical information and relevant expertise. If open-air tests of nerve gas were conducted in or near Washington representatives of appropriate agencies and of interested congressional committees could easily obtain the firsthand information which they will no doubt wish to have in evaluating the possible hazards of testing such gases in or near inhabited areas.

Another use of the Potomac Valley Test Facility would be in conducting studies of the sonic boom. Sonic boom tests have already been carried out in several parts of the country, but the test sites have been remote from Washington, and there is still considerable disagreement over the extent of the disturbance and the willingness of the public to accept repeated sonic booms. Again, firsthand information would be useful to the decision makers. If repeated tests were conducted over Washington, members of Congress and officials of responsible Executive agencies could observe the effects on babies, pets, the sick and the elderly, on classrooms and conferences, and also on window panes and other fragile objects. They could learn for themselves just how much or little disturbance repeated sonic booms produce at various times of day and night.

There would be still other advantages of having a general-purpose test facility located in Washington. Studies of the time-zone effect indicate that physiological disturbances, loss of sleep, reduced effectiveness, and impaired judgment follow sudden transportation from a time zone to which a person is adapted to another, several time zones removed. However, there are individual differences in these effects, and the whole matter needs further study. Washington is full of people who make frequent trips to Europe, Africa, the West Coast, or Asia. Clearly they would be good subjects for studies of time-zone effects, and their number could readily be increased, for it would be easy to get nominations of politicians, bureaucrats, editorial writers, and others whose frequent or prolonged absence from Washington would be considered by many to be in the national interest.—DAEL WOLFFLE.

## AID: THE REASON WHY

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. FRASER. Mr. Speaker, soon we shall be considering the Foreign Assistance Act of 1969. An excellent answer to the often asked question, "Why should we do more?" was recently given by Reg Prentice in the Observer, October 19, 1969. Mr. Prentice, a member of the British Parliament, resigned as Minister of State Technology to devote himself as a back bencher to helping developing countries. He has also served as Minister of Overseas Development and he gives a fourfold answer to those who ask why nations such as Great Britain and the United States should continue and increase their aid programs: First, because it is right; second, because it is an investment in peace; third, because it is a wise economic investment; and fourth, because our own political health depends upon it.

Mr. Speaker, Mr. Prentice's comments were not aimed specifically at this House audience. But they are very timely:

## AID: THE REASON WHY

Two impressions of a visit to India stand out among memories of my two years as Minister of Overseas Development.

The first is of a walk through the slums of Calcutta. Nowhere does the brutal fact of stark poverty make a bigger impact on the visitor. I defy anyone to go there and still oppose overseas aid. Calcutta is getting worse. People still crowd in from the impoverished countryside to live and die on its pavements.

The second is of a tour of Punjab villages in an area of rapid agricultural progress. New types of wheat had been introduced. The land had been irrigated and agricultural extension workers had achieved a breakthrough in terms of better husbandry, the use of fertilizers and co-operative marketing. The farmers' incomes had increased several times over in recent years. Farmers from farther afield were walking hundreds of miles to ask for a few handfuls of the new seed and to learn about the new methods.

I have met these two aspects of the problem in many other parts of the developing world. On the one hand, the massive human needs of millions of desperately poor people. On the other, examples of successful development leading to a real improvement in people's lives. No room for complacency, but no room for despair.

The success stories are more numerous than is usually imagined. Translating them into global statistics, the United Nations objective for the 1960s (the first "Development Decade") was an annual average rate of growth of 5 per cent for the gross national products of the poorer two-thirds of the world. The annual rate at the end of the decade is now about 5 per cent on average, although the figure for the whole decade will be a little lower. This is the fastest rate of growth most of these countries have ever had. It is faster than we achieved in the early stages of our own industrial revolution. Being an average figure, it means that many countries achieved less than this, but many achieved more—nine of the developing countries will have doubled their GNP in the 1960s.

Most of this progress is due to their own

efforts. About 80 per cent of the new capital created in the developing world in this period has been generated from within. All the aid programmes and all the private investment in the world provide only 20 per cent, but this outside aid will often have made the critical difference between relative stagnation and real progress.

I believe that the real conclusion is that development is succeeding, but in most of the poorer world it is succeeding too slowly. The average growth rate of 5 per cent or so has to be seen alongside an average population growth of 2½ per cent a year, or thereabouts. At this rate the vast majority of people in Asia, Africa and Latin America will remain desperately poor for a very long time.

Meanwhile, we are all learning more about the development process. We are avoiding past mistakes. At an early stage there was too much concentration on large prestige projects. Now there is more emphasis on smaller projects, on rural rather than urban development, on agriculture and small industries rather than heavy industries. This coincides with the development of new types of seed for rice, wheat and maize—the Punjab success story is being repeated in varying degrees in other parts of the developing world.

There is also much more practical attention being given to the threat to mankind posed by the population explosion. There is new emphasis on family planning, especially in Asia. This is a vital part of any sensible policy of development and many of the poorer countries—though not yet enough of them—are pursuing vigorous official programmes in this field. Within our own aid programme we have provided advisers in this field. We are organizing family planning courses for overseas medical students in Britain, and we have established a Population Bureau within the Ministry of Overseas Development to work on these problems.

We have now reached the stage when the development process can gather faster momentum. We know what needs to be done. The question is whether we have the will to do it and by we I mean both the poorer and the richer countries. The poor countries will require very great restraint and self-discipline to achieve faster progress. If they make the necessary efforts to help themselves—as many are doing already—then they are entitled to look to us for help and for more help than we have been giving.

This help can take many different forms. Trade, private investment and political relationships all come into the picture. But the provision of a growing aid programme is the most vital point of all.

Why should we do more? I believe there are four basic reasons:

There is a simple moral duty to help those so much poorer than ourselves. As the late President Kennedy said in his inaugural address, we must do it "because it is right." These four words need no elaboration.

It is an investment in peace. Who can doubt that the lack of development in two-thirds of the world, while the other one-third gets richer, and the gap grows wider, will set up strains and tensions that will make the world more dangerous for all of us?

It is an investment in our own future markets. We all have a vested interest in the growth of the world economy. This particularly applies to Britain with our pattern of trading relationships all over the world. We get nearly 12 per cent of the orders for goods imported by the developing world, although we provide only 7½ per cent of the global flow of aid. A lead by Britain towards a general rise in aid from all donors would be a powerful investment in our future export prospects.

Our own political health depends upon it. How can we, a multi-racial society, expect to solve our domestic problems, unless we play a constructive part in a multi-racial world? The Western nations cannot retreat into cosy little rich men's clubs and expect to prosper in isolation. A policy of inward looking selfishness is not only morally wrong: it would be self-defeating.

Aid should go up in the 1970s, not only from Britain, but from the richer one-third of the world generally. The question has been put before us forcibly by the report of the Lester Pearson Commission. Specifically, they have called upon all donor countries to reach the target of 1 per cent of GNP (which includes both Government aid and private investment) by 1975 at the latest. (Last week Labour MPs put down a motion calling on the Government to carry out the Pearson requirements.) Within this total they call for Government aid to be 0.7 per cent. Last year the flow from Britain was 0.83 per cent, of which 0.42 per cent was Government aid.

These figures are about average for the Western donor countries. The Americans are providing a smaller share of their national wealth, but the French and Germans are both exceeding 1 per cent. Some countries have announced target dates for reaching 1 per cent, but Britain has not yet done so, and our aid has been falling slightly as a percentage of GNP.

Our present performance simply does not measure up to the needs of the situation. For all our economic difficulties of recent years, we could and should have done better under both Conservative and Labour Governments. But an inquest on the past is not very fruitful. The vital point is to give this subject greater priority in the future.

Too many people—including people in high places—approach development aid with a kind of "flag-day" mentality—a nice generous thing to do if we have a little cash to spare. The facts of the situation demand that we regard this issue as being in the forefront of politics and the fulfillment of the 1 per cent target as an urgent priority.

#### SPECIAL DAY FOR FIGHTING MEN AND THEIR FAMILIES

### HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mrs. HANSEN of Washington. Mr. Speaker, back in February, I pointed out to my colleagues that the 6-year price tag for our country's defense will total \$419.5 billion by the end of this year. I compared this with the Nation's net investment for natural resources of \$11.4 billion for the same time period.

Then, and now, I oppose the disparity of spending on these two priorities.

But, there is another side—the individuals who are caught in the fight. Then, and now, I support those who are carrying the physical burden of defense. For that reason, I have joined my colleagues in introducing today's resolution commending our servicemen and veterans of the Vietnam war.

Next Tuesday is Veterans Day. It is fitting that a nation set aside a special day to reflect on the personal sacrifices by fighting men and their families. For somehow, with time, the oratory and reasons of war fade. Enemies become

friends and allies become estranged. The maimed veterans, the orphans, and the widows of war adjust to new conditions and life continues.

The tragedy may be that even the lessons learned from grief, loss, and pain soon are forgotten.

As the vast majority of this House joins in commemorating those who have paid the greatest prices in Vietnam, let us also resolve not to forget the lessons. While we stand firm in our support, let it be known that this Nation is changing its priority with prudence and hope. We search for the time when we will reflect on the past sacrifices on each Veterans Day—but there is no longer a need for special resolutions to signal fighting men that there is support back home, for with God's help there will be peace.

#### FARMERS DON'T HAVE TO APOLOGIZE

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ZWACH. Mr. Speaker, time and time again, I have brought to the attention of my colleagues, the plight of the farmer and the low prices he is receiving for his product.

Recently, on Tuesday, October 28, 1969, the Redwood Gazette of Redwood Falls, Minn., reproduced an article from Top Op magazine, which discusses this problem.

Mr. Speaker, so that my colleagues may share in the opinions of Top Op magazine, I hereby insert the article in the RECORD:

#### FARMERS DON'T HAVE TO APOLOGIZE

(By Roe C. Black)

If you've ever fought a grass fire in a high wind, you'll understand the criticism being aimed at agriculture this fall. Just when you think the flames are easing up in front of you, the fire pops up in back, on the side and all around you.

The winds fanning these flames of criticism are being generated by tax reformers, consumer spokesmen and economic manipulators. And the worst of it is, many people in government whom we count as friends are sitting out the fire when they should be fighting it.

You've heard the "explanations" all too often: the cost of government support of agriculture is too high; consumer interests have to come first; farmers will just have to take their lumps in foreign trade patiently, even if no one else in the world is willing to do so.

You can see many signs of this indifference on the part of "our friends."

When the House passed a tax "reform" bill to close so-called loopholes and give a break to lower and middle income taxpayers, farmers (the original lower and middle income kids) were right in the target area along with big business, oil men and housing investors.

So in the first round at least, you lost your 7% investment credit on farm equipment, accelerated depreciation on old farm buildings, and had the screws tightened on your capital gains treatment of livestock.

Meanwhile, on the foreign scene, some more of our friends shattered the International Grains Agreement which they had halled with

such fanfare. With subsidized prices, they cut our throat in the export grain market.

Then up popped a plan with a land retirement label that would in effect let Uncle Sam subsidize cattle production on millions of retired acres to supposedly assure low beef prices for consumers in the mid-70's.

What will happen if farm groups battle to a standstill over new farm program legislation is anyone's guess. But you can be sure the reformers and consumer spokesmen will take advantage of it to agriculture's—and ultimately everyone's—disadvantage. And that's the point we have to make. There is absolutely no reason for agriculture to be apologetic.

At the very time that cattle prices peaked out and the screaming about high food was loudest last summer, consumers' expenditure for food had dropped to a new low of 16.4% of disposable income, compared to 16.8% last year. At the same time, farmers' share of the USDA's market basket of farm food products held almost steady with what it's been for 10 years.

And we don't have to be apologetic about our foreign trade either. Not only are we the single most dependable source of agricultural products in the world, but we also maintain the world's most consistent free trade policy, with open access to our domestic markets to virtually all comers. No major farm group today is asking for tariffs that will wall out competing imports. They are only asking for reasonable protection from foreign countries who wall us out and also want to flood our markets.

American farmers have done a fantastic job of cutting costs for consumers, battling inflation, and supporting foreign policy. Don't forget it, and don't let your people in Washington forget it, when the going gets rough.

#### THE POOR AND THE LAW

### HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BUTTON. Mr. Speaker, I wish to express my concern over the possibility of adoption of an amendment to the OEO authorization bill similar to that adopted by the Senate which would allow Governors of the various States an ultimate veto authority over legal services programs. Such an amendment would seriously inhibit many individual programs which seek to provide equal justice for the poor. In the final analysis, this means the beginning of the end of the most successful program in the history of the OEO.

From its inception, the philosophy of the legal services program has been to provide to the poor the same high-quality service that you and I expect from our lawyer in the assertion or protection of our legal rights. In the legal services program, this has meant hiring the most imaginative and best-trained lawyers available. Passage of the proposed amendment would greatly demoralize the 2,000 attorneys presently working in the legal services program and strangle further efforts to recruit capable law graduates. The veto power would allow the Governors to interpose themselves in the lawyer-client relationship. This practice would be entirely inconsistent with the canons of ethics of the profession and violative of the commit-

ment to the poor which the program has heretofore firmly established.

In my own district, the Albany Times-Union has recognized the deleterious effects of the amendment upon legal services for the poor. At this time I am submitting the editorial which appeared on October 24, 1969, for inclusion in the RECORD:

#### THE POOR AND THE LAW

Albany's Legal Aid Society, like its counterparts throughout the nation, represents clear and real proof that change is possible in a democratic society without rioting and violence.

The vigilant and diligent pursuit of law reform in the courts by Legal Aid Societies has gained the confidence of poor people in an era when their diminishing patience and mounting frustrations represent a clear threat to society.

While the legal aid societies have been instilling countless poor people with confidence and credence in the law they also have acquired some powerful enemies along the path to justice for all.

Last week in the United States Senate, an amendment was tacked onto the Office of Economic Opportunity Appropriations Bill which could grievously inhibit the entire legal aid program. That amendment, introduced by Senator George Murphy of California, would give the governor of each state veto power over any plan "in whole or in part" presented by any legal aid society. Legal aid societies receive most of their funds from the Office of Economic Opportunity.

The authorization bill, with its crippling amendment, was passed by the Senate. The bill now goes to the House, and then, no matter what the vote, to a joint Senate-House conference where the amendment will doubtless be discussed and reconsidered.

It is unlikely that the amendment would affect the local Legal Aid Society even if it were adopted, but its presence could inhibit local projects. It would be an absolute deterrent in states where the governors believe or are persuaded to believe that legal aid societies should not be involved in law reform or should not represent the poor in cases against the government.

The amendment is a bad one, and should be defeated.

### A BLACK MAN SPEAKS ON THE PROBLEMS OF THE BLACK MAN VERSUS THE BLACK MAN

#### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LEGGETT. Mr. Speaker, crime is increasing all over the United States—robberies up 22 percent over last year, beatings up 8 percent—but most dramatically in the large cities and their suburbs where fear has turned the night into a prison.

The fear of crime has become the greatest stimulus to movement from the city. This fear has also led to new societal code words. "Fear of crime" is now a code for "fear of blacks." Many whites readily equate race and crime.

In fact, blacks themselves are the victims of a heavy majority of crimes. They bear the greatest burden as they struggle to make decent livings and raise families under often intolerable conditions.

The general public is not always

aware that those poor and black bear this burden. If one's income is under \$3,000 your chances of being robbed are five times higher than if your income is over \$10,000; your chances of being raped four times as high; of suffering burglary, almost double.

Sterling Tucker, District of Columbia Council Vice Chairman, is painfully aware of those statistics. He is also painfully aware that our Nation's black leadership has not spoken out against the burden carried by those black and too poor to escape the ghetto. I commend his recent remarks at the 19th Street Baptist Church to the House. It is an example of responsible black leadership in our urban society:

#### CRIME AND THE BLACK MAN

(Remarks of Sterling Tucker, Vice Chairman of the City Council of the District of Columbia)

Crime in our country, crime in our city, increasing at a bewildering rate, casts a shadow over our lives. There is no one sitting here today who is untouched by it. You may not have been robbed yourself, held up in a dark alley, or your purse snatched as you walked down the street; you may not yourself have felt a gun in your back or found your home broken into, belongings stolen you'd saved to buy . . . but you are nonetheless a victim. A victim of the fear that is perhaps the highest cost of crime. The fear that catches you when you simply hear footsteps behind you on a dark street. Or when you see someone waiting up there ahead in an alley. Or when you keep wondering if you double-locked your door. Many are the irreparable injuries of crime, to the victim and to the offender himself. But one of the very worst is what it is doing to the way we live with each other.

And certainly we experience it to the full here in Washington, D.C. Our city ranks among the highest in crime in the nation. Not only is it higher than most cities but it is growing faster: our rate of crime increase is triple the national average. Statistics for D.C., for the first six months of this year showed robberies up 46%, rape up 50%, over last year.

We know the majority of the perpetrators come from the social levels of the poor and the disadvantaged. The rich white boys in the suburbs are stealing cars too, more and more in fact. But for an overall daily record of larceny, burglary and assault, they don't match our brothers in the ghetto.

Similarly, we know who the victims generally are. They are not the voices who cry the loudest in this country for law and order; they are not the ones buying the police dogs and the burglar alarms for their suburban fortresses. No, the victims are, far and away, the poor and the black. Statistics (from the President's Commission on Law Enforcement, 1967) reveal the shocking fact that if your income is under \$3,000 your chances of being robbed are five times higher than if your income is over \$10,000; your chances of being raped four times as high; of suffering burglary, almost double. So if you're poor and black in this beautiful land of ours, you begin to know what crime really means.

We also know what is at the root cause of the crime. The President's Commission's report included what was to me a very poignant statistic. A survey was conducted to determine how American citizens rated the seriousness of national problems. All income levels, both black and white, rated race relations at the top of the list, and all rated crime as the number two problem; except for one category, the category that was the poor black, they put as the number two problem, above crime, the problem of educa-

tion. So those, by far the most victimized, knew what the seed cause is.

We know and we agree that in the last analysis at the root of the crime are the desperate conditions of the ghetto: the inadequate, overcrowded, ill-equipped schools; the unbearable, dilapidated overcrowded housing; the unemployment; the broken families; all the vicious forces that push the poor urban black outside of society. And it is no wonder then, say the sociologists and the reformers, no wonder then that he acts as if he were outside that society—acts out that alienation in crime.

But while I am disturbed about the rampant wave of crime, and while I am deeply disturbed about the conditions that perpetuated the ghetto and foster crime, there is nothing else here that also disturbs me.

*What disturbs me is the failure of black leadership to speak out against crime itself.* I do not hear their voices raised against the robbery and burglary and rape that is perpetuated on our people, against the gun-toting that turns our streets into alleys of fear. *The statistics rise, but they maintain an aloof silence. And it disturbs me because their silence most damages the black community itself.*

Now it is easy to understand why there has been this silence. We black leaders have been directing our attention to society's crimes against our people, and quite rightly so—to the tragic injustices of our system, to the attitudes and vicious practices of a racist white majority that have kept our people so long in poverty and despair. When it comes to crime, we have focused on police tactics: we have told the story of police brutality and bigotry and documented it, of how the ghetto-dweller feels the need not for protection by the police, but from the police. We have brought this out into the open and forced changes and the first steps toward community control.

This is good. What is not so good is that in fighting these practices our attention has been diverted from crime itself. Now my point is that the time has come when black leaders must speak out against crime as well as against the police. We must lay equal stress on the crimes of the people against society as on the crimes of society against the people. My point is that not to do so distorts the picture and lays an intolerable burden on the black man himself.

For this silence encourages certain assumptions that are degrading and dangerous. It tends to encourage the assumption, for example, that crime is only a function of poverty and injustice. It tends to justify the crime rate in terms of the cost of living. Bleeding hearts, both black and white, say in so many words, "You steal because you're poor. You're not responsible for your poverty, therefore you are not really responsible for your crime." Now this attitude is highly injurious, not only to society, but most particularly to the recipient of all this commiseration and sympathy, the black man himself. It is degrading, it is harmful, and it is false.

It is false because those who steal are not those who are trying to make ends meet. Those who steal are not those who are trying to meet the monthly rent bill and the gas bill and all the other bills, and trying to feed their children and clothe them. Those who are doing that, those who really are fighting the cost of living, are not the ones who steal. Take the working mother who is up before dawn to get out to the suburbs to do another woman's housework, and returns after a hard day's work to cook for her own children and then stay up late into the night doing her own housework and washing and ironing their clothes. If you want to know about poverty, about the grueling daily effort to make ends meet, ask her—not the hold-up artist.

And it is degrading to her, to her efforts

and to her courage and dignity, to condone the assumption that poverty justifies crime. As statistics show, she more likely than not is the victim.

Therefore, we must not let the injustices of society, as cruel as they are, muffle our alarm over crime. We must speak out. The burden of being black in this society is bad enough. The burden of being poor is bad enough. What we certainly do not need is the additional burden of being told, "You steal because you're poor." What we do not need is to condone and tacitly support the assumption that we are not morally responsible. We do not need this erosion of our dignity. We must not let society hang this on us as well.

Over a year ago, it appeared we were on our way to a new kind of people involvement in the war on crime in this city. This was to take place through the pilot project in the old 13th precinct, with the people taking the lead.

What, then, was a promising new prospect of a people-police partnership has turned into a nasty, highly explosive people-police confrontation.

One of the issues here is Dr. Robert Shellow, the Director of the project who has been highly controversial from the beginning and whose credits (with a large part of the black leadership of the area) were long ago exhausted.

A second tension point developed when this precinct was merged into the new Third Police District, thus nullifying much of the planning already underway and raising fresh suspicion as to the sincerity of the District Government in this experiment in crime fighting.

The "people" role here seems to have been diluted and the Government seems determined that its point of view shall prevail.

What was originally proposed for this project is too important for it to become lost and washed out in this controversy. We need the people's voice, their leadership and their support if crime is to be stamped out.

We particularly need the Black leadership, those who can move with ease and effectiveness in the ghettos, interpreting the program, pointing out the problems, developing activities of community education, and forging a new relationship between police and the people.

It seems to me, at this point, that this can only be achieved by replacing Dr. Shellow and by bringing intact into the Third District the pilot precinct leadership structure which had already been put together before the merger of the precincts.

I think the Government would serve itself and the people well by following this course of action.

This may be the door through which Black and white leadership might walk together in effecting a solid and well-coordinated partnership with the police in a winning battle against crime—a common enemy.

#### PRAYER IN PUBLIC SCHOOLS

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ROUDEBUSH. Mr. Speaker, in an attempt to allow our schoolchildren to use prayer in public schools, I am again this week offering five prayers for use of school officials throughout the Nation.

Really, I submit such material to the CONGRESSIONAL RECORD with reluctance and regret for I feel that those Supreme Court decisions which outlawed prayers

in our public schools have certainly done great harm to the moral fiber of this Nation.

For the time being I shall continue to insert these prayers each week, and I hope that school officials throughout the Nation will make use of them.

The prayers follow:

Be not overcome with evil, but overcome evil with good. (Romans 12: 21.)

God is love; and he that dwelleth in love, dwelleth in God, and God in him. (1 John 4: 16.)

Teach me, my God and King,  
In all things Thee to see,  
That what I do in anything,  
To do it as for Thee.

—GEORGE HERBERT.

Lord our hearts to Thee we raise  
In songs of thankfulness and praise.  
Bless us, Lord, and grant that we  
Good and true and brave may be.

Be my guide, O Lord, I pray,  
Lest I stumble on my way.  
Be my strength, dear Lord, I ask,  
That I may fulfill each task.  
Be my light, that I may see  
What Thou does require of me.  
Keep me, Lord, both day and night,  
Pure and sinless in Thy sight.

—ELFREYDA WIGHTMAN.

#### RHODE ISLAND A LEADER IN GRANTING COLLEGE LOANS

### HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. TIERNAN. Mr. Speaker, in today's modern and complex world, we need a standard of excellence in education which enables each citizen to develop his talents to the maximum possible extent. This must be coupled with the fullest possible access to educational opportunities, for the increasing availability of education is vital to our well-being.

In this regard, I would like to commend the Rhode Island financial institutions for providing a market increase in low-interest student loans. Between July 1 and October 24 of this year, over 4,000 loans were granted, totaling over \$4 million. The president of the Higher Education Assistance Corp., Mr. Roy Carr, put it more succinctly:

The banks of Rhode Island have very substantially seen that every student needing money could get it to go to college or to continue college.

The importance of these loans can be seen through the words of John F. Kennedy:

The future of any country which is dependent upon the will and wisdom of its citizens is damaged, and irreparably damaged whenever any of its children is not educated to the full extent of his talent.

Rhode Island is certainly one of the leaders of this Nation in granting college loans. I would like to bring to the attention of my colleagues the accompanying article which appeared in the Providence Evening Bulletin on November 3:

CONTRARY TO NATIONAL TREND: COLLEGE LOAN EASIER TO ACQUIRE IN RHODE ISLAND

(By Carol J. Young)

College students from Rhode Island apparently are far more fortunate than their counterparts in other states this year because financial institutions here bucked the national trend and provided a sharp increase in low-interest student loans.

The number of personal loans granted for the current academic year is up 18 per cent and the amount of money loaned is up more than 19 per cent, according to the most recent figures from the state agency, the Higher Education Loan Plan (HELP).

Between July 1 and Oct. 24, financial institutions granted 4,219 loans totaling \$4,047,470. During the same period last year, the lenders granted 3,572 loans totaling \$3,382,735.

"That is certainly a remarkable record," Dr. LeRoy G. Noel, president of the National Council of Higher Education Loan Programs, said when told of the percentage increases.

Dr. Noel was one of the national officers who testified before the Senate education subcommittee last August in favor of a proposal to give banks and other lending institutions an "incentive bonus" for providing the student loans.

He predicted at the time that between 150,000 and 200,000 students throughout the nation would fail to obtain the guaranteed loans unless Congress agreed to provide the special loan incentives. The absence of such loans would be a "crisis", he said.

It was not until last week, however, that a compromise bill providing the special allowance to lenders was signed into law by President Nixon. The delay caused at least part of the threatened cutback in student loans on a national basis.

Dr. Noel said that there may be some other states with increases as high as those in Rhode Island but in those cases the jump is not particularly significant because these states had registered little activity last year.

This is not the case in Rhode Island, he said, because the guaranteed loan agency here has been active since 1960. An increase, therefore, is "significant," he said.

Roy E. Carr, president of the Higher Education Assistance Corporation which runs the HELP loan program, said this week the state's lending institutions have done a "tremendous job."

"The banks of Rhode Island have very substantially seen that every student needing money could get it to go to college or to continue college," he said.

"This job has been done in spite of lower interest rates for students than could be obtained for other types of loans and in spite of the tightness of money," he continued.

Mr. Carr noted specifically that the loans granted Rhode Island students for the first time total 2,215 while loans that are really renewals for upperclassmen total 2,004. These figures also go against national trends. Dr. Noel, for one, predicted that it would be students, mostly freshmen, seeking loans for the first time that would be hit the hardest by the cutbacks.

The lending institutions will be able to reap some of the benefits provided in the recent legislation signed into law by President Nixon because the "incentive" awards to go directly to banks are retroactive to Aug. 1.

Essentially the law maintains the same 7 per cent ceiling on loans but allows the Department of Health, Education and Welfare to set a "market cost adjustment" up to 3 per cent for each loan. The adjustment for the months of August and September has been set at 2 per cent. In December, an incentive will be set to take into account economic conditions for the months of October, November and December.

Under the loan program, students may obtain a maximum loan of \$1,000 annually

for a five-year period. Those going to graduate school can take out a maximum of \$7,500.

The federal government pays the 7 per cent interest rate until students graduate. Then students have up to a year in which to start making their own loan payments, which can be stretched out over a period of ten years. The government would continue to finance the "incentive" over the life of the loans.

Since Aug. 1, 1969, loans totaling \$16,226,000 have been issued to students. Of this amount, \$14,665,000 is outstanding, according to Ernest E. Chase, executive secretary of HELP.

The HELP agency could back as much as \$40,000,000 in loans because its capacity is guaranteed by the state and also through a federal re-insurance arrangement that allows the state to use federal credit along with cash-in-hand.

Financial aid officers in Rhode Island and throughout the country became increasingly concerned last spring when it was announced that the federal government was reducing various forms of direct student loans and grants. Zooming interest rates and a tight money situation corresponded with the federal decreases and the financial aid officers indicated their fears that students unable to get grants and loans on campus would also be turned away by banks.

#### PROBLEMS OF POLLUTION

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. GAYDOS. Mr. Speaker, in the past several months there has been a growing swell of public concern washing over the Nation regarding the problem of pollution—air pollution, water pollution, even noise pollution. Nationwide, perhaps, the swell has not yet reached tidal wave proportions but there are many indications it will in the coming months.

As the representative of the 20th Congressional District in Pennsylvania, I have found air pollution has been a primary subject of concern to my constituents. It is topped only by Vietnam and high taxes in street corner conversations. There even has been professional predictions that coast-to-coast student demonstrations over pollution, similar to those held over the Vietnam issue, can be expected before the end of the year.

I am happy to report, Mr. Speaker, Pennsylvania has heard the call from the people and is acting to clear its skies of excess smoke, dust, and chemical pollution. The State has responded to public demands for strict air quality controls by adopting one of the best standards in the Nation for particulate matter. Now it is listening to cries for similar stringent controls for emission of pollutants in the air.

Residents in my district, who have lived with air pollution all of their lives, already have made it known they are demanding high emission standards with strong penalties for violators. Late last month I attended a meeting of a public group, representing four municipalities, who have organized the "Committee for the Abatement of Air Pollution."

This group invited Federal, State, and county legislators to outline what is being

done to control pollution. It received assurances from these officials that everything possible will be done to clear the air which now chokes short their lives. It is a pledge I intend to fulfill to the utmost of my ability.

However, Mr. Speaker, these people no longer will accept mere words as evidence of concrete proof that action will be taken. Within a few days after their meeting, a group of them peacefully protested in front of the main office of one of the district's major industrial plants. They wore makeshift surgical masks to emphasize their point that safe, clean air must be forthcoming. They promised additional demonstrations if proper steps are not taken to bring about this objective.

While the majority of these people were ordinary, everyday Americans who work and live in an area of pollution, they were not alone in their protest. Labor leaders, municipal leaders, and professional members of scientific groups have lent their voices to the public clamor for clean air.

Mr. Speaker, I cannot begin to list the names of the many people who are active in this battle for breath, but I would like to commend and include in the Record the officers of the Committee for the Abatement of Air Pollution: Luke Riley, chairman, Kenneth V. Gleason, Howard Sproul, Stewart Owens, Robert Hayes, Richard Lawson, Frank Dobies, Earl Swartz, Mrs. Florence Swantack, Mr. and Mrs. Thomas A. Campano, Mr. and Mrs. John J. Benczo, Mr. and Mrs. Ronald J. Sephar, Mrs. Dolores Handra, and John Mendicino.

#### JET AIRCRAFT NOISE REMAINS A SERIOUS ISSUE

### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the constant problem of ear-splitting jet aircraft noise continues to plague residents, students, and workers in many affected areas. The problem is not a simple one nor is it one which will soon disappear. Jetports are proliferating in order to facilitate the vast increases in jet air traffic all across the United States.

It is difficult for the majority of unaware Americans to empathize with the minority who must live with the daily annoyance of jet noise; yet, if we do not continue to press for action on this front, the majority and minority in this case may suddenly find themselves reversing roles as the problem increasingly worsens.

I recently had the honor to address a significant and productive jet noise seminar sponsored by the town of Hempstead, N.Y., located near Kennedy International Airport, and the city of Inglewood, Calif., located within my district near Los Angeles International Airport. The seminar resulted in the founding of a National Organization To Insure a Sound-Controlled Environment—NOISE—made up

of interested citizens, organizations, and municipalities. The creation of such vehicles for cooperation among concerned individuals and groups is a positive step toward creating an awareness of the jet noise issue and doing something meaningful about it.

Another similar group exists in California as part of our State government, and I would like to call my colleagues' attention to their recent efforts. The noise abatement committee of the State Environmental Quality Study Council has asked that the attorney general of California use his powers to initiate legal action to curtail the rising noise levels around Los Angeles International Airport. In testimony before the noise abatement committee, the seriousness of the noise problem was underscored by a number of witnesses, including my good friend, the Honorable William Goedike, mayor of Inglewood, Calif., who clearly stated that jet noise is the greatest single concern of that city's 90,000 residents. School closings and serious harm to the educational programs of schools lying under jet aircraft approach and takeoff routes are among the results of this noise problem, I might add. The noise abatement committee's activities are described in a recent article from the Los Angeles Times, which I include at this point:

STATE UNIT ASKS LEGAL ACTION TO HALT JET NOISE; STUDY COUNCIL ALSO WANTS WORK STOPPED ON FOURTH RUNWAY AT INTERNATIONAL

(By Ray Hebert)

A state environmental group asked the attorney general Friday to take legal action to reduce or halt noise caused by jet plane takeoffs and landings at International Airport.

The noise abatement committee of the State Environmental Quality Study Council also wants work on new runways halted until it is shown that the noise of planes using them will not bother Inglewood, Westchester, Playa del Rey and other areas.

The committee's recommendations, released in Sacramento, were an outgrowth of a hearing in Inglewood last month on mounting complaints about jet aircraft noise.

Informed of the committee's goal, an airport official said it would mean closing or severely restricting International Airport if legal action is successful.

The committee, headed by Edward M. Ross, an Inglewood attorney, is one of four created by the study council to explore the impact of environmental hazards on urban and rural life.

#### INJUNCTION CALLED FOR

The resolution released Friday called on Atty. Gen. Thomas C. Lynch to seek an injunction to modify or terminate aircraft operations on the airport's existing runways.

This should be done, the committee said, "to the extent necessary to reduce community noise to acceptable levels in Inglewood and other affected areas."

Under the 1968 law that created the council, the state body is empowered to make recommendations for immediate action by the attorney general or other state agencies to "preserve and enhance California's natural environment."

The committee pointed out that "no substantive testimony" was presented at its Inglewood hearing to show that any governmental body is making positive plans to correct problems caused by jet noise.

"Community noise quite obviously is not a major consideration in the airport expansion decision-making process," the committee said.

## FOURTH RUNWAY BEING ADDED

International Airport—the nation's third busiest—has three east-west runways and is building a fourth.

Much of the committee's concern apparently stemmed from testimony by aviation and airport officials who suggested that people living near the airport are going to have to put up with jet noise.

Testimony by Inglewood Mayor William Goedike indicated that noise is the greatest concern of the city's 90,000 residents.

The city is under the eastern approaches to the airport.

Clifton A. Moore, general manager of the Los Angeles Department of Airports, pointed out Friday, that closing or restricting International's operations would have serious effects on the area economy.

The airport, he said, handles 22 million passengers a year, processes 700 million pounds of freight and provides airport-related jobs for 40,000 people. It is also indirectly responsible for the jobs of 300,000 others, he said.

He noted that the committee's recommendations were made after a single hearing and he expressed confidence the attorney general would not take "precipitous action until he has given (the matter) careful study . . .

"The Department of Airports stands ready at all times to work with all levels of government in seeking a solution which will be in the interests of all the public," Moore added.

## RUSSIANS PROMOTING THEIR SUPERSONIC AIRLINER HERE

## HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. PELLY. Mr. Speaker, the Russians increasing drive to achieve hard U.S. dollars is evident in their promotional campaign to sell their supersonic transport to airlines in America. Already, the president of Pan American World Airways has stated that his company may have to purchase the TU-144 to compete.

The major issue here is that we are living in an era of the SST. It cannot validly be said we are not. Those who oppose the SST in America have no voice in the countries now developing supersonic transports.

And, in the next few years when foreign-built SST's are crossing the Atlantic, American labor must be at work on our own SST. This is not a case of one-upmanship; simply an economic fact of life that we can ill afford to allow our great technology to be eroded away by foreign competition.

Mr. Speaker, I call to the attention of my colleagues an article that appeared in the November 6 edition of the Wall Street Journal, and by unanimous permission it appears at this point in the RECORD:

## SOVIET SALESMANSHIP

The Russians promote their supersonic airliner here.

They want to sell their TU-144 to other nations, including the U.S., and apparently are cranking up a public relations campaign to do it. Last week, an official of Aeroflot, the Soviet airline, addressed the Aviation Writers Association in New York about the plane,

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undergoing flight tests prior to introduction into service around 1973. On Nov. 19, the Soviet minister of civil aviation will be touting the TU-144 at a New York meeting of the Wings Club, an important organization of aviation people.

The Russian campaign comes at a time when Pan American World Airways is going so far as to say it might buy the TD-144 if forced to by the competition. The only supersonic alternative for the 1973 period would be the British-French Concorde as the Boeing SST won't be ready for five years or more.

## A DECADE OF REDEDICATION

## HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KEITH. Mr. Speaker, next year is the 350th anniversary of the landing of the Pilgrims at Plymouth Rock. Already an energetic effort is being made to insure that this occasion is celebrated in a manner befitting its significance in the history of our Nation.

One of the leaders in this effort is Paul J. Whipple, chairman of the 350th Anniversary Committee of Plymouth, Mass. Mr. Whipple recently spoke to the General Society of Mayflower Descendants, and I am pleased to have the opportunity to give his talk an even wider audience—which it deserves:

## A DECADE OF REDEDICATION

Upon looking around this room at the many of you whom I have known for years, and the many, many others of you whom I have not had the pleasure of knowing, it strikes me that our Forefathers began a pilgrimage to this continent which started the greatest experiment in social and economic changes this world has ever seen and is likely to see again.

Many of you in this room tonight are related not only to the Pilgrims of the Mayflower, but Pilgrims who came later from many varied backgrounds and countries. This country of ours is made up of people from all ethnic and national origins. They came to this country as willing or unwilling Pilgrims; however, each of these groups has benefited from its association with the principles laid down by the Pilgrims, and has added substantially to these principles.

Therefore, it is evident that the 350th Anniversary of Plymouth should recognize not only the contribution of the Pilgrims of the Mayflower, but also the contributions of all other Pilgrims who have subsequently come to our shores. The 350th Anniversary of Plymouth is by right the property of the whole country, as are the ideals of the small group of Mayflower Pilgrims.

There is one question, above all others, which explains the importance of the Pilgrim Story. That question is—why is the Mayflower's crossing and the landing at Plymouth Rock remembered above such events as Drake's landing south of San Francisco in 1579, the settlement of St. Augustine, and all other ventures onto the North American Continent? For each of us, the answer to this question is different, but when all the answers are put together, they make up the reason for the importance of the Pilgrim Story and the 350th.

In 1976, we will celebrate the 200th anniversary of this country as an independent state with a government for the people, of the people, and by the people. The roots of this unique experiment in social and eco-

nomie change were laid down by the Pilgrims and expressed in the Mayflower Compact. These roots were laid down with the realization that a lawless society is as undesirable as an oppressive society, and that a strong community can only be built through strong, self-reliant individuals and strong closely-knit families.

Today, the hue and cry of what has happened to our society leads many of us to believe that we have "gone to the dogs". I refuse to accept this. I do not think this country is "coming apart at the seams", but I do feel, and the 350th Committee of Plymouth feels, that the Pilgrim principles need a re-statement, a re-evaluation, and need to be expressed in modern-day terms. What better way to do this than to start with the 350th Anniversary of Plymouth in 1970, a decade of rededication to the Pilgrim principles as they are applicable to today and tomorrow. This is a chore, or perhaps I should not say "chore", but a privilege and a challenge which we all should meet.

Before discussing our plans for the 350th let us just imagine that one of these Pilgrims is able to return and visit us here tonight. Now let us just stretch our imaginations a little further, and picture the man, young in spirit as he was at the age of 20 or 30, hale, hearty, and taking a fresh look at our world of today.

The Pilgrim might say something like this, "The issues that prompted us to leave England and settle in America in 1620 are with you in this world of 1969. I could not live in a country where the State, through its government headed by a King, completely dominated the citizens and endeavored to tell them how to think, believe, and pray; nor could I tolerate a land where I could not meet with other people as I chose, where we could not gather in groups, or where we were not allowed to move about freely; yet, these very oppressions are still common in much of the world today. Your Constitution, which in a way grew out of our Mayflower Compact, provides that the State is man's servant and not his master. It acknowledges man's right to be free. It places upon him the responsibility of self-control and respect for the equal rights of others."

"For the first two years of our life in North America, all property was communal property. Our fortunes were not good. In 1623, we began the shift from communal ownership to private ownership, and with this change came the individual initiative which motivated us to produce enough to survive and make our venture a success."

"It is amazing," our Pilgrim may say, "how hard it's been for the world to remember our lesson and profit from it. The lesson that private enterprise, private investment, and the pride of ownership brings the greatest satisfaction and prosperity to the greatest number of people."

Most of all, the Pilgrim looking at America today might be startled to find what he would consider a "materialistic culture", a "nothing-is-sacred" attitude, a "God-is-dead" civilization. He might say, "The lesson which we left has not been well taught." He might also say, "Part of our success was due to the fact that we had new horizons to conquer, and could only look forward. But now you, who have seen what America is and have the vision of what it can be, must provide our more restless and disenchanting citizens with the insight and understanding that will channel their thinking from negative to positive. You've got to show these people that there are still goals to be achieved, still a wilderness to conquer, still unique opportunities to be enjoyed because these dissatisfied persons by and large are seeking—just as the Pilgrims were—a new and better way of life with more honesty, justice, and freedom."

These are indications of how relevant the

Pilgrim Story is to our situation in America today. Certainly the Pilgrim Story and the 350th Anniversary of Plymouth are as important as the 300th anniversary of the landing at the Rock, and as meaningful as the upcoming 200th anniversary of the Declaration of Independence.

The Pilgrims were a unique band of people who demonstrated the American way of life. They had the strength of their convictions and the fortitude to carry them out. They weren't perfect. They were human. They could even be called "1620 extremists". Certainly these 102 people didn't live in complete harmony. They had conflict amongst themselves. They didn't all believe precisely the same things. Even though their problems in coping with hunger, cold, and sickness were immense, in some ways they were less difficult than the challenge we face in dealing with 200 million diverse people today. Yet, the Pilgrims were people of rare courage.

The Pilgrims' survival dictated that they do many things; the first being that they had to be strong but fair, that they had to live with their neighbors, the Indians. Hence, they signed a peace treaty with the Indians which lasted for 55 years, and provided equal rights between Indian and white man.

The Pilgrim found strength in religion, but was tolerant to those who didn't believe as he did. He had fun in life. He enjoyed his beer, had a good time, and undoubtedly he argued, disagreed, and fought with others in the community about politics. He probably schemed and planned how to get ahead of his neighbor; but devotion to his God and his principles and to his family and the community, he knew, was the key to his survival and the key to his success.

Now, what about the actual plans for the Plymouth 350th? In planning our program, we have chosen what we feel are objectives worthy of the tradition set 50 years ago by the 300th Anniversary, when a pageant was presented, President Harding made a major address, and there was participation by many countries. We are coordinating with Mayflower '70 in England from May 2 through September of 1970 with Prince Phillip as its Sponsor. There are plans for recognition of the event in Holland, We, Plymouth, Massachusetts; we, the United States, are the focal point for both of these programs because the Pilgrim experiment culminated in the founding of this country.

The 350th Anniversary is primarily a communication program, and we intend it to be both educational and inspirational. Above all else, we intend to present a fair history "to perpetuate the memory of our Pilgrim Fathers", as the official objects of the Mayflower Society put it, and to make the American people more fully aware of what the Pilgrim Fathers experienced, what they believed, what they did, and its effect in molding this nation and its relevance to our life today and the effect which it has had on the world at large.

As to our actual plans, the 350th will begin on September 6, 1970, to commemorate the date of the Mayflower's sailing from Plymouth, England, and come to a conclusion with a week-long Thanksgiving in November of 1971.

During the program period, September '70 through Thanksgiving '71, the appropriate dates relative to the Pilgrims will be recognized, and those events of importance to other groups which comprised subsequent Pilgrims will be included. The period may seem long, but bear in mind that it is not intended that something take place each day and each hour. The entertainment events which we plan will be of significance; historically, culturally, and educationally.

Most important, we hope the 350th will result in lasting useful benefits to Plymouth

and to the nation. We do not want to create monuments just for the sake of creating monuments. We have given serious consideration to a wide variety of projects, but before we make any final decisions we are seeking the ideas and opinions of many persons outside of our committee; you, as individuals, the Pilgrim Society, other groups related to the Pilgrim Story, representative citizens of Plymouth, and prominent leaders in New England and throughout the country.

We hope, through the 350th, to create an amphitheater, enclosed or semi-enclosed, which would be used for many of the events during the anniversary period; the staging of a major historical Pilgrim drama, an original musical show about Plymouth and New England from 1620 to 1776, a Pilgrim-related folk dance and song festival depicting the successive waves of migrations which gave America its rich, multi-national cultural heritage, and we may consider in conjunction with the amphitheater the rehabilitation of Memorial Hall.

Another project under consideration is the completion of Town Brook Park from Brewster Garden to Route 3. It's a challenging project which will provide a most unique park, and certainly will be an aesthetic and educational asset to the Town of Plymouth. There are four mill ponds on Town Brook. These mill ponds should be developed through the aid of industry so that at least one of the sites there will be a working replica of an early installation and hopefully of the original mill.

Cooperation with other groups in Plymouth, both commercial and non-profit, is imperative for the success of the 350th. The exhibits of the Plymouth Plantation could be enlarged. The Pilgrim Society could enhance its museum. The Mayflower Society could gain new and greater stature through a successful 350th.

A further benefit to these groups could be a mass communications program of public service advertising, and the distribution of motion picture films to TV stations, schools and clubs, as well as slide talks about the Pilgrims and the Plymouth Anniversary.

The large number of people who will be attracted to Plymouth will be handled in a manner that will benefit the Town; for example, we are considering various ways of providing additional parking that could serve the Town for years to come.

Many of our efforts will be to attract people to Plymouth during the off-season of the year, to lengthen the normal tourist season into the Fall, and start it earlier in the Spring to relieve the overcrowding. This we hope to do through publicity, through the establishment of organized bus tours for school children and others from all over the country. Hopefully, these bus tours for school children can be endowed or financed by private enterprise and be a continuing pilgrimage to Plymouth from year to year. During the 350th, additional parking will be developed, bus tours of the Town and surrounding areas will be instituted, and a walking tour of Plymouth, similar to that which has been so successful in many other cities, can be instituted.

Many events will be included; choral groups from England, Harvard Glee Club, Indian dances, boat regattas, Pilgrims Progress ceremonies, tree and bulb planting at Town Brook Park, and exhibits of early corn planting and herring catching.

Since Plymouth's commemoration starts the beginning of a decade in 1970, it should serve, to use a Biblical metaphor, as a sort of "John the Baptist" preparing the way for the 200th anniversary of the Declaration of Independence in 1976, and thus—as the 350th Committee has written to President Nixon—help launch a decade of rededication for all America.

Should our efforts indeed give rise to such a Decade of Rededication, and we sincerely

hope they will, then we will help accomplish the officially stated objectives of the Mayflower Society to "perpetuate . . . the memory of our Pilgrim Fathers", help maintain "the ideals and institutions of American freedom", and help to preserve a more truly united United States of America.

Your support through suggestions, work, and financial contribution is needed, is solicited, is necessary. For the 350th Anniversary is yours, and yours to make a success of. We of the 350th Committee go forward with our plans and work in full confidence that we will have your support.

ADDRESS BY REPRESENTATIVE  
WILLIAM C. CRAMER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and colleague, the Honorable WILLIAM C. CRAMER, of Florida, addressed the Phi Alpha Delta Law Fraternity of Florida State University in Tallahassee, Fla., earlier this week, concerning the threat to our American system of laws posed by a minority of anarchists in our midst.

As I feel his remarks merit the attention of all of our colleagues I am inserting the text of his address at this point in the RECORD:

ADDRESS BY U.S. REPRESENTATIVE WILLIAM C. CRAMER BEFORE THE PHI ALPHA DELTA LAW FRATERNITY, FLORIDA STATE UNIVERSITY, TALLAHASSEE, FLA., NOVEMBER 1, 1969

The American system of laws is today being threatened by a new tyranny, a tyranny of the radical minority, who employ riots, rebellion, and arson as their political weapons.

They advocate a creed of guerrilla warfare, make a dubious claim to leadership and prove their mandate with mayhem and molotov cocktails. Openly contemptuous of the laws, the courts, the Congress, the legislatures, they have spread across this country like a pestilence spreading a gospel of hate and rebellion, leaving a legacy of ashes and chaos in their wake.

Initially contained within the body of legitimate movements for change and the improvement of minority situations, they first burst forth in the summers of 1966 and 1967 against a backdrop of the burning skylines of Watts, Chicago, Detroit, Newark and a score of other American cities. A new set of rules, they announced, a new mechanism to dramatize their plight, a mechanism of burning, looting, shooting and general lawlessness.

Later they invaded the campuses of this nation, and sought to force with riots and brandished firearms all manner of unrealistic demands down the throats of college administrators. In the face of their lawlessness, they demanded, and often received, amnesty as a pre-condition to negotiate their grievances.

In the summer of 1968, these same forces moved into the body politic of the nation, not in the traditional mode of political activity, not to support and elect candidates, but rather to intimidate and threaten political conventions to bend to their will, to ignore the mandate of their electors, to seek from them a commitment that policy shall be made by street mobs rather than in the counsels of government. Their activities in Chicago were a bloody footnote to the Presidential nominating convention held in that city.

In 1966, I first introduced a bill to include in the Civil Rights Act then under consideration, an anti-riot amendment—to make punishable by federal law the travel in interstate commerce with the intent to incite, organize, promote or carry on a riot. It seemed to me, highly appropriate that this measure, which in 1968 became law, was included in the civil rights package, for it is expressly designed to contribute to the rights of all Americans to be secure in their persons, their homes and property from the manifestly unlawful activities of those persons who traffic in wholesale violence. Its critics have argued that the act violates the first amendment's freedom of speech clause. I cannot regard inciting to riot a legitimate method of expressing dissent or dissatisfaction.

To me it is incomprehensible that anyone can seriously contend that the throwing of rocks, bottles and firebombs, the defacing and destruction of private and public property, or the advocacy or organizing of these activities could possibly be considered an exercise of freedom of expression.

Certainly the federal government has a legitimate interest and an affirmative duty to curtail the activities of these apostles of anarchy who traffic in interstate violence.

Today, as a result of my bill, the conflict has moved from the streets to a Chicago courtroom, where several of the leaders of the Chicago demonstrations stand accused of violation of the federal anti-riot act. At issue in that trial is not merely the factual guilt or innocence of those accused, but the larger issue of the right of a free society to protect itself by legislative means from the activities of those who would rend the very fabric of justice and due process.

It is not my purpose today to prejudice the guilt or innocence of those accused but rather to comment on the tone and the tactics employed in their defense.

I am appalled, as I am sure many of you are, by the activities of the defense attorneys and the discredit they inevitably bring upon all the profession. Let me enumerate for you some of these defense attorney extracurricular happenings:

Picketing of the Federal Court Building by attorneys in protest to a contempt citation

Planning a mass demonstration of attorneys—again in response to the contempt citation

Pretrial TV conferences as to their positions and anticipated defenses

Aiding the defendants in disrupting the trial by presenting a birthday cake to one of their number in open court

Permitting the decoration of counsel table with a Viet Cong flag

Participating as an ad hoc committee to petition the Attorney General to halt the trial

Holding two TV news conferences daily for the purpose of maligning the court and holding a running critique on their daily progress.

In short, by turning the trial into a veritable circus, haven't these "gentlemen" violated their very oath of office? They certainly have failed to take cognizance of one of their primary obligations as lawyers, to uphold the law and dignity of its courts. Let me cite to you for your consideration some relevant portions of the canons of ethics of the profession to which you are wed or in the process of courting.

"1. It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance."

And note, this is deemed sufficiently important to be the first canon.

From canon 5. Dealing with the defense of those accused of crime:

"... the lawyer is bound, by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty but by due process of law."

From canon 16.

"A lawyer should use his best efforts to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards courts."

And from canon 20. Dealing with newspaper discussions of pending litigation:

"Newspaper publication by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. . . ."

Contrast this standard with the conduct of our Chicago colleagues, who after generating a carnival-like atmosphere with their TV appearances have the temerity to object to the sequestration of the jury, reasoning that they will be uncomfortable and that their clients are thus prejudiced.

But let us ask ourselves, why? Why these unbecoming antics? To further their clients cause? I think not.

We have, within our system of laws, evolved a highly protective system for the protection of the rights of the accused. Under our concept of due process and through the application of the exclusionary rules of evidence our Courts jealously guard the right of fair trial, often to the frustration of those charged with the enforcement and prosecution of the law. Our Supreme Court has held, and rightly so, that excessive publicity can so hinder the Court's function so as to warrant reversal. How then do we judge the "Chicago counsel." Is it their purpose to defend their clients in their role as attorneys or have they become willing participants in their clients' announced purpose of bringing the Court into discredit?

Lastly, I read to you from canon 32, which is entitled "The Lawyer's Duty in Its Last Analysis":

"No client . . . is entitled to receive nor should any lawyer render any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold . . ."

" . . . When rendering any such improper services or advice, the lawyer invites and merits stern and just condemnation."

As to the quality of that condemnation, let me recommend to your reading two U.S. Supreme Court decisions.

The first, *Sacher v. U.S.*, 343 U.S. 1 is an affirmation of a conviction of direct contempt imposed by Judge Harold Medina on a similarly-enthusiastic defense attorney following the trial of eleven communist party leaders for violation of the Smith Act.

In that case, as in Chicago, counsel and client persisted in a course of conduct patently disrespectful to the Court and calculated to disrupt and delay the progress of the trial and possibly necessitate a mistrial.

The second, *In Re Disbarment of Isserman*, 345 U.S. 286, which arose out of the same case, and which by its title is self-explanatory.

The point is, of course, that the proper function of a lawyer is to be a lawyer and act like one. He should vigorously defend his clients within the four walls of the courtroom, within the limits of his legitimate function, and within the limits of common decency and civility, or we do our profession, our courts, our nation, and especially our clients a disservice which warrants our collective and singular condemnation. Any attorney who in all candor feels unequal to utilize the law and the courts, trial and appellate, for the full preservation of his clients rights, had better step away from the bar of justice and take down his shingle because some-

where in his legal training he failed to learn the essence of his first obligation, to uphold the law and the courts, not to turn them into a circus to the disgrace of us all.

All of us, layman and lawyer alike, should take pride in our judicial system, and not tolerate the insult to which the trial of the "8" in the Chicago situation subjects it as well as the Congress that passed the Cramer Anti-riot Act and under which the Chicago "8" are being tried. Our rule of law, our willingness to live under a set of rules to govern our conduct, to preserve security and tranquility in the home and on the streets and the machinery for seeing that these rules are obeyed is the essence of what sets an orderly, progressive society apart from the jungle. Let the Chicago "8" and their counsel take note that we who are zealous in our efforts to preserve law and order, through orderly legislative and judicial processes, regard their efforts to belittle, degrade and hinder the functioning of a trial in process is subject to our strongest condemnation.

The true meaning of this? Another of our cherished American institutions is on trial—the judicial system itself.

## POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DULSKI. Mr. Speaker, we are hearing quite a bit of grumbling from the other end of Pennsylvania Avenue and from the Cabinet-officer-general whose office is just off the avenue on 12th Street. They charge that Congress is doing nothing about postal reform.

This is about the extent of accuracy we have come to expect from these two sources about congressional activity: Zero accuracy.

The general seems to forget the 5 days he spent before our full Committee on Post Office and Civil Service testifying during the 4 months of hearings this year on postal reform. Our committee took over 1,300 pages of testimony and data.

He seems to ignore the reams of data, correspondence, et cetera, that he and his office supplied to the committee, plus the endless conferences with him and his staff on the details of postal operations.

### REFUSED TO COOPERATE

He chooses to forget that he would not even talk with the committee for most of his first 4 months in office on the matter of postal reform. Except, that is, to demand that we "do nothing 'til you hear from me."

He loaded his administrative team with private industry veterans, none of whom had any background in anything like the postal service, and then cloistered them from the postal career veterans in headquarters and elsewhere who have been struggling with the mounting departmental problems for years. Is this the way to learn a new job?

The general, fresh from the presidency of the U.S. Chamber of Commerce, clutched to what he considers to be the panacea to solve all postal problems: conversion to a public corporation.

With the reputation in private business which the general brought to his

new job, I was amazed to find that in Government he chooses to wear blinders and to close his ears to all except those who support his own preconceived conclusion.

For the general and the Nation's Chief Executive to insist that there can be no postal reform except through conversion to a corporation represents either the height of naivete or the conclusion that the Congress and the American people can be stampeded into accepting a conclusion in the face of conflicting facts.

WE WILL NOT BE STAMPEDED

Our House committee has been dealing with postal matters for years. We have a basic understanding of the problems and we give full consideration to the facts as well as to the experts inside and outside the field.

We will not be stampeded.

My postal reform bill, H.R. 4, which we now are marking up, already represents important progress in reshaping the operations of the Post Office Department.

We are on title III and before we finish, we will have accomplished all the reforms which have been promised through the corporate approach.

Our committee is not wearing either blinders or ear plugs. And the results of our legislative markup will make this abundantly clear.

It is too bad that the general and our Chief Executive at the other end of Pennsylvania Avenue can not see fit to work with us in this matter of postal reform, instead of throwing curves and installing paper-thin roadblocks in our way.

The difference is this: We, on our committee, want postal reform. The others apparently prefer chaos.

#### HARRY L. BROOKSHIRE RETIRES AS MINORITY CLERK

#### HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. WHALEN. Mr. Speaker, Harry L. Brookshire, who is retiring today after serving as minority clerk for 11½ years, is a native Ohioan, and we Members of that delegation are particularly pleased to have this opportunity to pay tribute to him this afternoon.

Harry grew up in the towns of Forest, Kenton, and Marion. After helping his family and working his way through high school, he attended Miami University at Oxford, before returning to Marion where he soon became involved in the town's political life as an assistant to the mayor, Dr. Frederick Smith. When Dr. Smith was elected to the House in 1939, he brought Harry to the Nation's Capital where he has continued in public service for 30 years.

During the Eisenhower administration, Harry switched to the executive branch after serving as advance man for the General's campaign train and on the

Inauguration Committee. Beginning in 1953, he was the confidential assistant to an Assistant Postmaster General and then Executive Assistant to Postmaster General Summerfield. In 1958, however, Capitol Hill beckoned him again when he was elected minority clerk.

During his tenure in that capacity, Harry has served us excellently, always with good humor. We are indeed grateful for the assistance he has rendered on innumerable occasions.

As he returns to Ohio, we wish him well in the years ahead.

#### CRIME IN THE DISTRICT OF COLUMBIA

#### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HOGAN. Mr. Speaker, this is the second in a series of statements dealing with the problem of crime in the District of Columbia.

I have received a copy of a report submitted by Chief Judge Edward M. Curran, U.S. District Court for the District of Columbia, furnishing the results of an experimental plan adopted recently by that court for handling criminal business on an individual calendar basis.

I am pleased that the criminal calendar is moving more rapidly under this new procedure for I believe that swift and sure justice, in the form of early trials, is one of the best ways of combatting crime in the District of Columbia.

The statistics obtained as a result of this new calendaring procedure also serve to highlight what appear to be problem areas in the handling of criminal business that need correction.

Judge Curran reports that out of 1,482 cases pending in the U.S. district court, there are 221 fugitive cases. Whether these are all cases involving the flight of defendants or whether a number of the cases involve defendants who simply fail to appear in court when directed, it is a rather startling statistic that the responsible officials will want to investigate further and ultimately correct. Pending preventive detention legislation would go a long way toward solving this problem.

Of further interest is the number of mental cases not triable at the present time—171. Certainly Chief Judge Curran is justified in urging that the process of pretrial mental examination of defendants be expedited by one means or another.

In addition, one wonders whether defense counsel are abusing the availability of this service. Certainly every effort should be made to identify those cases where mental examinations are sought to delay trials, seek a severance, and so forth, so as to avoid an unwarranted burden on the services offered by St. Elizabeths Hospital.

I believe Chief Judge Curran's report will prove of interest to all Members of the Congress, and I insert portions of it to be reprinted, as follows:

#### REPORT ON THE RESULTS OF THE CALENDAR CALL OF CRIMINAL CASES UNDER THE EXPERI- MENTAL INDIVIDUAL CALENDAR SYSTEM IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA SUBMITTED BY CHIEF JUDGE EDWARD M. CURRAN

The experimental plan for handling of criminal business of this Court on an individual calendar basis was put into effect October 1. There is set forth below the preliminary results of the call of the calendar which was strenuously pursued during the first week of October as an essential first step in the new program. Final statistics are being developed and will be kept current by use of a computer and progress reports will be given from time to time.

Fugitive cases.....	221
Mental cases not triable at the present time.....	171
Cases dismissed.....	101
Cases terminated by pleas of guilty....	180
(There were approximately 235 individual defendants who entered pleas of guilty. The difference in the figures representing the total number of cases terminated by pleas of guilty and the total number of pleas of guilty entered by individual defendants is explained by the fact that in some cases there were several defendants charged. In multi-defendant cases the case is not viewed as terminated until disposition is had as to all defendants.)	
Cases ready for trial.....	398
Cases not ready for trial because of pending motions, pre-trials scheduled or awaiting other disposition...	411
Total .....	1,482

A few comments on these results are in order. As of October 1, 1969, the date the call of the calendar commenced, this Court had a total of 1,630 criminal cases on its docket. The difference between this total figure and the one of 1,482 set forth above is explained by the fact that 148 criminal cases were not included in the calendar call since these cases consisted of indictments which were so recently handed down that it would have been inappropriate to call them. These cases will be called in early January, 1970 when another calendar call will be conducted.

The Judges involved in the experimental individual criminal calendar system are giving priority to the early and final disposition of old criminal cases involving jailed defendants who are charged with having committed crimes of violence.

The worth of the calendar call is best demonstrated by noting that a total of 281 cases were finally disposed of either by way of dismissal or by way of pleas of guilty. Your attention is also called to the substantial number of cases in fugitive status or otherwise non-triable because defendants are involved in various stages of mental examination. There is little the Court can do about these cases. The Court has urged the Executive through the U.S. Attorney to take vigorous steps in an effort to apprehend fugitives and has urged that the process of pre-trial mental examinations of defendants at understaffed Saint Elizabeths Hospital be expedited by additional personnel.

It should be noted that trial time is being shortened in many cases through new pretrial procedures held before the Judge responsible for the conduct of the case. All cases ready for trial are being given prompt definite trial dates.

The calendar is moving rapidly under the vigorous control of the Court and the Court is heartened by the progress made to date. Not only is it possible by this system to reduce time between indictment and trial, but it is expected that cases can proceed with less inconvenience to attorneys and witnesses.

One of the most important features of any modern system of court management in relation to the control of the flow of cases in the Court is the use of the most up-to-date data processing system and this Court has employed such a system.

Colonel J. F. Lieblich (U.S.A. (Ret.)), Director, Legal Management and Information Services of Computer Retrieval Systems, Inc., has been constantly monitoring the flow of cases during the call of the calendar. This operation will continue and the Court has established a long-range objective in conjunction with Colonel Lieblich to the end that there ultimately will be a completely effective automated criminal court management system for the United States District Court for the District of Columbia.

The encouraging results represented by the disposal of cases during the call of the calendar is the end product of a great deal of effort by many persons. . . .

While the Court has long recognized the extraordinary contribution that the private bar is making to the criminal work of this Court, it seems appropriate to make special mention of the outstanding professional response which the Court has received in its efforts to make the individual criminal calendar a successful experiment.

I am extremely optimistic about the results to date and as to the ultimate success of the plan. Because of the dedicated work of the Judges of the United States District Court for the District of Columbia significant advances in reducing the backlog of criminal cases have been shown as a result of the October 1, 1969 call of the calendar.

I am equally confident that by June 30, 1970 the beneficial results of the individual criminal calendar system will be even more apparent in the improved condition of the criminal calendar and I am equally confident that through the work of our regular and senior Judges who are assigned to the civil part of the Court the civil calendar will be in equally good shape.

**COMPREHENSIVE PLANNING FOR HEALTH NEEDED**

**HON. GARNER E. SHRIVER**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SHRIVER. Mr. Speaker, the first of a series of regional conferences on comprehensive health planning was held last week at Wichita State University in my congressional district of Kansas. The conference is being conducted under the auspices of the Brookings Institution and the Wichita State Center for Urban Studies.

Dr. John W. Cashman, director of the Community Health Service in the Health Services and Mental Health Administration of the Department of Health, Education, and Welfare, has been instrumental in encouraging and assisting communities in this all-important area of comprehensive health planning.

The conference at Wichita should be helpful to the citizenry in the region who are dependent upon a broad range of health services. The significance of this planning effort is well stated in an editorial published by the Wichita, Kans., Eagle earlier this week. Under the leave to extend my remarks in the RECORD, I include the editorial entitled

**"Comprehensive Planning for Health Needed":**

**COMPREHENSIVE PLANNING FOR HEALTH NEEDED**

Can the public really understand comprehensive health planning and its importance, and will it support efforts in South Central Kansas to do regional health planning on a comprehensive basis?

These questions popped up at the first of a series of regional conferences on comprehensive health planning, held last week at Wichita State University under the auspices of the Brookings Institution and the WSU Center for Urban Studies.

There is nothing extraordinarily difficult about the concept of comprehensive health planning. It may be easier for the public, which is the consumer of health services, to understand this new emphasis on "comprehensive" than for the doctor or other "health industry" representative to do so. The latter has been used to thinking of health in a fairly narrow sense, as connected with his particular field. The consumer is likely to know intuitively that health planning involves much more than hospitals and doctors.

"The health planner must from the beginning look at the broad world," said Dr. Alberta Parker, clinical professor of Public Health at the University of California, Berkeley, at the conference. Auto accidents are a major health problem today, and in prevention of this "disease" Ralph Nader may have done more than almost anyone else, she pointed out as an example.

Poverty is the third major cause of death in the United States, she also said. Urbanization causes health problems and impedes delivery of health services, said Dr. Carl Tompkins, Harvey County Health Officer. It is recognized that modern business, with its inexorable shifting of executives and their families from city to city, helps bring on mental illness in some of those displaced people, said another speaker, Dr. John Hartman, head of the Department of Sociology at W.S.U.

These examples indicate the diversity of things that affect people's health. Comprehensive health planning is taking a look at all these things, from environmental factors like air and water, to delivery of health services, like hospitals, and trying to find more and better ways to prevent disease, promote good health, and cure or treat sickness.

The public already is concerned about specific health problems. It already understands that its health depends on a great many factors beyond the control of individuals. Perhaps it understands that health planning must somehow join all the forces working toward health.

Will it support efforts toward comprehensive health planning? Probably. If it is kept informed.

These conferences themselves are a good effort in that direction. They are not set up to DO regional health planning, but to inform representatives of private, political and medical fields about the possibilities for such planning, and of the need for it.

**RESULTS OF QUESTIONNAIRE**

**HON. KEITH G. SEBELIUS**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SEBELIUS. Mr. Speaker, under leave to extend my remarks in the RECORD, I should like to include the tabulation of my recent public opinion poll regarding a questionnaire mailed to every

postal patron in my district, the "Big First" of Kansas.

It is my understanding most questionnaires of this type receive anywhere from an 8- to a 12-percent return. I think it is most significant that we have received a return of 15 percent; over 22,500 Kansans took the time and trouble to let us know how they feel about the important issues now before Congress.

I should also like to point out that the newspaper editors and radio and television news directors of my district selected these questions and that all questions pertain to pending legislation in the House of Representatives this session of Congress. This questionnaire has been most helpful to me. In essence, with the help of the "Big First" press, we have shown once again what our democracy is all about—that our citizens care about our Government and, when given the opportunity, they will make public their concern and interest.

The tabulation as reported in my newsletter is as follows:

**TEXT OF NEWSLETTER**

Two months ago, we mailed to all citizens of the "Big First" a public opinion poll with ten questions concerning legislation pending before the House of Representatives. The response has been overwhelming. At last count, my office has received 20,452 replies. Combined with over 2,000 letters from constituents who took the time to write in detail, this means a response of almost 22,500—a 15 percent return. Most public opinion polls of this type attract somewhere between an eight and 12 percent return. It is obvious our "Big First" citizens are concerned and interested in our government. This response has given me a great sense of pride and proves once again, it is a privilege to represent the citizens of the "Big First."

**THE RESULTS**

Here is a summary of the results of the poll expressed in percentages followed by my own comments:

**[Answers in percent]**

1. Do you favor an increase in Social Security benefits this session of Congress?  
 Yes ----- 53  
 No ----- 40  
 Undecided ----- 7

There is an obvious need for an increase in benefits, but what about an increase in taxes? The Social Security reserve is increasing. The President feels the taxes can be spread out over a five-year period and kept at a reasonable minimum. With this in mind and in view of the coming increase in Medicare costs, I am supporting a 15 percent increase. I do not think our senior citizens should be forced to shoulder the responsibility of our nation's past fiscal mismanagement; spending cuts should come in other areas. This legislation is now pending before the House Ways and Means Committee.

2. Should the federal government try to slow down the migration from the farm to the city through tax incentives and aid to private business to help create jobs in rural areas?  
 Yes ----- 70  
 No ----- 20  
 Undecided ----- 10

I co-sponsored Senator Jim Pearson's bill in the House. The bills are still pending. In the meantime, many of our communities are accomplishing this goal on their own by recruiting, attracting and locating private industry. This most commendable initiative

not only helps to revitalize rural and small town America, but proves once again self-help is best help.

3. Vietnam—Do you favor—

- (a) Gradual withdrawal, no reciprocity from the enemy?----- 14
- (b) Immediate and complete withdrawal?----- 23
- (c) President Nixon's troop replacement program contingent upon mutual withdrawal and South Vietnamese readiness?----- 36
- (d) Increased military effort to press for a military victory?----- 19
- Undecided ----- 8

I will continue to give my strongest possible support to the President in an effort to help seek a just and honorable peace at the earliest possible date.

4. The Safeguard Missile System, do you favor—

- (a) President's proposal to deploy the system around two ICBM sites?----- 34
- (b) Authorization of funds for research and development only?----- 23
- (c) No funding for this system?----- 27
- Undecided ----- 16

Safeguard was part of the 1970 military procurement authorization totalling \$20.7 billion. Both the Senate and the House must approve this final figure. The Soviets are now leading us in ICBMs and are pressing to achieve military superiority. I do not think we can gamble with our national defense. At the same time, I applaud the Administration's military personnel cutbacks, mothballing obsolete equipment and phasing out unnecessary military bases. Secretary Laird has trimmed our defense spending, made the Defense Department accountable to the Budget Bureau and the Congress has served notice to the military that no more blank checks will be written.

5. Foreign aid, do you favor—

- (a) Reducing the foreign aid programs?-- 85
- (b) Continuation at the same level?---- 9
- (c) Increasing the foreign aid program?-- 1
- Undecided ----- 5

The House of Representatives cut foreign aid appropriations \$465 million several weeks ago. Long term loans and trade make much more sense.

6. Would you favor giving judges authority to detain criminals prior to trial depending on the danger to the community involved?

- Yes ----- 83
- No ----- 8
- Undecided ----- 9

This legislation is still pending in both the Senate and the House and affects only the District of Columbia. The best answer to the crime problem is swift justice, but until that goal is attained, we must protect the public from the four out of ten suspects who are out on bail and commit another felony.

7. The Draft, do you favor—

- (a) Extension of the present selective service system?----- 20
- (b) A draft by lottery?----- 19
- (c) A volunteer career military service?-- 50
- Undecided ----- 11

I am co-sponsor of legislation calling for a voluntary career military service. In the meantime, I fully support and voted for the President's draft reform proposals that are now pending in the Senate.

8. Do you favor legislation which would convert the Post Office Department into a government-owned corporation to operate on a self-supporting basis?

- Yes ----- 62
- No ----- 26
- Undecided ----- 12

I have expressed my concern to the Postmaster General regarding the need for im-

proved mail service in our rural areas. I also have concern over the possibility of a huge increase in postal rates to put the postal operation on a pay-as-you-go basis. The corporation concept was defeated in committee; another postal reform bill is now being considered.

9. Farm legislation, do you favor—

- (a) Continuation of the present program?----- 10
- (b) Continuation of the present program but with voluntary but permanent land retirement?----- 10
- (c) Government program for increased collective bargaining rights for the farmers?----- 15
- (d) Gradual withdrawal of the government from the farm picture to a market governed by supply and demand?-- 47
- Undecided ----- 18

The House Agriculture Committee is working together in a bi-partisan effort to draft favorable legislation for the farmer. I am working with the Committee in this effort. Rather than sponsor a specific bill at this time, I have chosen to work with my colleagues in drafting one composite bill. My priority interest in Congress is to provide farmers with a better income and to try and help revitalize rural and small town America. To do this will take a strong, realistic and united effort. We hope to have a bill reported by the end of this session.

10. Do you favor a bill which would limit daylight saving time to the three summer months?

- Yes ----- 83
- No ----- 13
- Undecided ----- 4

I introduced this legislation and have received an astounding total of mail from all parts of the United States (over 1,000 letters). The bill is still in committee. I plan to invite more co-sponsors and circulate a petition asking that hearings be held.

SUMMING UP

This questionnaire has been most helpful; the poll enabled me to support or oppose these legislative proposals with facts and figures. One interesting aspect; five percent of those who answered did not sign their names. It seems odd that citizens would take the time to express their views but then remain anonymous.

MORE TO COME

We hear much about the "generation gap" today. In an effort to determine the political differences, if any, between our young people and those who have already answered, I have sent a questionnaire to each junior college and college in the "Big First" as well as several select high schools. I am hopeful our young people will take the time to answer and return them so that we may compare answers. A compilation of both this questionnaire and our youth project will be mailed to each citizen who took the time to express an interest.

ONCE AGAIN DRAFT REFORM WILL HAVE TO WAIT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, throughout the country there is a general recognition that many inequities exist in our present draft system. The public certainly has a right to expect a

broadly constructive congressional response to the need for draft reform. But apparently this right was not thought to be sufficiently important to permit consideration in committee or in the House of any other reform than the institution of a lottery system. The Armed Services Committee reported out H.R. 14001, a narrowly drawn bill dealing only with the lottery system, which effectively barred consideration of deferments, national standards, conscientious objector status, and rights of appeal among other things.

Unfortunately this is not the first time that Congress has been blocked from full and open consideration of draft reform. In 1967, President Johnson's National Advisory Commission on Selective Service called for first, a reversal of the current order of draftee induction, with 19-year-olds called into the service before older men; second, abolition of undergraduate student deferments; and third, uniform national policies for draft boards.

The response to these recommendations was dismal. In action on the Senate selective service bill, the House Armed Services Committee added language basically opposed to the lottery system and adopted an amendment prohibiting the President from ending college undergraduate deferments.

Debate on this bill was scheduled in the House at a time that all but insured the impossibility of careful consideration, analysis, and action. On May 25, the House finished consideration of the controversial elementary and secondary education bill. Members had worked long and hard on this major education bill in a late night session the day before. Despite this, there was no time allowed to prepare for the debate on the draft. The selective service bill was brought up right after action on the education bill was completed. Not surprisingly the selective service bill which passed the House was not much changed from the bill reported out of the Armed Services Committee.

The measure that finally came out of a joint House-Senate conference and became law was hardly what one could call a major overhaul of the inequities in our draft system. It did not end college deferments, did not require national criteria for draft boards and outlawed a lottery system—on the strength of the House committee's disapproval of a lottery system. Only one of the President's Advisory Commission's recommendations, the order of draftee induction, was effected. In fact, the list of things the law did not do is strikingly similar to the list of reforms proposed by many advisory committees who had studied the problem in great depth.

This year we did not do much better for the young people and their mothers and fathers who make the very reasonable request that if they are to serve their country proudly in the armed services, the least they can expect is a system of selection that is equitable, avoids economic or geographic discrimination and applies uniformly fair procedures. Instead of broad reform we were presented with H.R. 14001. This bill would repeal a provision in the 1967 act which

bars a lottery system. This is all it would do. It was written in such a way that, despite an open rule, any amendments going beyond the question of random selection were subject to a point of order based upon the rule of germaneness.

The only hope for opening up debate on the draft was an attempt, which I joined, to defeat the previous question and then try to pass an amendment making any germane amendment to the Selective Service Act in order as an amendment to H.R. 14001. This effort to break free from what was in effect a gag rule was defeated by a RECORD vote of 265 to 129.

With all possibility of action on the many other aspects of draft reform cut off by this most unfortunate and unpleasant legislative drafting tactic, I voted for H.R. 14001 because it will allow the establishment of a lottery system which I support.

However, the bill does not make such a system mandatory. It only gives the President discretion to institute a lottery. Should the bill become law, I call upon President Nixon to follow through with the lottery proposals he set forth in his May 13, 1969, message on the draft.

In light of strong indicators that we will see little further legislative action on draft reform in 1969, the decision to limit the House's debate and action on draft reform so severely is still incomprehensible to me.

I know, and I am sure my colleagues know, that public confidence in the draft is low. The inequities in the system are clear. A poll taken in my own congressional district showed that of those responding, only 31 percent favored the present system which permits deferments of students, while 41 percent favored a random-chance lottery with no student deferments, and 28 percent favored a professional all-volunteer Army.

Cutting off debate and effectively killing the possibility of comprehensive draft reform this year may well give young people the feeling that the generation wielding political power is not sensitive to their most serious concerns—a sentiment which we see young people expressing more and more these days.

#### "SESAME STREET": A TELEVISION PROGRAM FOR PRESCHOOLERS

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BRADEMAS. Mr. Speaker, I wish to call the attention of my colleagues to a significant new experiment in television for preschool children, "Sesame Street." "Sesame Street" is a television series, funded by the Carnegie Corp., the Ford Foundation, the U.S. Office of Education, OEO, and others, aimed at using the medium of television for the education of children of preschool age.

Briefly, "Sesame Street" will be shown twice daily—9 to 10 a.m.; 4 to 5 p.m.—on channel 26 in the District of Columbia and more than 140 television stations throughout the country. Thus far, the

imaginative programs have received unanimous praise, and I urge my colleagues and citizens throughout the country to view them.

At this point, I would like to insert in the RECORD a more detailed description of the "Sesame Street" series:

#### EDUCATION IS HIDDEN INGREDIENT IN NEW TV SHOW FOR PRESCHOOLER

A fourth "r"—for revolutionary concepts—is being contributed to the traditional education format by the Children's Television Workshop in the production of its new series for preschool children called "Sesame Street."

Children "taking" this 130-hour course, which debuts Nov. 10 on some 160 public television stations, will:

See the breaking of a bubble, which occurs normally in a fraction of a second, as an eight-second-long event, thanks to a camera that is able to shoot 11,000 frames a second, just under the speed of sound.

Learn the ABCs with some help from a sky-writer forming the letters 10,000 feet up in the air.

Get a precise understanding of geometric forms with the aid of a computer system that animates various geometric shapes.

#### UNUSUAL "FACULTY"

Children participating in the experimental program, which is backed by grants from the U.S. Office of Education, the Ford Foundation and Carnegie Corporation will also be instructed by a faculty unlike any they're likely to encounter at St. Joseph's or P.S. 102. It's made up of puppets, cartoon characters and celebrities like James Earl Jones and Carol Burnett.

It's all part of an effort to take advantage of commercial television techniques of proven appeal to help prepare three-, four- and five-year-olds for formal education by teaching them something of numbers and letters and forms and nature.

Says David D. Connell, who for many years was executive producer of "Captain Kangaroo" and is now executive producer of "Sesame Street": "We know that there are certain elements in a show to which children will always respond. They like watching live animals, animated film, slapstick comedy, other children on the screen, commercial jingles.

"In putting together 'Sesame Street' we are trying to educate the children in an entertaining manner by using those elements we know hold their attention. Viewers will see, for example, each letter of the alphabet taught as a 'commercial,' that part of a commercial television show children seem to thoroughly enjoy."

#### PRE-TESTED

Another unique aspect of the new "Sesame Street" series in both a television and education sense is that it is thoroughly pre-tested. Every major element that goes into the 26-week series will have been tried out on groups of nursery school or day care center children by professional researchers to ascertain whether or not it effectively conveys the message for which it was intended.

To broaden the experience level of children—particularly those from disadvantaged, inner city environments—"Sesame Street" has had 19 film companies working across the country shooting films on some 200 different subjects, from farm life to the San Diego Zoo, from transportation modes to plant growth.

The puppets employed on "Sesame Street" are of Jim Henson's popular "Muppets." They too have special appeal to the youngsters. Says Henson, "to children puppets are an extension of their dolls. They relate to them."

And on "Sesame Street" anything that can't relate to the preschool child has come to the wrong address.

#### THE PRESIDENT AS PUNDIT-IN-CHIEF

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WOLFF. Mr. Speaker, today there has appeared in the Washington Post an editorial which I believe is particularly relevant to my call yesterday for a plebiscite to determine the course the American people would have President Nixon pursue in Vietnam.

I believe that the editor of the Post has perceived a truth that escaped both President Nixon and my distinguished colleague, the gentleman from Texas (Mr. BUSH), with whom I engaged in a stimulating colloquy last evening. That truth is, as the Nixon administration's own Clark Mollenhoff has said, "any fair-minded" American "will understand why a simple public opinion poll is useless in analyzing problems that require study and common sense."

Since this point is one which bears directly upon the need for a national plebiscite, I asked for permission of the House to insert this penetrating editorial into today's RECORD:

[From the Washington Post, Nov. 6, 1969]

#### THE PRESIDENT AS PUNDIT-IN-CHIEF

President Nixon has every reason to be pleased with the results of the Virginia and New Jersey gubernatorial elections and also with some early evidence that his Monday night speech was a political success—a rallying cry to his hidden supporters and a reflection of the majority view. Both governor-elect Cahill and Holton, after all, are enlightened and impressive representatives of the Republican Party, and—so far as Monday night's address is concerned—Mr. Nixon, like any President can only function so effectively in foreign affairs without a base of popular support. So the President's satisfaction with events of the past few days is understandable.

What is more perplexing is the manner in which he has chosen to express it. For, as if he didn't have plenty of other things to do, Mr. Nixon has suddenly presented himself to us as pundit-in-chief—analyzing bits and pieces of trends, plumbing the "national mood" on the basis of data far from complete, inferring all sorts of meanings (that are questionable, to say the least) from the mail he has received and from the way the voters chose in elections for state and local office across the country. His actions illustrate again the perils of punditry and also—more important—its incompatibility with the job of the presidency.

We are only following the guidance of the President and that of Vice President Agnew when we observe that if foreign policy should not be made in the streets (and it should not be), then presumably it should not be made in the mailbox either. Yet a gleeful President summoned newsmen on Tuesday to pose for photos with his stacks of mail and wires (some of it inspired by a Republican National Committee drive) and proceeded to analyze its meaning as a mandate from the people. Some of his aides followed suit. Not, we would hope, Mr. Clark Mollenhoff. It was Mr. Mollenhoff, only a few weeks back, who (in connection with Judge Haynsworth) made the administration pronouncement that we mean to stand by—whether or not the administration does:

"I am sure that any fair-minded members of the Senate will understand why a simple public opinion poll is useless in analyzing problems that require study and common sense."

On the heels of the nationwide election contests, Mr. Nixon was at it again, beating out all the other pundits by inviting—yes—the Today Show to breakfast. At one point in these bizarre proceedings, Miss Barbara Walters went so far in construing the New Jersey and Virginia elections as presidential triumphs and in citing the Gallup quickie finding of 77 per cent of the country behind the President in Vietnam, that Mr. Nixon himself felt obliged to point out that there were "very honest people" who would not "be affected by polls." But the President then went on to declare that in both New Jersey and Virginia he had been "the" issue and that, in New Jersey, Vietnam had been made a "straight up and down issue," so that those two elections were implied to be something in the nature of referenda on his administration and on his war policy.

Now, in neither state was this the case. In the Virginia contest, Mr. Nixon's performance in office and/or his visit to the state were not the principal issues. And in New Jersey, former-governor Meyner's flirtation with the Vietnam issue was half-hearted and short-lived. It was as nothing, for instance, to Mayor Lindsay's in New York, and Mr. Lindsay was re-elected. It would be as foolish to take one of these as it would be to take the other as some bellwether of opinion on the war—or on the Republican Party for that matter.

In fact, when you look about the country on the day after these elections, there is a little something for everyone—with the possible exception of those of us who earn our livings spotting firm trends in off-year politics. The Democrats held or picked up important mayoralties (Buffalo, Cleveland, Louisville, Pittsburgh). With some exceptions—the strong showing of Louise Day Hicks in the Boston City Council elections—the early results did not provide overwhelming comment one way or the other on racial backlash or "law-and-order" politics. There will be time for the analysts to chew over, precinct by precinct, the voting that took place on Tuesday. For now it is mainly apparent that moderate men in both parties succeeded. It is this—and not some "referendum" on the Nixon administration or its Vietnam policies—which should give the President satisfaction.

#### LONG ISLAND SOUND

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. REID of New York. Mr. Speaker, today I am introducing, with my colleague from New York (Mr. WOLFF), two bills to provide for the future preservation of Long Island Sound.

In my judgment, it is essential that we develop and implement a comprehensive plan which treats the total environment of the sound, including the dangers posed by extensive air pollution, and takes into account the sound's importance as a great natural resource.

To determine how best to relieve the pollution problem and stop the piecemeal destruction of the sound that has been going on for years, Mr. WOLFF and I are introducing legislation to establish an Intergovernmental Commission on Long Island Sound. The Commission would be authorized to make a yearlong survey of the sound, taking into account the following factors: The recreational values of the environment; proposals for bridges or causeways spanning the sound; the nutrient balance and protec-

tion of aquatic life; the elimination of water pollution; protection against thermal pollution from proposed nuclear power plants; and the elimination of air pollution from airplane and highway traffic, as well as from conventional power plants.

The primary goals of the survey and resulting comprehensive plan will be to spur community endeavors to curb pollution and desecration of the shoreline, and to coordinate Federal, State, and local planning for the future of the sound. In the past, too many studies of the sound have been made and then filed away, without ever being acted on. Mr. WOLFF's and my goal is to have some action underway within a year's time.

In addition to the bill establishing a Commission on Long Island Sound, we are today introducing legislation amending the General Bridge Act of 1946 to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor—in Mr. WOLFF's district—to any point in Westchester County, N.Y., in the vicinity of Rye or Port Chester—in my own district.

Under the General Bridge Act of 1946, the Congress granted its consent to the construction of bridges over navigable waters of the United States, providing that the plans were approved by a designated Federal agency—now the Coast Guard. However, the Congress explicitly reserved its right to withdraw its consent to the construction of any given bridge, and it is under that reservation that we introduce this bill.

In my judgment, the case for the Rye-Oyster Bay Bridge has not been proven. There is substantial evidence that construction of the bridge would not ease traffic congestion, and that an additional bridge close in to New York City could instead generate additional congestion. Furthermore, the heavy automobile traffic using the bridge would befoul the sound with air pollution—and this in an area having the most polluted air in the country.

In view of these facts, and the fact that the western end of the sound is already so highly polluted that its waters are unacceptable for the propagation of marine life—a condition which would not be helped by dredging and bridge construction—it is clear that this bridge must not be built. In my view, a bridge farther east between Long Island and Connecticut would be more consistent with the transportation needs and population trends of the area.

I urge early consideration of both these bills.

#### VETERANS DAY PROCLAMATION

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LANDGREBE. Mr. Speaker, on November 1, the Honorable Malcolm W. Roth, the mayor of Rensselaer, Ind., which I am proud to say is located in my district, issued a proclamation for Vet-

erans Day, 1969. It is my great privilege to insert the text of Mayor Roth's proclamation at this point in the RECORD, in the hopes that it may serve as enlightenment to those who mistakenly read the mood of America as one of surrender to Communist aggression.

The proclamation follows:

[From the Rensselaer (Ind.) Republican, Nov. 11, 1969]

#### MAYOR'S NOVEMBER 11 PROCLAMATION

Whereas, the 51st anniversary of the signing of the Armistice, which signaled the end of World War I, will be November 11, 1969;

And whereas, November 11 now has come to mean a day of honor for all living and deceased veterans of all wars;

And whereas, this country is now engaged in a conflict in Vietnam, in which American servicemen are fighting and dying in a cause which our government believes to be right and just; and

Whereas, a controversy rages among certain of our citizens over the fitness of the conflict in Vietnam, and this division of opinion is causing unjust hardships on those forces now engaged in mortal combat in Vietnam, in that it is giving aid and comfort to the enemy; and

Whereas, "peace at any price" is not acceptable to the majority of our citizens, who by every act and deed down through the history of our country have shown compassion for the weak and beleaguered; and

Whereas, the peace talks in Paris, between our government and several governments, are stymied because of the opinion that America is willing to accept the ignominy of defeat in their pursuits for a just peace in Vietnam; now therefore,

I, Malcolm W. Roth, Mayor of Rensselaer, Indiana, do call upon all citizens of this community to publicly display their unity of purpose by attending public gatherings scheduled for November 11, 1969, and/or displaying the Flag of our country at full staff on November 11, 1969, signifying that they revere their country, and that they do not wish a sworn enemy of this country to take any aid or comfort from acts which dissenters, either consciously or unconsciously, may infer as being a sign of weakness on the part of the United States; and

Further, that in so observing the 51st Veteran's Day, we shall be doing honor to the memory of the veterans of all wars and most especially our concern for those men now fighting in Vietnam.

In witness therefore to the foregoing document, I affix the seal of the City of Rensselaer, Indiana, this 31st day of October.

[SEAL]

MALCOLM W. ROTH,  
Mayor.

Attest:

DENVER M. TUDER,  
City Clerk.

#### ARTHUR FRANCIS MAGILL—MAN OF THE YEAR

### HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MANN. Mr. Speaker, one of our Nation's most distinguished citizens, Arthur Francis Magill, chairman of the board, Her Majesty Industries, Inc., was honored recently by the Greenville, S.C., chapter of the Society for Advancement of Management. I was privileged to present the society's coveted Man of the Year Award to Mr. Magill, who is internationally known as a businessman and

philanthropist, with the following citation:

To Arthur Francis Magill:

Because of your long and continued participation in and support of the Society for Advancement of Management and its objectives,

Because of your progressive attitude toward the art of management and its practice,

Because of your commitment to the tenets of the free enterprise system and its perpetuation,

Because of your implicit faith in the potential capabilities of people and your belief that these potentialities can be developed through education and training,

Because of your quest for knowledge and the generosity with which you share it with others,

Because you have been concerned more with being effective than merely efficient in the operation of your business,

Because you perceive that a business enterprise has social responsibilities and that these must be identified and implemented by the managers of that business,

Because you understand that cultural pursuits and opportunities are also necessary for well-rounded individual and community development,

Because you are not content to conceive ideas and dreams, but you have persisted, sometimes in the face of grave obstacles, in putting these ideas and dreams into action,

Because you have given graciously of yourself and your resources to this your adopted community, Greenville, South Carolina, and the surrounding area.

We of the Greenville Chapter of the Society for Advancement of Management are honored to recognize you as our Man of the Year.

Presented this 7th day of October, 1969, at the Poinsett Hotel, Greenville, South Carolina.

JOSEPH T. ALLMON,  
President.

In accepting his award, Mr. Magill spoke of the needs of our Nation's local communities. Believing that his address will enlighten and inspire Members of Congress and citizens generally, I include it here as an extension of my remarks:

ACCEPTANCE ADDRESS OF ARTHUR FRANCIS  
MAGILL

Remember back in the 30's, Moss Hart and George S. Kaufman wrote a play entitled, "You Can't Take it With You." In the first scene, after Alice and Kolenkov had gone off to see the Monte Carlo Ballet, the rest of them sat down around the table for their dinner, and grandpa, after tapping for silence, offered the following prayer:

"Well, sir, we have been getting along pretty good for quite a time now, and we are certainly much obliged. Remember, all we ask is just to go along and be happy in our own sort of way. Of course, we want to keep our health, but as far as anything else is concerned, sir, we will leave it up to you."

Well, in the same way, here we are all together, and what I am going to say tonight is about our community.

We have seen many changes in the past few years, and sometimes our attention seems to be focused on the more dramatic of these changes. Sometimes the subtler changes escape our attention.

It has been only since September of 1960 that we in Greenville could use direct long distance telephone dialing. In 1960-1961 the Laser Light Beam was invented. In April of 1961 Yuri Gagarin was the first man to fly in space, and in May of that year we put Allen Sheppard, Jr. into sub-orbital flight. In 1962 we launched Telstar I, the first satellite to relay television programs between the

United States and Europe. In 1965 Edward White made his famous space walk, and in the same year Gemini VI and VII achieved the first space rendezvous. In 1967 we had our first heart transplant. We started monitoring world weather conditions in the 1960's. It was not until 1959 that Boeing launched a 707—the first transcontinental jet airline service—Los Angeles to New York. The Berlin Wall was set up in 1961.

So much for the dramatic changes. What about the less dramatic changes about which I spoke a few moments ago? We as a nation are trying to solve our problems on a national level rather than on a local level. We have lost that vital local initiative which played a key part in our growth and development.

Consider the distribution of our tax dollar. This, in a way, is the crux of my whole argument.

In 1932, 54% of our tax money was paid locally, and by 1968 this figure had shrunk to 14%.

In 1932 24% of our tax money was paid to the state, and in 1968 this figure had shrunk to 18%.

In 1932, 22% of our taxes went to the Federal Government, and by 1968 this had jumped to 68%.

When the 50 Governors met about a month ago, their solution to their problems was more money from the Federal Government.

It is interesting to think for a second where part of the money goes which the Federal Government is taxing from us. In the period from 1945-1968 the Federal Government gave away 81 billion dollars in foreign aid, exclusive of military spending abroad, and the total amount for foreign aid in 1969 was 2 billion 104 million dollars.

It is interesting that the total national bill for education, exclusive of the amounts spent for colleges and universities, was 4 billion, 791 million dollars in 1968-69. In other words, using the 1968-69 educational figure and dividing it into the money we have given away for foreign aid since 1945, we could run our national educational institutions, exclusive of colleges and universities, for 17 years—if we used the money in that fashion instead of for foreign aid.

Let's put it another way. We gave away 2 billion, 104 million dollars in 1969 for foreign aid which is one-half of what we spent for education.

To put it still another way, our educational bill in South Carolina for everything, except colleges and universities, for 1967-68 was 231 million dollars. So, we could run our educational institutions in South Carolina for 9½ years and still have a little left over for what we are spending for foreign aid for the year 1969.

It seems strange to me that a few senators and congressmen in Washington can take so much of our money and send it to the far corners of the earth when there is so much to be done in our local communities. Now, of course, there is something we can all do about this if we want to, and that is to tell our senators and congressmen how we feel, but it will take some time to get this picture turned around, and in the meantime there is still no excuse for our not trying to set right the things that need to be done in our own community. In this case two wrongs certainly don't make a right and the need is now.

If we are unable to return to individual and community initiative, and individual and community concern, we will wallow around in this morass of bigness and impersonality, and I think the end is going to be chaos. Maybe we have chaos right now.

The City of New York and the State of New York want the Federal Government to do something about the Long Island Railroad. The City of New York wants the Federal Government to do something about their

housing problems. You walk down the streets of New York and they are littered with refuse, and I suppose pretty soon the City of New York will want the Federal Government to clean their streets for them.

On Monday, October 6th—yesterday—the *National Observer* had something to say about our problems in an article entitled, "City Woes Leapfrog Into the Suburbs."

American suburbs are in trouble—real and serious trouble—crime is rising faster in the suburbs than in central cities. Congestion is filling up highways as fast as they can be built, forcing people further and further out. Inflated land prices are making it impossible for increasing numbers of people to afford the housing they seek.

"Unless some major changes take place," warns Samuel C. Jackson, Metropolitan Development Chief for the Department of Housing and Urban Development, "all we have to look forward to are higher land prices, intensified water and air pollution, worse traffic jams, more waste caused by urban sprawl, more serious economic and racial segregation, and severe deterioration of the already intolerable conditions of our central cities". . .

"The problem, wrote Library of Congress researcher W. Brooke Graves in a 1967 study, "is that the most productive tax sources have been appropriated by the state and federal governments, forcing local governments to meet the demand for expanded services by pressing the regressive and unpopular property tax to the limit of public endurance."

"What's the answer? Most authorities now argue that the first step is to assure states and local communities of enough revenue so they can regain the initiative in trying to meet their own needs."

"We've gone about as far as we're going to for a while by appealing to people's consciences," says HUD Metropolitan Chief Sam Jackson. "What we have to do now is to make it in the self-interest of the suburbs to cooperate by designing new incentives."

The things that affect us most will have to be done on a local level, or they will not get done at all—crime, housing, education, job opportunities, the dope problem. Why do people think that someone sitting behind a desk in Washington will do a better job for Greenville than we in Greenville can do for ourselves?

In *Alice in Wonderland* Alice is walking along and she sees a Cheshire cat sitting up in the tree, and so she said, "Would you please tell me which way I ought to go from here?" "That depends on where you want to go," said the cat. "I don't much care where," said Alice. "Then it doesn't matter which way you go," said the cat. But it does matter which way we here in Greenville go. We have to make a choice.

The truth of the matter is that there is a good deal of money here in Greenville which could be used for all sorts of community projects. I mean individual and corporate money. I really don't know what the point is in holding on to our money and paying it out to federal and state governments as death duties. It is a lot more fun to pay out money while we live for the projects in which we are interested. I urge that you do this for the simple reason that it is fun.

I also think that we have a serious responsibility to give our money, or a substantial part of it, to the community in which we live—the community that has enabled us to support and educate our families. Our whole Judeo-Christian culture is based on the idea that there is such a thing as individual responsibility. If we don't exercise that responsibility, we fail—our culture and our country.

You know, this can get to be very exciting, not only because of what it can do to and for Greenville, but as an example which we could set for our state and for the whole southeast.

Quoting Gordon Blackwell, who was quoting Albert Einstein, "You can't scratch if you don't itch." We have plenty of itches.

There are many, many things that need to be done for Greenville, and I would like to suggest that as various organizations and groups develop needs, that they write up these projects, and send them in to Bert Winterbottom of the Greater Greenville Planning Board. Hopefully, if individuals, or companies, or church groups, or any other groups, feel that they want to participate more actively in helping Greenville become a better place in which to live, they could go to Bert Winterbottom and he could show them his file of projects. Many will be beyond their means. Some they won't care about, but some will strike a note of response.

I am certainly in favor of Foreign Missions, but I think that too often we have our eyes cast 3,000 miles away when they might better be cast 3 miles away.

No company can make it big today unless it has a deep personal interest and involvement in the environment in which it is located. That is where the action is.

All right—what are some of the things we need here in Greenville today?

A new Phyllis Wheatley Center with appropriate branch and/or extension services.

The YMCA has proposals for at least four branch facilities.

A training center for mentally retarded children.

A clinic and physical therapy center for persons with muscular dystrophy, cystic fibrosis, and other physically handicapping diseases, including birth defects.

The school system needs financial support across the board. Private individuals and groups could easily support programs for both advanced and retarded students, and for expansion of the various "arts" programs in the schools.

We have very few public parks and recreation facilities in Greenville County. There is a need to acquire land for such purposes before it is all developed. Donations of land of any size would be a great contribution to the city and county recreation programs. There is a need for at least fifteen or twenty "vest pocket" parks in our highly congested areas. These would be miniature playgrounds located on single residential lots. Such parks could be supplied at a total cost of from \$7,500 to \$25,000 each, including land.

I would like to make a prediction. In the year 2000 someone in Greenville will get a bright idea and a plaque will be erected in our memory which will say—"In memory of the citizens of Greenville who in the Year of our Lord 1969 had a golden opportunity to erect public parks, but who in their blindness and shortsightedness never saw the light."

Phyllis Wheatley has several acres in Bruton Town which they want to make into a community athletic field with a community house at a cost of perhaps \$50,000.

There has been, and there is, a continuing need for day-care facilities for working mothers in the low-income areas of Greenville County.

Mr. Roy Green, Principal of Oscar Street School, has been working on a "Juvenile Delinquency Prevention Program," and he could use some financial support.

There has been a great deal of talk in recent years of developing an olympic size swimming pool for Greenville so that we might attract national and regional competitive swimming events. As you know, our Greenville YMCA has one of the outstanding swimming teams in the Southeast at the present time.

There is the new Greenville County Housing Foundation under the leadership of Max Heller. This has been formed under the protective wing of the Greater Greenville Chamber of Commerce. They want to build low income housing units, and they want to ren-

ovate houses which sorely need renovation. The idea is to raise \$500,000 for working capital, and hire a professional. This thing is so complicated that you absolutely need the services of a professional, and then tie into the various areas of long-term governmental money—build or renovate these units, sell them and keep on turning over their capital.

This is the sort of action that all communities need today. The Federal Government can't do this. It has to be done by individual initiative, individual local guidance, and the top money has to be contributed locally, either by individuals, by corporations, by foundations, or by local governments—hopefully by all four. In my opinion this deserves our strongest community support.

And finally, I would like to mention the Sullivan Street pilot community project which was organized officially in June of this year. This Sullivan Street project is interested in a two-acre plot behind Claussen's Bakery. The residents of the area turned to. They volunteered to clear the area of rocks and weeds. They sold lapel buttons at \$1.00 a piece. The Parker Camp Foundation gave them some sports equipment. Vaughn's Grading Company sent some men and machinery to level the site. Ashmore Brothers asphalted part of it for them. A charter was prepared. They have barbecue sales on weekends to raise funds. The Greenville Council of Architects has agreed to design and do all the architectural work for a multi-purpose community center. The Greenville Advertising Club is assisting in their publicity. Duke Power has made a small donation. WFBC and the News-Piedmont have been helping. They have overall pledges so far for approximately \$10,000. They need \$35,000 for land, \$5,000 for equipment, \$150,000 for a building, and they will need \$35,000 for an annual operating budget—a package of \$225,000. But the important thing is that the stimulus for all of this has come from the residents themselves and from Tom Shim, a Furman University student, working part-time with the community. It is a neighborhood project, and we desperately need more "do-it-yourself" neighborhood projects of this kind.

Coach Vince Lombardi says the challenge is in the *attaining*, not the *maintaining*. Success is a journey, not a destination.

#### UNITED STEEL WORKERS FAVOR FEDERAL SAFETY LAWS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit for the RECORD the far-reaching and important statement of Walter J. Burke, secretary-treasurer of the United Steelworkers of America, before the Select Subcommittee on Labor on Occupational Health and Safety on November 6, 1969:

#### STATEMENT OF MR. BURKE

Mr. Chairman, my name is Walter J. Burke. I am the Secretary-Treasurer of the United Steelworkers of America—an organization representing 1.2 million workers in the basic steel; steel fabricating; iron ore mining; nonferrous mining, smelting and fabricating; aluminum, and can industries. The scope of industries covered by our Union is quite wide. I am accompanied by Jack Sheehan, our Legislative Director, Paul Schremp, our Safety Director, and a panel of local union presidents from various industrial plants whom I will introduce a little later.

#### I. INTRODUCTION

As has already been emphasized by the AFL-CIO and by President Abel, representing the IUD international unions, the union movement considers the safety bills, which are pending before this committee, to be of primary importance. In particular, we support the approach of H.R. 3809, as introduced by Congressman O'Hara and a large number of other representatives.

#### (1) Need for Federal legislation

There has been a growing awareness of the need for federal legislation in this field. A tour of the halls of various state legislatures would reveal the intensity of interest that labor representatives place upon safety bills. Yet, we have realized long ago that the promulgation of national standards can not be through a composite of 50 separate state enactments. I am surprised to learn that so many have appeared before this Committee recommending that it is the prerogative of the various states to regulate safety and health conditions in the work place. Well, it may be their prerogative—but they haven't effectively exercised it. We know because we have tried to enlarge the scope and authority of the states' regulatory power in this area. We have, however, found our effort wanting. Hence, we appear before you today. We concur in the view of Congressman Steiger when he wrote in the January issue of the *NAM Reports*: "A major reason that the (safety) legislation was introduced in Congress was because of the failure of too many states to act in this field."

Secretary Schultz has dramatically answered the question as to whether there is a need for comprehensive legislation in the field of occupational health and safety. He told this committee: "After long and careful deliberation of this complex subject, we have come to the conclusion that our answer to the fundamental question is a resounding 'YES.'" The record speaks for itself. Each year the atrocious statistics reveal:

Lives lost.....	14,000
Workers disabled.....	2,000,000
Wages lost.....	\$1,500,000,000
Medical expense.....	\$600,000,000
Production lost.....	\$5,000,000,000
Workmen's compensation paid .....	\$2,000,000,000
Man-days lost.....	255,000,000

As you know, there are ten times more man-days lost because of injury than there are due to strikes and yet, the American people are more conscious of the battles at the bargaining table and relatively unaware of the slaughter in the workplace. The enormity of these figures makes one wonder why there should be any opposition to even the most stringent of measures, Congress may pass an occupational health and safety bill. President Nixon urges it to do so. But the real question is whether the bill will be a strong one or a "no-law" law.

Gentlemen, it is certainly not enough to compensate a man or his family for an occupational injury or death. We must accelerate a change in the public's attitude that prevailed at the turn of the century when the workmen's compensation laws were adopted. Public indignation seems to have been assuaged when a man is compensated for injury. Now we must move from the concept which holds that a job must be accompanied with a risk providing compensation is the humane thing to do. But the reasonable and practical thing to do is to clean up the workplace.

Environmental hazards can be controlled. The public is blistering itself in the realization that smoke and pollution are not necessary prerequisites of industrial activity. Nor are death, injury, and disease an essential part of a job description. Yet, even today,

for the worker the common law precepts of "assumption of risk" and "contributory negligence" still prevail as a defense for the employer against a suit arising from an injury. The workplace need not be a hazardous place. With justifiable pride some employers and corporations may evaluate their efforts to provide a safe and healthy place of employment by reviewing their frequency and severity rates. But, I think, that we should now move to another gauge of achievement—namely, compliance with health and safety standards.

#### (2) Philosophy of approach

We appear before you today primarily because we are convinced that we need the force of law to bring about more massive and universal changes in worker-safety. We admit that quite openly. It is somewhat amazing to me that there are some who are, at one and the same time, advocating legislation and then urging that the law encourage private initiative. They are chagrined that the bills pending before the committee are primarily oriented to regulations and standards and are not directed toward worker motivation for safety. This is the old bromide that workers cause accidents—that there are more unsafe acts than there are unsafe places. Well, gentlemen, I am not going to debate the factual data alleged to substantiate that proposition. But I will say this: if there is so much concern about private sector encouragement, then let the private sector initiate the motivational programs and training programs. We don't need a law for that. It can be done right now. As a matter of fact, many companies in the steel industry are to be praised for their efforts in this direction. But if we are to elicit public sector response—and we are—it is precisely for that purpose of reducing the physical hazards, both toxic and traumatic, in the workplace through the promulgation and enforcement of mandatory standards. The name of the game is standards and the basic question before this Committee is what mechanism will you create to develop them.

When we looked, therefore, at the Administration's bill (H.R. 13373) on Congressional findings (Section 2), we found that the main purposes—as far as we are concerned—were downgraded. As a matter of fact, enforcement is in seventh place. It is no wonder, then, that later on in that bill a rather bewildering and ineffectual enforcement procedure is devised. In the O'Hara-Hathaway bills (H.R. 3809-H.R. 843) the primary objectives rank first and second in the declaration of Congressional purpose and policy.

#### II. SPECIFIC COMMENTS

Mr. Chairman, as I mentioned the main question before this Committee concerns the mechanism out of which would evolve safety and health standards and their enforcements.

We do not consider the development of a safety or health standard to be so awesome that it precludes government capability. Some technical associations, like the Compressed Gas Association and the American Society of Mechanical Engineers, devise their own standards from the combined expertise of their technical membership. These are the so-called "proprietary standards." When an attempt to arrive at a standard is done so through the consultation of special-interest groups, including labor, management, technical associations and government, it is called a consensus process and the standards are designed as "consensus standards." Both of these standards are, of course, voluntary unless adopted by state legislatures or state safety administrative agencies. At times, however, the government, federal or state, has developed its own standards as has done the Department of the Interior under the

Metallic and Nonmetallic Mine Safety Act. Under this method, there is a great reliance upon advisory committees. Our Union, for example, participated in the ad hoc committees, which submitted recommendations to the Secretary of the Interior for the non-ferrous hardrock mines.

There is no monopoly upon the methods used in the technical development of the parameters of a standard, i.e., its practicality and its technical and economic feasibility. The crunch comes in the decision-making process when the standard is actually formalized.

Relative to these issues, I should like to make a few comments insofar as they might relate to the two divergent proposals pending before this Committee; namely, the O'Hara bill and the Ayres bill.

#### (1) The consensus method

We are surprised at the emphasis which has been placed upon the so-called consensus method for developing safety standards. The Ayres bill enthrones the method; the Hathaway bill flirts with the method; but the O'Hara bill gives, quite rightly, a pragmatic recognition of the method. The National American Standard Institute defines the process of consensus thusly: "In standardization practices, a consensus is achieved when substantial agreement is reached by concerned interests according to the judgment of a duly appointed authority. Consensus implies much more than the concept of a simple majority but not necessarily unanimity."

The consensus method is the child of necessity in a situation where the only enforcement authority is voluntarism. Its guiding principle is that a standard, which is based upon the lowest common denominator, will be acceptable. The method, therefore, fits the environment in which it is to be used. To that extent, I don't think that anyone can fault it. Many of the safety standards, which are accepted today, arose out of the consensus process practiced by the United States of America Standards Institute (USASI), now known as the National American Standards Institute (ASI), and the National Fire Protection Association.

But we now have a different situation, a different environment—federal and/or state mandatory promulgation of a standard. Hence, the old method no longer applies when we have the force of law to command acceptance. The fact that the consensus method has its strengths does not mean that it does not have its weaknesses and in this new situation, its irrelevance.

Martin Catherwood, Industrial Commissioner of the New York State, recently testified: "I do have some reservations on one of two of the bills seeming to mandate, as far as they did, the use of national consensus standards. . . . One of the weaknesses, one of the problems in connection with national consensus standards is they are likely to be considered as all things to all people." He is making reference to the fact that in the Hathaway bill (Section 3(c)) the Secretary "shall be limited to promulgating (applicable national consensus)." In the Ayres bill the National Occupational Safety and Health Board (Section 4(b)) is bound by the same restriction when there are existing consensus standards. But even more than that in the Ayres bill the Board is further mandated (Section 4(c)) to give a consensus organization an opportunity "to prepare a report on the technical feasibility, reasonableness and practicality" of a standard prepared by the Board if there is no already existing consensus standard.

Mr. Chairman, our Union is opposed to the consensus method as an essential determinant—or limitation, if you please—upon the decision-making act of the promul-

gating authority. Consensus organizations or any other ad hoc or proprietary committees, should be accorded a substantial role in the advisory capacity. But nothing more.

Now many arguments have been elicited that the promulgating function should be based upon the consensus method because there are, right now, existing many formalized standards which can be immediately promulgated. But this argument confuses the method with the product. It equates the consensus method with the consensus standards. We think those standards ought to be judged on their own merit as to whether they objectively, in fact, give maximum and reasonable protection to the health and safety of the workers. The fact that they arose out of the consensus method does not automatically make them satisfactory. Actually, the burden of proof is to the contrary since they actually were tempered by the heat of the common denominator.

We do not, however, reject out of hand the consensus standards which have already been developed. The promulgating authority should review them for their effectiveness. But we do reject the notion that the promulgating authority must be dependent upon the consensus method.

As I mentioned above, the consensus method is absolutely necessary in a voluntary atmosphere. But where we have mandatory regulations through federal and state administrative action "consensusism" is no longer a necessary prerequisite.

I certainly can understand the position of industry in its support of the consensus method. Industry wants to be assured that it will have its day in court when the standards are being discussed. Indeed, industry should be heard and its technical input properly evaluated. But I do think that it is quite a jump from saying that industry—or labor for that matter—should be given a forum to maintaining that that forum must be the consensus process engaged in by a private nongovernmental organization. Interested parties can just as well make their presentations at the public hearings before the technical advisory committees mandated under the O'Hara bill. Their opinions will receive no less weight there than in the private forum of the consensus group. But I think—and this is a main point—their influence as a pressure group will be very much mitigated. I recognize that the Ayres bill also uses the public hearing forum. But it does so, in most cases, only after the private group has come to a consensus. The Board, then, would be operating under the pressure of an already-arrived at judgment. Under such a circumstance, it would be much harder to change what has been done in the formulation of a standard by a private group than to make the initial determination unencumbered by a precedent.

If, however, a consensus process is engaged in so that interested parties participate in the deliberations of the standard's development, then arbitrariness will be avoided and practicality will be assured. But the actual formulation of the standard—the decision as to the precise degree of control which it intends to mandate—should not be determined by the degree of consensus. Federal administrative responsibility for the protection of workers must prevail regardless of the lack of consensus. Although we always strive for consensus, we cannot always be governed by it. At times the decisive judgment must be made. This certainly is true in the area of government and in the art of legislation. It is equally true in the field of regulations, especially where the lives and health of workers are at stake.

#### (2) The consensus organizations

We concur in the statements made in a recent publication of the Labor Department

entitled *Status of Safety Standards* by David Swankin, former Director of the Bureau of Labor Standards:

"The Federal Government has no choice but to meet its public responsibilities in the safety and health field. The Labor Department prefers to do so by adopting effective consensus standards. But whenever and wherever the voluntary consensus method fails to produce the necessary effective standards in a timely fashion, the Department must move forward nevertheless to protect the safety and health of the Nation's workforce. Any lesser policy would be irresponsible."

The report documents a situation in which a particular ASI committee held its first meeting and "eight years, 30 meetings, 5 drafts, and mountainous correspondence later, a safety standard has yet to be published."

Ronald S. Shafer, *Wall Street Journal*, February 11, 1969, "Who Should Write Industry Standards," commented:

"Many voluntary standards aren't enforced because they are written by the same people who are to abide by them. . . . A Senate Commerce Committee report found that autos generally were subject to standards developed by the industry-dominated Society of Automotive Engineers. . . . If (voluntary standard-making fails), one thing is clear: "when it comes to public health and safety, government standards are better than no standards at all."

The report indicated that at the end of 1968 (a) nearly 60 percent of ASI consensus standards were five or more years old—the biggest percentage 10 years-plus; (b) by 1969, 40 percent of all ASI standards will be 10 or more years old, and (c) at least 50 areas where national standards either do not exist or are inadequate.

As the *Wall Street Journal* article reveals, ASI proposes to be a subgovernment in the field of standards operating not only in the area of occupational standards but also in automobile safety, meat inspection, and a whole host of consumer products. In a recent speech by Francis McCune, ASI president, mentions the threat that government may enter the field of standards-developing, up to now dominated by industry group. Mr. Chairman, the multitudinous scope of ASI does not seem conducive to good standards for working men, especially if the motivation is to keep government out—to oppose "creeping federalism." As a matter of fact, of the more than 4000 committeemen in ASI's "committees of competency", only 30 are from the labor movement.

Hence, Mr. Chairman, you can see why we have a grave concern that the federal promulgating authority should not be hamstrung by being subservient to the proceedings of the consensus organization. This does not mean, however, that the consensus organizations will be restricted in their activity. We are speaking only about those situations in which, as in the O'Hara bill, the Secretary is of the opinion that a national mandatory standard must be promulgated. Voluntary standards will still prevail—and be necessary—in all other situations.

### (3) The Board

Gentleman, our Union is unequivocally opposed to those provisions in H.R. 13373 in which a National Occupational Safety and Health Board is established as the mechanism for developing standards and promulgating them. We support rather the provisions in the O'Hara, Hathaway and Perkins bills in which the Secretary of Labor is the promulgating authority. Among the arguments elicited to support the concept of a safety board are two upon which I should like to comment: (1) The Board would represent expertise in the field and, (2) the Board would represent

a separation of power with respect to standards setting and enforcement.

### (a) Expertise—With or Without the Board?

The impression given by the Board's exponents is that expert knowledge can be developed only through a permanently established board or commission. We are not in disagreement with the idea that professional and technical information must precede the decision to establish a standard. But experts can be located and the benefit of their opinions transmitted to the Secretary. Experts should be in an advisory capacity with the decision-making function lodged in the Secretary. In this way, the focal point of responsibility is more easily identified. Under a commission system the responsibility is more dispersed. For this reason we feel there will be more delay and, as indicated to this Committee by Jerome Gordon, "it may be a device to avoid making decisions."

Moreover, many of the supporters of H.R. 13373 maintain that safety expertise exists outside of government. Well if that is so, then the Board merely becomes an unnecessary step between the expertise and decision-making. As a matter of fact, the Safety Board in H.R. 13373 seems to function more as a conduit for the consensus organizations. And yet, the consensus organizations themselves appoint ad hoc committees to develop their standards. But the O'Hara and Hathaway bills also make use of ad hoc committees of experts to give advice on standards. Why should the funneling function of the Safety Board cloak the ad hoc experts of the consensus organizations with any more expertise than the ad hoc experts of the O'Hara advisory committees? Actually, we would be more content with the structure of the ad hoc committee under the O'Hara bill than we would with a similar committee selected by the private standard-setting organizations. Note, however, in the O'Hara bill that representatives of these standard producing organizations shall be included among the members of any ad hoc committee selected by the Secretary.

Another point which I am making here is that the framers of the Safety Board are themselves going beyond the alleged expertise of the board members to another outside advisory committee. The Board, then, becomes an unnecessary additional bureaucratic layer.

### (b) Separation of Powers—A Valid Division?

I believe here we really hit upon the main reason for the Safety Board. It is claimed that the enforcing authority, namely, the Secretary of Labor, should be separated from both the developing and promulgating function. Actually, the proponents of the Board want to divide up the administrative responsibility of the Act into such small parts that real administrative function no longer exists. *The separation of powers concept in H.R. 13373 isn't so much whether the Secretary should be separated from the power to set standards but whether the Secretary should be separated from the power to act.*

The fact that this is the intent of H.R. 13373 is further substantiated by the fact that the Secretary is not his own man even in the enforcement function because he must go back to the Board after he finds an alleged violation by an employer so that the Board might determine, through a public hearing, whether there is a violation and what administrative orders should be issued (Section 7(a)(1)). Last year in the minority report on the Hathaway bill (Report No. 1720), the dissenting members proposed that the bill be modified so that there would be "the complete replacement of the Secretary and the Department of Labor in the administration and enforcement of the regulatory provisions of the bill by an independent Occupational Safety and Health Board." I'm afraid that the Ayres bill has accom-

plished just that. Maybe more. The Secretary is practically the servant of the Board. It strips him of promulgation powers. It can veto his objections to proposed safety standards. It makes him report to itself the findings of his inspections.

*Gentlemen, this is not a separation of powers. It is a pulverization of powers. This is why we feel that any proposed safety legislation, which contains a Safety Board, as defined in H.R. 13373, is no legislation at all.*

### (c) HEW Secretary—A Lack of Authority

The pulverization of authority is further pursued in another section of the bill dealing with the responsibilities of the Secretary of HEW. Section 17(a)(2) requires the Secretary to consult with the Board in order to conduct research in occupational health. It seems strange that, while the private organizations are given free hand to originate safety standards in so far as traumatic injury is concerned, the HEW Secretary is constrained by Board approval to develop criteria for controlling toxic injury. Frankly Mr. Chairman, we think that the HEW Secretary should not be subject to the authorization of the Board in the development of criteria to identify the specific dosages and levels of concentration of toxic gas and chemicals which are injurious to workers' health. As a matter of fact, we think that the role of the HEW Secretary should be considerably strengthened in all bills so that he might not only produce the criteria but also promulgate the standards involved with occupational health as he will do under the House-passed Coal Mine Safety Act. HEW, through the Public Health Service, has been charged with the responsibility of evaluating health hazards. The Occupational Health and Safety Act of 1969 should recognize that fact by giving the HEW Secretary the primary responsibility for selecting and promulgating the hygienic limits which will protect the health of exposed workers.

The episode involving the health of uranium miners who are exposed to the inhalation of radon daughters gas, is a good example of both the inability of a multi-membered group to determine a health standard and the muzzling of HEW to promulgate one. Despite the fact that HEW had identified the working levels where there was known toxic injury, the Federal Radiation Council, composed of various department representatives, was unable to arrive at a decision—let alone a consensus—as to what level should constitute a health standard, which would prove a margin of safety for the miners. The Secretary of Labor finally, under his Walsh-Healy authority, promulgated a 0.4 working level standard in two steps. The FRC has so far moved only to the interim standard of 12WL and is recommending further study of the final standard. If HEW had the authority in the first place to promulgate a standard, this issue would not still be pending. And the FRC was able to hide behind the anonymity of numbers for its failure to arrive at a decision so as would a Safety Board as contemplated under H.R. 13373.

It is not clear under the administration's bill, whether the Safety Board would have to use the criteria developed by HEW or whether the national consensus organizations would be required to depend upon the criteria produced. We, therefore, urge a more independent role for HEW and concur in the AFL-CIO recommendation "to enlarge the role of HEW in this crucial area, not only to develop occupational health criteria, but standards as well, including performance specifications to certify the monitoring and measuring devices used in the evaluation and enforcement of health standards."

(d) *The Board—What Is It?*

Last year a number of employer-oriented organizations and trade associations testified in opposition to the need for federal occupational health and safety legislation. This year the field has been reversed. The one substantively new thing, which has been added, is the Board. If the creation of the Board in the Ayres bill could turn around such basic opposition to federal legislation, it is not strange that the labor movement views the Board with extreme apprehension because it may well be the one instrument which could effectively destroy the impact of a federal law. *Actually, we look upon the Board as a conduit, a buffer, and an obstacle.* It is a *conduit* for consensus organization in that it cloaks the private consensus standards with an aura of public sector respectability. It is a *buffer* in that it is an additional functional layer between the safety expertise in the private sector and effective public responsibility to make definitive decisions on safety standards. It is an *obstacle* in that the evolution of standards must pass through the anonymity of a Board vote and the Secretary of Labor must gear his enforcement authority to its discretion.

Far from considering the Board to be non-political in nature, it is precisely because it is appointed by the main political leader in the nation that its character will be influenced by his selection. It is far better then to lodge the authority in the one appointee of the President whose Department is charged with the responsibility to foster the interest of the nation's workforce as it relates to public policy; namely, the Secretary of Labor.

(4) *Enforcement and penalties*

Our main concern with these sections is the significant downgrading which the enforcement process undergoes in the Ayres bill (H.R. 13373).

(a) First, as mentioned above, the Secretary of Labor must share his administrative responsibility with the Board. Even after a Board involvement with the alleged violation there is a public hearing before orders are issued by the Board to be enforced by the Secretary. Such a dilatory morass is unbelievable especially in lieu of the fact that in H.R. 13373 the safety standards are for the most part "consensus standards." Mr. Chairman, the Secretary should have complete freedom to make administrative determinations. I am given to understand that in West Germany the local police are immediately called into a plant or factory if an inspector finds violation. The fact that the Secretary (or the Board with the Ayres bill) must hold a hearing on each violation will greatly inhibit effective enforcement. It would be more efficient if hearings were mandated only in special hard-core cases where an employer denies that there is a violation. We recommend, therefore, that the O'Hara bill, Section 6(a)(1), be amended to expedite administrative orders by the Secretary without hearings.

(b) *Imminent danger:* Under the O'Hara bill the Secretary has the authority to issue an immediate cease and desist order when there is imminence of harm to workers. Now we all realize that where there is real and immediate danger, the time consumed in unnecessary legal steps may be the difference between life and death. In most cases, the employers will recognize the gravity of the danger and shutdown the operation or the men will walk off the job. Hence, I am surprised at the bias in H.R. 13373 which seems to infer that the Secretary would arbitrarily close down an operation. It would be a much better attitude to recognize that in such situations the Secretary should demand immediate cessation of work where there is a violation of a standard as prescribed in the O'Hara bill.

(c) *Penalties:* Gentlemen, we cannot understand why there are not stronger penalties for the violation of standards in the administration's bill. Under the O'Hara bill there are civil penalties for violation of standards and criminal penalties for willful violation of the Secretary's orders. In the Ayres bill there is only a civil penalty in cases where there is willful violation of an order. The language of this section indicates that a violation of the Act (or of regulations pursuant thereto) is not punishable by fine unless the violation is "willful", that is, unless the court can prove an "intent" to violate. The violator's intent should not be a pertinent factor where there is a failure to comply with standards. Failure to comply with the standards and regulations should itself be sufficient cause for fining. There is a lot of latitude before the "willfulness" of a violation is proven. If there is a requirement that the standards be enforced, then there should be some teeth in the enforcement powers.

(5) *Inspection:* There has been a continuing complaint from many of our local union safety committees that when federal or state inspectors visit a plant—at their request in many cases—that the results of the inspection are never revealed to the workers. An inspector may make some administrative recommendations. He may determine the levels of concentration of a toxic gas. Yet, his report is a secret to men in the plant. We believe that Section 5 of the O'Hara bill should be amended so as to provide full disclosure of an inspector's report.

I should like to introduce into the record at this time a series of letters documenting the attempt of our union to obtain a report from the Pennsylvania Industrial Hygienist's Report on dust condition at the coke oven facilities of the U.S. Steel plant in Clairton, Pennsylvania, where workers have been exposed to the carcinogenic influence of coal tar pitch volatiles. This is a plant where an epidemiological study by Lloyd and Ciocco reveals that workers in that area showed a lung cancer mortality rate that was 62% greater than expected on the basis of total steel worker experience.

In informal discussions with Labor Department officials, we learned that as a result of Walsh-Healy inspections of over 100 steel mills last year, 90 percent of the inspections revealed serious violations of safety and health conditions. In 100 percent of the foundries inspected, there were major violations. Certainly these reports should be part of the public domain. A review of the frequency and severity rate of the primary metal industries shows a sharp increase in the frequency rate since 1958. It moved from 10 disabling work injuries for each million employee-hours worked to 15.1. The national average in 1967 for manufacturing was 14.0. The severity rate also increased from 1,035 days of disability resulting from disabling work injuries for each million employee-hours work to 1,037. The national average was only 709.

We are most interested, therefore, that workers have access to the reports of safety inspectors from either the federal or state government.

(6) *Reporting of accidents:* My final comment upon the bills is that positive language should be devised to make sure that there be a more adequate system of reporting occupational health and safety accidents. It is amazing to realize that we have no central governmental procedure for collecting data. Moreover, the hidden hazards of occupational disease almost entirely escapes current record-keeping. According to Jerome Gordon who testified before this Committee, "there is considerable and massive undercounting of work injuries. The definition of a work injury, as developed by ASI, is no longer relevant." Mr. Frank McElroy, former

Chief of the Industrial Safety Division of the Bureau of Labor Standards, as quoted by Professor Gordon indicated that the original ASI standard on injury reporting: ". . . lost their original purpose of measuring the need for accident prevention and became measures of accomplishment . . . Have we really succeeded in bringing injury occurrence in manufacturing to the lowest level in history, or do our figures largely reflect shifts in reporting rather than substantive improvement? Are we, in effect, kidding ourselves?"

This again is another reason why we cannot depend upon consensus organizations. Despite expert evaluation to the contrary, ASI has again adopted regulation Z16.1 pertaining to the definition of a work injury. It is no wonder then that one of our local union officers called for a truth-in-reporting accident bill.

"Top priority should be given to legislation requiring some sort of 'truth in reporting accidents.' We find that the statistics are grossly misleading as a result of distorted records filed with the state agencies in regard to the types and seriousness in injuries. For instance, the Minnesota law requires that an accident has to be reported if more than one day of work is lost, due to an on-the-job injury. The companies have gone to extremes to persuade employees to return to the job with broken legs and other serious problems, so the records will not contain a report of the accident. Employees have even been known to report to work in wheelchairs. This is in complete contrast with the fact that an employee is required, in most instances, to be completely well and able to perform his full duty, if his injury occurred off the job. The companies constantly use this distorted safety record to lobby against state and federal safety and health and workers' compensation laws, as well as in safety arbitration cases—and to promote a favorable image through their public relations department. They have even gone so far as to cite a record of *injury-free* man hours worked when many serious non-lost-time accidents have occurred during the period to which they refer."

## SUMMARY

We support federal legislation to protect the health and safety of workers. We support the O'Hara bill. We oppose the creation of a federal safety and health board. We reject a complete dependence upon consensus method. We encourage this Committee to give a strong and direct responsibility to both the Secretary of Labor and HEW. Mr. Chairman, this Committee has a chance to produce a far-reaching bill. We are in the midst of a national upheaval over the environmental damage. Air and water pollution hearings are eliciting a tremendous response throughout the country. But environmental consensus cannot stop at the plant gate. Our workers are demanding that you come inside with your legislative tools. But when you enter, don't leave half of your tools behind.

WASHINGTON STAR SERIES FOCUSES ON MAGAZINE SALES ABUSES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am proud to call the attention of my colleagues to a fine series of articles published this week by the Washington Star. The author of these

articles is an accomplished investigative reporter and newswriter, Miss Miriam Ottenberg.

Miss Ottenberg is widely known and respected for her journalistic achievements and is a winner of the coveted Pulitzer Prize for her exposé of home-improvements rackets in the Washington metropolitan area.

Thus, I was understandably pleased when Miss Ottenberg began to research abuses in the magazine subscription sales industry for the series of articles which appeared in the Star this week. Having been engaged in an investigation of deceptive practices in the subscription industry since February, I welcomed her interest to develop an in-depth report of methods by which the American consumer often is tricked into signing for costly, and often-unwanted, long-term magazine subscriptions.

There are two sides to every story, of course, and I believe Miss Ottenberg's four-part series on magazine selling presented a thorough and fair picture of the problem. And, certainly, her advice to consumers who are confronted by high-pressure salesmen deserves widespread circulation.

Miss Ottenberg's articles have generated a flurry of telephone complaints and correspondence to my office from individuals who saw their own experiences mirrored in cases described in the Washington Star. Within a few days, I expect to enter some of these complaints in the RECORD because they represent further evidence of the continuing abuses practiced by subscription sales companies and their agents.

I believe my colleagues and their constituents will want to read Miss Ottenberg's report and I include it in the RECORD at this point:

**THE HARD, HARD SELL—1: MAGAZINE RACKETS PROBED**

(By Miriam Ottenberg)

Widespread charges of deception, fraud and even terror tactics in the sale of magazine subscriptions have now prompted two federal investigations and demands for reform through Congress.

A stream of complaints across the country deals with both telephone solicitors and door-to-door sales crews.

People claim they have been tricked or trapped into signing up for long-term subscriptions to as many as eight magazines with "something-for-nothing" promises from telephone solicitors.

Housewives protest they have been intimidated into paying for magazine subscriptions they don't want through thinly veiled threats from door-to-door crews.

A survey of state attorneys general shows a renewed concern about magazine sales abuses, court action against both subscription agencies and salesmen and a concerted drive toward consumer fraud laws aimed particularly at fraudulent magazine subscription selling.

On the federal level, Federal Trade Commission task forces have been ordered to make a "highest priority" investigation with a view to recommending formal complaints against those responsible for fraudulent operation.

The Postal Inspection Service is pursuing allegations of possible mail fraud involving several subscription agencies.

Meanwhile, the Internal Revenue Service is reported interested in possible tax evasion.

Both federal and state actions come at a time when the Magazine Publishers Association is trying through its Central Registry of Magazine Subscription Solicitors to enforce a stern code of ethics and rid a burgeoning industry of its unscrupulous fringe.

There's no question that the industry is growing. "We sell 168 magazines for every 100 persons 15 years of age and older compared with 130 magazines 20 years ago," an association official said.

To boost sales, an estimated 86 million calls are now being made annually by magazine solicitors. Out of those calls, 6.5 million long-term subscriptions are sold annually on an installment plan known in the trade as Paid During Service.

Another 2.6 million subscriptions are sold through door-to-door cash sales.

#### REGULATION WEIGHED

Much of the federal agencies' interest centers on determining whether the complaints come from an isolated few among millions of satisfied customers or whether the industry does need more regulation.

Firmly on the side of tighter control is Rep. Fred B. Rooney, D-Pa., whose eight-month solo investigation has complaints from all over the country and allegations from ex-magazine dealers who claim they were forced to use deceptive tactics.

Equally firm for self-regulation is the Magazine Publishers Association and its Central Registry, whose aim is "to serve the public interest by maintaining ethical standards among door-to-door magazine subscription salesmen and to protect the public against fraud and loss in magazine solicitations."

Central Registry claims complaints have decreased substantially since the FTC-endorsed selling code for magazine subscription agencies went into effect in January, 1968.

#### COMPLAINTS CUT 38 PERCENT

Cited were figures compiled by the National Better Business Bureau showing a 38 percent decrease in the number of formal written complaints in the first half of 1969 compared with the same period last year.

Rooney disputes the figures. He asserts that thousands of complaints are not being channeled to Central Registry and that many examples of consumer deception are so neatly concealed that the consumer may never realize he was victimized.

Central Registry protests that the FTC gave the industry three years to prove its self-regulating code could clean up subscription sales, but that its had only 18 months.

The publishers contend that their magazines can be sold on their merits and their service, without fraud or deception.

#### TACTICS CITED

But Rooney says they're not all being sold on their merits—and displays a thick file of complaints alleging a dozen varieties of deceptive and misleading tactics as well as forgery, altered contracts and outright fraud.

Virtually every magazine subscription company is named in the complaints. Three different types of subscription selling are involved:

The cash crews—the door-to-door salesmen who collect the total amount for the subscription on the spot.

The two-pay plan where the subscriber makes one cash payment at the door and mails the balance to the sales company or publisher.

The Paid During Service plan—by far the largest—which usually starts with a phone solicitation followed quickly by a visit by a salesman to get a contract signed.

Most of the complaints about the cash crews are from women who said they paid because they were afraid of what would happen to them if they didn't.

#### POLICE OFFICER REPORTS

One complaint came from a police inspector in Lancaster, Pa. Reporting on the activities of three groups of magazine salesmen for Interstate Publishers Service, Inc., he said four or five salesmen would enter a business place en masse and mill around while one of the group was trying to make a sale.

In upper middle-class residential areas, he went on, five or six would stand in front of a house while one went to the door. He cited one case where the salesman became "quite nasty" and another where a crew leader was arrested for disorderly conduct when he refused to leave a hospital nurses home.

A Paxton, Mass., woman collapsed and died minutes after two salesmen for Subscription Bureau, Ltd., in nearby Virginia, asked her how she would like her house to be burned down.

Charged with assault and threatening to commit a crime, one of the pair told the judge he was only joking.

An 80-year-old man said two girls came to his door and told him to pick two numbers from a card and sign his name. As soon as he signed, the girls told him he owed \$53 for several 10-year magazine subscriptions.

#### FULL PRICE IMPRESSION

In the two-pay scheme, the cash payment to the salesman often is represented as the full price of the subscription. It's only later that the unhappy subscriber reads the receipt and discovers that no magazines will be forthcoming until additional money is sent to the publisher.

The paid-during-service contracts usually are for long-term subscriptions, four or five years or even more. Payment is spread over 24 to 30 months after the downpayment and covers four to eight or more different magazines.

Theoretically, the principal advantage of the PDS plan is that it can be paid on the installment plan rather than in one lump sum, but that pitch isn't usually considered enough of a door-opener.

That's where the trouble starts. Subscribers are led to believe they're getting something for nothing, that the magazines are free and they only have to pay postage or handling charges, although that's banned by the PDS code.

#### \$125 PACKAGE

A Mexican-American mother of three who told the salesman she couldn't read English was sold a \$125 package of subscriptions. She was promised if she signed a piece of paper she would receive a gift. The paper was a contract and she never got the gift.

Another widely used door-opener frowned on by the PDS code is the phony quiz. One woman said she was called and asked where she got the most news. When she kiddingly said the Bible, the caller told her she had won—but didn't say what.

In a matter of minutes, a salesman from the International Magazine Service of the Mid Atlantic Inc., a Hearst organization, was at her door telling her that what she had won was a group of magazine subscriptions. All she had to pay was a small "handling" charge. She told the salesman she didn't want any magazines but he said she'd won them and had to pay. She was stuck with a bill for \$112.

#### FREE MAGAZINES

The gimmick that caught a newcomer to a New Jersey town was a "welcome" phone call. No sooner had she said hello than the caller said someone would be stopping by to welcome her further.

Her visitor told her if she subscribed to Life magazine through Family Publications Service, Inc., she would receive four other magazines free. When she finally figured it

out—long after she had signed the contract—she discovered that instead of paying about \$23 for the magazine package, as she had figured it, she now must pay \$108 and couldn't cancel.

Rooney contended in a House statement that the "root cause" of deceptive practices in magazine subscription selling is corporate pressure for high volume sales.

He singled out magazine sales companies which are subsidiaries of Cowles Communications because of the "large volume of complaints they have generated and the substantial number of individuals familiar with Cowles' operations who have assisted in my investigation." But many of the same circumstances apply to other magazine sales organizations, he said.

"With relatively few exceptions," he said, "men who entered into contractual agreements to operate subscription sales franchises for any of a number of Cowles subsidiaries which have been in operation at one time or another since 1955 have seen their entire business seized by Cowles."

#### TRAPPED BY DEBTS

"Virtually all—at some point before their downfall—found themselves trapped by debts. They could accept the demise of their business and lose their shirts financially. Or they could bow to the pressures applied by corporate agents to attain higher sales production by whatever means possible, meant trickery, deception and fraud."

"Inevitably, 'by whatever means possible,' meant trickery, deception and fraud."

Rooney said some ex-dealers had given him copies of deceptive and fraudulent sales talks which they claimed had come from regional directors and other corporate officials with specific instructions to use the misleading spiels to boost sales.

He contended that dealer loans, borrowing rights and interest charges have been "manipulated by corporate officials to force dealers to use trickery to increase sales."

And he concluded that a company which "certainly exercises an overwhelming degree of control over every other aspect of its franchise operations" should also be held responsible for the sales practices of its dealers.

Speaking for Cowles, J. S. Kelly of the legal department said he had never known of a dealer "terminated" for not meeting his sales quota as long as he keeps his financial affairs in order and solicits a reasonable amount of business.

Kelly emphasized that the top management of Cowles' subscription agencies is determined to proceed at all costs—even at the expense of circulation—to improve sales and collection methods.

The Cowles subsidiaries, he reported, are being consolidated in order to police the operations of the dealers more efficiently. In the consolidation, several higher-ranking officials have left.

#### NAMES SOUGHT

Answering Rooney's allegation that regional directors are furnishing bad sales spiels to dealers, Kelly said he had tried without success to get the name of any officials who may have done this. Nevertheless, he said studies are now underway to make the volume of sales less important in figuring the compensation of regional directors.

Kelly reported that a field auditing force is now checking on the sales and collecting activities of franchised dealers and calling on new subscribers to see if they're satisfied and to find out what was said to them by the salesman.

A principal target for Rooney has been the practice of including gift subscriptions in the total cost of the subscriber's contract. Under this procedure, a subscriber designates a friend or relative to be given a subscription to Look magazine as a gift from him.

#### GIFT TO STRANGERS

Rooney charges that some subscribers have been billed for one or more gift subscriptions to people whose names were plucked from telephone directories. The unwitting donors, according to Rooney, were short-changed on the length of their own subscriptions to pay for the gift and earn bonuses for salesmen.

Using ledger sheets supplied by ex-dealers, Rooney wrote to 50 subscribers picked at random and asked if they knew they had paid for gift subscription and if they knew the person listed as the recipient of the gift Look.

None of those who responded was aware he was paying for a gift subscription and only one identified the recipient as a relative she had designated. As one woman put it, when asked if she knew the recipient, "I don't know he or she from Adam and Eve."

Kelly said Cowles is now reviewing the gift subscription practice. Meanwhile, he reported the company is telling dealers to make sure the subscribers know they are paying for the gifts and that the recipients get cards saying who is sending the gift.

The ledger sheets Rooney used to track down gift subscriptions date back to 1963, but a current case of a mis-used gift subscription turned up in a complaint to The Star's Action Line.

A railroad conductor complained of being dunned for \$152.93 on a magazine contract he had never signed.

"They are threatening to sue me," he wrote. "I received a long distance call from them a couple of weeks ago threatening to attach my check."

Investigation developed that the contract was allegedly signed on a day when the conductor wasn't even in town and a gift subscription was included for a man whose name and APO address number meant nothing to him.

Cowles said the dealer who handled that obviously forged contract has been "terminated."

#### THE HARD, HARD SELL—2: "FREE" SUBSCRIPTIONS TO MAGAZINES COSTLY

(By Miriam Ottenberg)

"We have received a gift certificate today in your name and it entitles you to . . ."

"We are going to send you, entirely at our expense . . ." "For answering my questions, I am going to send you . . ."

Do any of those sound familiar?

They're all telephone openers to sell packages of magazine subscriptions. And they're all phony and prohibited by the self-regulating code of the magazine industry as something-for-nothing gimmicks.

The industry is trying to rid itself of deceptive and misleading sales pitches at a time when several federal agencies are investigating magazine subscription selling and Rep. Fred B. Rooney, D-Pa., is spearheading moves for more protection of unwary buyers.

The telephone spiels are cited frequently by complaints as the reason they signed contracts for magazines they didn't want at prices they couldn't afford to pay.

Victims writing to newspapers, Better Business Bureaus and Rooney range from the easily confused elderly to the inexperienced young, from busy housewives who didn't stop to count to servicemen who thought they were getting something free.

Although the self-regulating code has been in effect for 18 months, spiels implying something for nothing are still being used. A typical spiel promises to send the lucky recipient five magazines "entirely at our expense" for the next 60 months.

"I know this is kind of hard to believe," the caller acknowledges, "but we make our money on the increased circulation. All we

ask you to do in return is merely cover our editorial and sales costs."

That cost, the prospect is told, is just 49 cents a week. Nowhere in the spiel is the total cost mentioned—the tidy sum of \$127.40.

The industry's code doesn't require the entire cost of the contract to be mentioned—figuring, possibly erroneously, that people can multiply—but it specifically forbids solicitors to represent that the cost is simply to cover postage and handling charges and that the magazines are free.

The sellers got around that prohibition so fast that the code's administrator issued a bulletin citing all the forbidden variations of the sales pitch.

Thus, solicitors are not supposed to say subscribers only have to pay "the cost of postage and wrapping" or "the cost of mailing and handling" or make any of these statements:

"Due to postage regulations, you must pay X cents per week." Or "There is a mailing charge required by federal law (or interstate commerce)." Or "Since postage costs cannot be controlled by publishers, you must pay them." Or "You pay a few cents a week which just covers what it costs the girls in the office to handle the magazines." Or "Just return to us a printing and editorial cost."

Then there's the reverse twist which also has been outlawed: "We are not asking you to pay the postage and handling charges and your payment will be only X amount a week." Or "you will pay X amount a week, we will pay the postage and see that these magazines are delivered to you."

#### SPURIOUS QUIZZES

The code also forbids the spurious "quiz" which winds up with the caller promising to send magazine subscriptions as a reward "for answering my questions."

It doesn't seem to be much of a come-on, but it can confuse, as this New Jersey woman complained:

"I was called on the telephone and told my name was chosen for the lucky one. I was supposed to get five different magazines if I'd answer a question: Where do you get the most ads from? I said the paper. Then she named the magazines I'd be getting and also a free subscription to anyone I chose to give it to.

"I told her I did not want any magazines. But she said I'd get them regardless. Then she said, Only 58 cents . . . not saying at first a week. But she meant a week and I thought a month.

#### ORDER "TELEGRAPHED"

"In a very short time, a man appeared at my door. . . . I told him I did not want the magazines. He said, 'It's too late now. They already telegraphed the order to Baltimore.'

"He said, 'Sign your name.' I didn't want to but he said 'You have to sign.'"

He was using a gambit frequently used by unscrupulous salesmen to give the impression that a contract that hasn't been signed yet is a binding document. In a variation of this, another woman wrote: "He insisted that my name had already been put in a computer and I must take the magazines."

Even more deceptive are the tricks salesmen use to get signatures on contracts.

In one of a number of complaint letters Rooney has received about salesmen for the International Magazine Service of the Mid-Atlantic, Inc. in Baltimore, a woman wrote:

"I thought I was signing to enter a sweepstakes and as it ended up I had signed a contract at almost \$7 a month. If I were to pay the contract in full, it would add up to over \$200.

"I am receiving threat letters in the mail and it is beginning to be a nuisance. I must be receiving every magazine there is and I think anyone who would knowingly sign a contract such as this would be crazy."

A widow on Social Security told of being

roused out of a sick bed to answer the door, where a young man told her she had won subscriptions to several magazines. He asked for her signature on a piece of paper. When she told him she couldn't read without her glasses, he read to her. So she signed and found herself committed to pay \$180.

#### SIGNATURE NONCANCELLABLE

Another woman thought she was signing a receipt for some "gift books." She, too, signed without reading and it turned out to be a noncancellable magazine contract.

Actually from the time the magazine code became effective, contracts could be canceled either at the time of verification of the contract or in writing within 72 hours, whichever was later.

The trouble was that salesmen didn't want to lose commissions and some dealers didn't want to give up sales so they made a secret of the 72-hour provision. Even a year after the code was approved, contracts still bore the clause: "This contract cannot be canceled" or "This contract is not subject to cancellation."

Finally, in April 1969, all agencies participating in the Paid-During-Service Code were reminded of the 72-hour provision and asked to review their contract forms to be sure they complied.

#### PRACTICE CONTINUES

Even so, complaints about the old contract with its noncancellable clause were still trickling in months later.

The bitterest of all the protests center on the efforts of the subscription agencies to collect what's due them under the contract.

Sometimes subscribers stop paying because they're not getting the magazines and see no reason to pay for nothing. Other times, their circumstances have changed and they feel they can't afford a luxury when they're having difficulty paying for necessities.

On occasion, they want out before the first magazine arrives. They try to return the "gifts" and refuse the magazines but they can't escape the bill collector. Garnishment, court action and ruined credit are threatened in progressively harsher terms.

The mother of a 22-year-old serviceman told this anguished story:

In February 1969, while her son was an officer candidate at Ft. Benning, he and his wife were sold subscriptions to eight magazines by the Franklin Readers Service, Inc., of Washington, D.C.

They paid a deposit of \$4.98. Then for the next 29 months, they were to pay \$14.95 a month for a total of \$438.53.

The week after they signed up, the mother wrote, the boy was dropped from OCS and later ordered to Vietnam.

On April 9, before leaving for Vietnam, he wrote the subscription agency and its payment department telling of his change of status, saying he couldn't pay for the magazines and was returning the gifts which had accompanied his subscription.

#### DEMOTION THREATENED

A week later, after he had left the country, his wife received a long-distance call at her Ohio home from a man in Washington who threatened to have the soldier demoted if she didn't make the payments.

And a week after that, the mother was called by a Washington attorney who said "that my son would face legal proceedings that would affect his standing in the Army, that he would be reduced in rank, and that the contract was unbreakable and they would have to pay."

The mother complained to Rooney, who called it to the attention of Robert M. Goshorn, administrator of the Central Registry's paid-during-service section. A week later, Franklin Readers Service notified the young wife that the contract had been canceled.

The boy may never have learned that the

magazine problem was resolved. He was killed June 22.

There are other abuses which show up repeatedly in complaint letters. Here are some of the most flagrant:

1. Failing to complete key portions of the magazine contract, particularly the payment terms and the period of time each subscription is to run, expressed in years, months or numbers of issues.

This makes it possible for the unscrupulous salesman to alter it to reduce the number of months a subscription is to run and include one or more hidden "gift subscriptions" on which he gets a cash bonus.

The practice is known as "shaving" the contract and the subscriber doesn't know he's been short-changed until the magazines stop arriving.

2. Substantially overcharging the subscriber for the magazines he ordered, thereby "watering" the contract.

3. Feigning handicaps or using similar sympathy appeals to promote sales and using abusive language to housewives who refuse to buy.

4. Misrepresenting the size of the monthly payment or the fact that payment of the five-year subscription must be completed in 24 to 29 months.

#### THE HARD, HARD SELL—3: PUSHY MAGAZINE SALESMAN MUST BE HANDLED CAUTIOUSLY

(By Miriam Ottenberg)

How can you get the magazines you want without being prodded, tricked or trapped into subscriptions you don't want or can't afford?

The magazine industry is trying to rout out the salesmen and the bosses who prey on the unwary. Several federal agencies are looking into possible violations. And an increasing number of states are establishing consumer fraud offices and passing ordinances aimed especially at door-to-door magazine selling.

But when a magazine subscription salesman comes into your life via a ringing telephone or a knock on the door, you're on your own. It's up to you to stay out of the ranks of unwilling, unwitting, unhappy subscribers.

The first line of defense, of course, is your common sense, an operative sales resistance and a flat refusal to be rushed into signing anything.

#### TWO-WAY SOPHISTICATION

As a study of magazine complaints reveals, however, when consumers become more sophisticated so do the schemes to separate them from their money.

These do's and don'ts should help you avoid falling for magazine selling schemes prohibited by the industry but practiced by some of its salesmen:

Watch out for the magazine salesman who asks you to sign his "route book" to show he called at your home, or the one who wants you to sign a "receipt" for a gift of green stamps or some other bonus offering. Read before you sign. It may be a trick to get your signature on a magazine contract.

Be skeptical of the young man who says he's earning points toward a college scholarship by selling magazine subscriptions. Too often, the only points he's earning are commissions and the only time he goes near a college campus is to sell subscriptions.

And don't be misled by the salesman with a real or feigned handicap. Sympathy appeals are frowned on by reputable subscription agencies who believe magazines should be sold on their merits, not out of frequently misplaced sympathy. If your visitor turns nasty when you refuse him, slam the door and call the police. They'll want to know about him.

If you're going to subscribe, make sure your carbon copy of the contract is filled out completely before you sign the original.

Insist that the contract include not only the names of the magazines you want, but also the number of issues of each, the down payment, the payment per month, the number of months over which you make payments, the number of months thereafter during which you continue to receive magazines and the total price.

If the contract has any incomplete sections, you're inviting "shaving"—a trick by which the number of issues of some magazines you ordered is cut down and the salesman makes himself an extra bonus at your expense. Either he inserts in your contract "gift subscriptions" to complete strangers or he includes a subscription to a magazine you didn't order. You may think it's free but you're paying for it.

When the opening pitch is made in a telephone call, take the time to ask questions and do some multiplying before you agree to let a salesman visit you to clinch the deal. If the salesman says you'll get all those magazines for just pennies a day or so much a week, don't settle for that. Ask how much you will be expected to pay each month because that's the figure that counts. Don't divide your cost over the entire length of the contract because you have to be paid up halfway through the life of your subscriptions.

Don't sign any contract until you've read and understood all of it. Remember that the unscrupulous salesman will head for the busiest person in the office to make his pitch because the busy man is least likely to read the fine print. And on home visits, that kind of salesman will reach the housewife while she's rushing to fix dinner and signs fast to get rid of him.

Too often, complainants say they didn't bother to read the contract until their payment book arrived and they found out how much they had to pay. By that time, the 72-hour cancellation period is long past and they're stuck.

Make sure to read the "receipt" given you by the door-to-door salesman in exchange for your cash. He may have tucked it away in an envelope but open and read it before he leaves. It may and often does—say that you must send the balance of your payment to the sales agency before the magazines start coming. He may have represented the cash you gave him as payment in full but what he handed you was not a receipt at all but a mail-in coupon.

If you've signed a paid-during-service contract, talk over your contract in detail with the person from the subscription agency who calls to verify it. Make sure you understand the terms. If you don't want it, that's the time to say so.

The verifier may tell you it's too late to cancel but don't you believe it. And don't believe verbal assurance that you can change the terms or cancel any time you want. It can't be done, as the collection agency will be the first to tell you.

When your payment book arrives, make sure the number of coupons coincides with your contract. One East Coast subscription agency is known to have inserted one or two extra coupons in many payment books over the past two years.

If yours is a 25-payment plan, your coupon book should contain 24 coupons. Your down payment was or should have been deducted.

Keep a detailed record of how many issues of how many magazines you're supposed to receive; the dates you started receiving them and how much you have paid.

Before you do business with a magazine salesman in your home, ask to see his Central Registry identification card as well as his license to sell door to door in your community. If he doesn't have either, refuse to deal with him.

If the salesman tells you your subscription will help buy wheelchairs for a veterans hospital or benefit a local scholarship fund or

charitable cause, check it out with the Better Business Bureau or the organization being "benefited." It may be all news to them.

If you believe you have been duped into signing a contract for magazines you don't want, ask the Better Business Bureau for a magazine complaint form. If the BBB considers your complaint justified, it will be forwarded to the subscription agency involved, the Central Registry of Magazine Subscription Solicitors and the National Better Business Bureau.

Right now, the most frequent complaints reaching The Star's Action Line come from people who have paid for their magazine subscription, gotten their canceled checks back, waited more than three months, written to the publishers and still have heard nothing—no response, no magazines.

Some complainants are shouting "fraud" but a more likely explanation is that the increase in subscribers is breaking down the creaky machinery for processing subscriptions. Because the magazine publishers can't get enough competent manpower, they're moving into computerized systems and they say it takes time to get the bugs out.

If you've written the publisher without success, try writing to the Central Registry of Magazine Subscription Solicitors, 575 Lexington Avenue, New York, N.Y. 10022. You may get only a card acknowledging receipt of your complaint, but that's more than you got from the publisher.

#### FASTER DELIVERY

And sooner rather than much later, you'll get your magazines.

But what about the ones who don't get their magazines because of fraud in the selling or didn't want them in the first place?

Rep. Fred B. Rooney, D-Pa., was asked what answers he has for all the complaints he has gotten.

He believes policing of the magazine industry could be done either by the Federal Trade Commission or a proposed Department of Consumer Affairs if either were given the tools for effective enforcement.

Meanwhile, he intends to cosponsor a deceptive practices act which would provide authority for a federal regulatory agency to get temporary injunctions to halt practices which the agency believes are deceptive or fraudulent.

Rooney said he also will introduce, with slight revision, a bill sponsored by Sen. Philip Hart, D-Mich., known as the Fairness in Franchising Act. Since Rooney contends that some franchised magazine dealers are forced to resort to deceptive practices to keep their franchises, he proposes to add a provision prohibiting the parent organization from disavowing its responsibility for the use of lawful business practices.

#### REVISED BILL PLANNED

In addition, he will introduce a revised version of the Door-to-Door Sales Act which passed the Senate in the last Congress but failed to win House consideration.

The measure, authored by Sen. Warren Magnuson, D-Wash., carries several provisions which Rooney believes would offer protection against deceptive practices of some magazine salesmen. A key feature of the bill is the establishment of a 72-hour cooling-off period during which the consumer can cancel a contract for goods or services sold door-to-door.

A similar provision is carried in the magazine code under which the major subscription agencies now operate, but confused customers don't always know this. The Magnuson bill requires that the right to cancel be printed clearly on the sales contract.

#### EXPIRATION DATES

Rooney plans to ask the publishers themselves to act to reduce the likelihood that consumers can be misled when buying magazine subscriptions. If voluntary action isn't

forthcoming, he will introduce legislation to accomplish these objectives:

First, to clearly identify on each address label the exact month and year when a subscription will expire.

Secondly, to imprint clearly on any mail solicitation of subscription renews the exact month and year the subscriber's current subscription is to expire.

"While I have serious reservations about licensing of door-to-door salesmen at the local level," Rooney added, "a local solicitor licensing law often is a community's only available defense against unscrupulous sellers."

"Further, it is the only means by which a local community can determine whether persons invading the community as members of traveling sales crews have serious criminal records."

#### THE HARD, HARD SELL—4: MODEL CODE WOULD CUT DECEPTION

(By Miriam Ottenberg)

A magazine solicitor with a long criminal record can be refused a permit to sell subscriptions in Arlington County, Va., but can cross the line into Fairfax County and get a permit the same day.

Alexandria had an ordinance to weed out criminals among door-to-door salesmen, but a judge called the key sections unconstitutional and now Alexandria police aren't sure just how far they can go.

In Falls Church, on the other hand police make certain a salesman has a clear record before giving him a permit to solicit from door to door.

Nearby Maryland's protection against criminal or fraud-minded magazine solicitors also depends on where you live.

Montgomery County strengthened its solicitation ordinance in August, 1968, and complaints have dwindled.

#### ONLY A CLEARANCE

But next door in Prince Georges County, all a solicitor needs to get a permit to solicit is a clearance from District police and some identification.

And in the District, License Superintendent C. T. Nottingham says flatly, "Washington resident are not really covered against unscrupulous magazine solicitors. The law is almost unworkable and unenforceable."

Informed of the Washington area's split protection against door-to-door magazine salesmen with criminal records as well as the gaps and loopholes in present law, Francis B. Francois, chairman of the board of directors of the Metropolitan Washington Council of Governments, said he will recommend a model code for the entire area to cover door-to-door solicitation.

"To me it sounds like an excellent idea," he said, "and I think it should certainly be explored. I'm going to ask the staff to do the preliminary work and bring it up at the next meeting."

#### A TWO-EDGED SWORD

"A model ordinance would not only be a protection to householders and an aid to law enforcement, but would be a help to legitimate solicitors. At least they would know what requirements they must meet throughout the area."

On the state level, more protection also is being sought against solicitors who make their sales through deception or outright fraud.

The Virginia Retail Merchants Association recommended to the Virginia General Assembly at its last session a door-to-door sales act similar to laws recently adopted in several states. The bill failed to pass but will be introduced again at the next session.

Maryland has a consumer protection law which has been used by Assistant Attorney General Norman Polovoy, chief of the consumer protection division, to set aside a

number of magazine contracts where the consumer has been misled.

#### PAYMENT REALITIES

Polovoy considers it a "serious misrepresentation" when a solicitor tells a prospect she has to pay only 59 cents a week for five years' worth of magazines when she actually will have to pay by the month and her payments must be completed in two years or 30 months, not five years. This is a procedure followed by many magazine subscription agencies.

To help consumers who buy now and regret later, Polovoy said the No. 1 legislation sought by the Maryland attorney general is a measure to allow a 72-hour cooling-off period. He acknowledged that the code which magazine subscription agencies are supposed to follow allows customers 72 hours in which to cancel their magazine contract, but he contended the subscription companies don't always live up to the code.

Throughout the Washington area, even in the communities where door-to-door salesmen must be investigated and licensed, there's this one big gap in protection:

If the salesman comes to the house by "appointment" after a telephone solicitation, he doesn't have to be licensed—although his might be the most misleading pitch and the contract he gets may be much more costly than the one sold by the door-to-door salesman.

#### "APPOINTMENT" MISLEADING

Even the idea of an "appointment" may be misleading. The householder for instance may just agree to be home to receive a gift of 200 green trading stamps for answering a phony quiz, but she's a captive audience for a magazine spiel.

In the District, officials say that for several years, because of a lower court decision, they haven't required licenses for salesmen who come by prior appointment. The corporation counsel's office now says a test case will be made.

Rep. Fred B. Rooney, D-Pa., who has been crusading for tighter control over magazine solicitation, has told District officials that if they feel new law is needed to control sales abuses, he would be glad to sponsor it.

Rooney also brought up the question of licensing salesmen, including those who make prior appointments, when he sent Fairfax County officials a statement supporting a proposed Fairfax County solicitation ordinance.

#### TRICKERY INVITED

He said failure to consider door-to-door sales which result from prior appointments "has been the downfall of other communities' attempts to stamp out trickery by door-to-door salesmen."

He urged that the proposed ordinance be extended to cover all door-to-door salesmen "whether or not such individuals are responding to appointments with householders or other individuals pre-arranged by telephone, telegraph, correspondence and other means of communication."

Rooney noted that in the District, because prior appointments are excluded only six salesmen have registered out of the hundreds working the city every year.

While none of the communities in the area require licensing of salesman who come by prior appointment, no matter how flimsy is their excuse for an appointment, most jurisdictions are better off than Fairfax County when it comes to protection against criminals masquerading as magazine salesmen.

#### RECORD CHECKED

In most nearby counties, some check—sometimes a very detailed one is made of a solicitor's record before a license is issued. In Fairfax, however, a solicitor gets fingerprinted, but then is able to go out soliciting without any waiting period to determine if he has a record.

By the time his fingerprint record comes back from the FBI, he has already done whatever he came to do and has left the area. He may have used his time to "case the area for a housebreaking gang or may have used his solicitor's license to gain entry to homes where he could filch whatever wasn't locked up.

Fairfax police who know the kind of people they are now required to license have been pleading for an ordinance that allows them enough time to complete a record check on applicants for licenses.

They believe there should be a 15-day waiting period before a license is issued, a bond such as is required in other jurisdictions and the right to refuse a license to any one with a criminal record.

#### SEVENTY-FOUR RECORDS LISTED

At Rooney's request, Fairfax County Police Chief William L. Durrer listed 74 criminal records elected at random from those who registered with county police to solicit magazine subscriptions from March, 1968, to March, 1969.

One solicitor operating in Fairfax County had a record of unauthorized use of a car; four counts of robbery, fugitive from justice, grand larceny and escape from custody; four counts of possession of narcotics and four counts of bank robbery.

Another had four counts of grand larceny, theft of an automobile, two counts of petty larceny, four counts of possession of heroin and armed robbery.

And a third had a record of three counts of burglary, felonious assault, manslaughter by motor vehicle and two counts of carrying a concealed weapon.

Others had been charged with rape, assault with intent to murder, receiving stolen property and "investigation of swindle."

#### FOES SHOW UP

"They have records like fugitives from San Quentin and here they are running around our county," commented a Fairfax police official.

"But when the County Board of Supervisors held a hearing on adoption of a solicitor's ordinance, the only people who showed up were the ones against it. The housewives who want protection from the criminals don't show up."

Officials throughout the area acknowledge that even the better ordinances don't assure that residents won't be taken in by a fast-talking, magazine solicitor. Nor is there any guarantee that a salesman won't persist to the point of harassment.

These pointers should help:

Always ask to see a magazine solicitor's Central Registry identification and local permit before doing business with him. If he doesn't have it, slam the door but get his automobile license number and call police.

#### CALL THE POLICE

Also call police in a hurry if a magazine salesman becomes abusive or threatening.

If you feel you were misled or deceived into signing a magazine contract, but don't discover the deception until after the 72-hour cancellation period, you can ask the Washington Better Business Bureau for a complaint form. If the BBB considers the complaint justified, it will be forwarded to the subscription agency and the Central Registry. Chances are you'll get back your down payment and relief from the contract.

Maryland residents with a justified complaint can write to Norman Polovoy, chief of the consumer protection division, Attorney General's Office, 1207 Charles Center, Baltimore, Md., 21201. Include a photocopy of the contract and a letter setting forth as fully as possible what was said to you before you signed the contract.

As always, your eyes are your best protection. Use them to read every word of a contract before you sign it.

## CBS AND THE SMOTHERS BROTHERS

### HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. OLSEN. Mr. Speaker, earlier this year I inserted into the RECORD a statement defending the position of the Smothers Brothers, Tom and Dick, in light of their dismissal from the airwaves by CBS.

My defense was not solely for the Smothers Brothers, but using them as an example I tried to point out some of the questionable areas of television censorship occurring today.

I am today inserting the statement of Mr. Dale Moore, president, KGVO-TV, Missoula, Mont., into the RECORD. Mr. Moore's position is well taken and understood, and although I cannot agree fully with it, I feel that in all fairness, his remarks should be aired for public consumption:

NBC-ABC,

Missoula, Mont., October 28, 1969.

HON. ARNOLD H. OLSEN,  
Longworth Office Building,  
Washington, D.C.

DEAR ARNOLD: The CBS-Television Network and its affiliated stations were placed in a wholly untenable position by The Smothers Brothers at a time when the nation's viewers were exerting utmost pressure upon the FCC, the Congress, networks and stations to deliver wholesome family entertainment.

The situation can be likened to a story which Lincoln told to explain his dismissal of General McClellan as Commander of the Army of the Potomac. Lincoln said his relationship to McClellan reminded him of a man whose horse reared back and caught his hoof in the stirrup. The man said to the horse: "If you're going to get on, I'm going to get off." Every responsible and conscientious broadcaster, whether or not his station was affiliated with the CBS Network, applauded the CBS decision, in the Smothers case, to dismount.

Out of respect for your position and recognizing that you generously grant time to all who seek an audience with you, I can appreciate your sympathetic response to the forceful and convincing presentation made by The Smothers Brothers following the network's announcement cancelling their contract and their network program. Broadcasters also accede that the entertainment duo had every right to present their grievances to the press and to Federal officials.

As Frank Stanton, President of CBS has correctly stated in a nonrelated but similar matter, however: "The Federal Communications Act places upon each broadcast licensee—including the network companies in their capacities as licensees of the stations they own—a responsibility to operate in the public interest. That responsibility is not delegable."

The Smothers embroglio was obfuscated in the press by insinuations that the network was displeased with the brothers' social commentary. The truth is that the brothers had ceased being comedians in a wholesome sense and their programs were filled with blue jokes which find favor in night clubs but have no place in the home.

Literary evidence of widespread viewer displeasure with the Smothers Brothers' total unconcern with responsible broadcast practices is on file in the diary archives of American Research Bureau at Beltsville, Maryland, 13 miles from Washington. Western Montana viewers voiced particular ab-

horrence to the leering references to sexual excesses, unlawful use of drugs and unnecessarily offensive Smothers' commentary. Montanans are not prudes nor blue noses. The frank comments made by these Montana diarists are those of people concerned enough to care. While they recognize the desirability even the necessity, of having a fair share of entertainment programs appealing in the broadest sense to youth, at the same time they see no necessity for having their five, ten and fifteen-year-olds confronted with language of the gutter.

Congress and the Federal Communications Commission cannot, on the one hand, admonish and reprimand broadcasters for programming which violates good taste and, on the other, to condemn them for exercising stewardship and controls of their own volition. Performers on television are not licensees. They do not have to seek license renewals every three years. Yet they must adhere to codes and good program practices which bind the broadcast licensee and, in the final analysis, the broadcaster cannot delegate his responsibility—not to anyone and certainly not to the Smothers Brothers.

Broadcasters today are staggering under an assault of criticism from every quarter. It is unfair and illogical to sweep all of the world's ills under television's accessible rug. We must not make the majority of responsible, conscientious and diligent broadcasters whipping boys for the nation's excesses. Above all, Federal regulatory agencies must guard against maintaining double standards where broadcasting is concerned.

Sincerely,

DALE G. MOORE,  
President.

## THE FRATERNAL ORDER OF POLICE

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. EILBERG. Mr. Speaker, on October 31, 1969 John Harrington, national president of the Fraternal Order of Police, delivered a statement concerning what the fraternal order feels should be done about crime and the role of the police officer. The occasion was a seminar held at the circle campus, University of Illinois where the administrative heads or their representatives of the 20 largest police departments in the United States participated. Mr. Harrington, a resident of my native city of Philadelphia, has been national head of the Fraternal Order of Police since 1965. I came to personally know him when I was first elected to the Pennsylvania State House of Representatives in 1954. Ever since, I have observed the desire and the will to fight crime more effectively and to help the police officer. A straightforward individual, John Harrington is sometimes controversial. No one, however, can question his sincerity.

I think my colleagues should know about his attitudes and that of the association he heads, and I therefore enter his remarks of October 31 in the RECORD:

STATEMENT BY JOHN HARRINGTON, OF PHILADELPHIA, NATIONAL PRESIDENT OF THE FRATERNAL ORDER OF POLICE

The Fraternal Order of Police is the only truly national police organization. Founded in 1915, the FOP today has approximately 120,000 active members, located in 43 states. Any man, or woman, from patrolman to

chief, who is doing active police work on a full-time basis for a municipal, state or Federal government is eligible for membership.

Obviously, a primary concern of our Order is effective law enforcement. I will have more to say about that later on but, the FOP works for its members in many ways.

The organization concerns itself with the three main interests of any worker: pay, working conditions and retirement. In many municipalities, the FOP officially represents the policemen in negotiations with regard to these issues. We are not, however, a union in the ordinary sense. For example, local, state and national bylaws prohibit strikes.

I am giving you some of our background to indicate that our members know at first hand some of our modern day problems, including the problem of crime which literally threatens to tear our society apart. The members of the FOP know what it is like to deal with the thug, the robber, the hoodlum, the gangster, the con-man, the dope peddlers and the addicts, the drunks, violent and non-violent, the tension and conflicts which arise from the race situation and the mindless vandalism which sometimes seems to defy explanation. Our members are, to use a proverbial expression, on the firing line, every day and every night.

Today, I am going to outline some of the things which the FOP feels should be done about crime and about the situation in which the police officer finds himself. I don't know of anything which is talked about more than crime and yet, matters get worse all the time. This Commission reports and that Commission reports. There is a steady stream of bills introduced in the state and national legislatures. Laws are passed and money is appropriated. There are many recommendations, most of which have been made many times before and most are soon forgotten.

A lot of things need to be done. There is no doubt about that. But one thing can be done fairly quickly and our organization intends to help do it. The police forces of this country can do a better job and the FOP intends to do all that it can to see that they do it. I am announcing today on behalf of the Fraternal Order of Police a national crusade against crime. In every municipality or political entity in which we have a Lodge the FOP will throw all its weight behind firm, fair and effective law enforcement.

All of us are heavily taxed and the burden goes up all the time. Yet, curiously enough, crime is seldom discussed in terms of its cost to the nation and its communities. The Attorney General has estimated the annual cost of crime at \$35 billion. This is a lot of money. The total affects directly and indirectly every individual. Many of our great cities are deteriorating. While there is much talk of slums and poverty, a central factor in this decay is crime. Insurance costs rise because of crime. Property values deteriorate because of crime. Our prison population increases steadily and, mind you, the inmates are supported by the taxpayers. There is a never-ending discussion of steps which should be taken to stimulate the economy and to increase our living standards. But if crime could be curtailed, almost every sector of business and of society would be helped.

I am not a highbrow, as you know. But recently, I had called to my attention an article in a magazine, *Harper's*, generally regarded as a spokesman for highbrows. Written by a man named Peter Schrag, the title of the piece is *The Forgotten American*. And who, in the opinion of Mr. Schrag, is the "Forgotten American?" He is the middle class American, the law-abiding citizen who does most of the work and pays most of the taxes in the United States of America. In the opinion of the author, the middle class generally—and this includes many, many Negroes—gets very little consideration. The middle classes pay the bills and keep the country going but the rich, the intellectuals

and the politicians, or many of them, at least, are concerned with the welfare recipients, the criminal elements, the lawless students and demonstrators and others who contribute little to the general good. I am not casting any reflection at those on welfare, since most of them can't help having to take handouts. This does not keep me from agreeing wholeheartedly with Mr. Schrag.

I know at first hand that the burdens of the police officer are heavy and that they are increasing every day. To use an old familiar phrase, we are overworked and underpaid. Actually, at a recent seminar of the FOP in Atlanta it came out that some of the policemen present were getting less than the minimum wage scale fixed by the Federal Government. In city after city, the police force is below strength and attempts to recruit the numbers of officers authorized is unavailing. The reasons are plain. How can you expect a man to face danger daily, to work under trying conditions, to be abused and harassed constantly for wages considerably less than the wages which many members of labor unions get?

To quote the report of the *President's Commission on Law Enforcement* (p. 111):

"In small cities the median annual pay for a patrolman is \$4,600, in large cities it is \$5,300. Typically, the maximum salary for nearly all positions is less than \$1,000 over the starting salary."

J. Edgar Hoover, director of the FBI, has been quoted as saying that police pay, on the whole, is so low that it constitutes a national disgrace.

The FOP makes its own study of police salaries and working conditions. The results are embodied in an annual survey, the last one being published in 1969. They bear out the statement by Mr. Hoover. For example, in cities ranging from 100,000 to 250,000 in population, the maximum salaries for patrolmen oftentimes are below \$7,000 annually and the pay in some of the smaller towns is unbelievably small.

As I have stated, one of the major aims of the FOP is better law enforcement, much better enforcement, in fact. Nowadays, the phrase, law and order, has been twisted in an effort to give it a racist tinge. The FOP favors law and order, with justice, if you wish. But if you do not have law and order there is no justice.

A first step towards an effective law and order program is adequate pay and satisfactory working conditions for police officers. This is an indispensable step and one which must be taken. Actually, the money saved through curbing the criminals could offset many times the costs involved.

Not too long ago, the police in Allentown, Pa. went to various civic and union leaders to tell them how better working conditions and more pay for policemen could save money. In the end, a committee of civilians was formed to press for adequate salaries and improved working conditions for the police. The Committee proved effective and police salaries were raised. The results proved satisfactory to all but the criminal element.

The police forces of the country have all sorts of difficulties. I don't have to tell you that politics and politicians in many cities have interfered with the police and have made their work harder and things easier for the criminal. Percentage-wise, more crime is committed by Negroes than whites, particularly in the big cities. There are reasons for this which, in my judgment, do not constitute a reflection of the Negro race. Yet, as I have already indicated, many politicians and some Negro spokesmen have taken the attitude that a demand for law and order is a racist demand. In other words, if the law is enforced, more Negroes would be arrested, percentage-wise, in some areas than whites and this constitutes racism.

This is absolutely ridiculous. If we look at it another way, there are more Negroes than

whites, particularly in our so-called city ghettos, who are victims of criminals than whites. There is little question that this is the case. Consequently, one can argue convincingly that failure to enforce the law constitutes racism.

I'm glad to say that some Negro leaders are recognizing the facts. Late in December, 1968, the New York branch of the National Association for the Advancement of Colored People, issued a statement calling emphatically for more police protection for Negroes in the city. It was pointed out that Negroes in the ghetto areas require more police protection than other areas since they are the most frequent victims of crime. One of the spokesmen for the NAACP, a man named Vincent Baker, was quoted as saying that his organization opposed police brutality but he added significantly: "It is not police brutality that makes people afraid to walk the streets at night."

I do not condone police brutality. The FOP is on record in favor of the most courteous and even handed law enforcement which is possible and enforcement which takes no account of race or religion. The dignity of each and every individual should be respected, if the individual will allow such respect. Nevertheless, we might as well recognize that the cry of "police brutality" is often a smoke screen, raised by elements which do not wish effective law enforcement, or by other elements for political reasons.

Over much of the country during the past few years, various moves to harass the police have been made and some have succeeded. Most of the attempts to create so-called citizens advisory councils, or committees, to supervise the police or to decentralize police administration are not intended to help the police. They are intended to intimidate and handicap police officers, to make them afraid to take action to protect the law-abiding citizens. The politicians who propose or back such advisory groups almost always have the votes of Negroes, Puerto Ricans, or in some areas of the country, the votes of Mexican-Americans, and, of course of those muddle-headed people who lay all the blame for crime upon society.

The FOP wants to work with citizen groups; in fact, we hope to establish a joint committee composed of civilians and policemen in every city and community where we have a lodge. These committees will work towards a better relationship between the community and the police, for the mutual benefit of all concerned. This is quite different from civilian groups established to try to tell the police what to do and to second guess their activities. The FOP is against these, or at least all that we have heard about to date.

There is no need to mince words about law enforcement. We favor a no-nonsense policy, feeling that this is the only policy which will do much to help in this crisis. A lot of people are urging that we try to eliminate the causes of crime before we make any real effort to deal firmly with the criminal. They talk about poverty and ignorance but their real concern always seems to be with the law breaker and not with his victims. Better police work will not be the complete solution to the crime problem. For instance, the situation in our courts is a national disgrace; criminal cases dragging on and on, until some are still pending after two or three years. During this period, the accused will be out on bail most of the time and is likely to have committed other crimes.

I am not a lawyer and will not try to analyze some of the decisions by the Supreme Court in recent years. I do know they have emboldened the criminal and discouraged the policeman, and they are a factor in the rise of crime. I feel that there needs to be complete overhaul of our whole system of criminal jurisprudence. Meanwhile,

however, there is no reason why our police forces should not give our citizens all the protection possible.

I was a policeman for twenty-six years before my retirement in 1966. I agree that poverty and ignorance are causes of crime but there are many other causes, too. For example, I have seen periods where there was much more poverty and ignorance in Philadelphia than there is now and yet there was a lot less crime. How do the do-gooders and bleeding hearts explain this contradiction? There are many causes of crime, as I see it. One of the big ones right now is the feeling on the part of many persons that they can get away with it. If we put the elimination of poverty and ignorance ahead of effective law enforcement, we are lost.

I could never understand the mental processes of those who try to put all the blame for crime and other ills on society. If we follow this line of reasoning to its logical conclusion, nobody is responsible for anything and there is utter and absolute chaos.

Anyone familiar with the city of Philadelphia knows that there has been a lot of controversy over the insistence of Frank Rizzo, Superintendent of Police, upon enforcement of the law without fear or favor. Frank Rizzo has been called a racist. He has been charged with responsibility for police brutality. Liberal elements have castigated and criticized him. Just the same, as time has gone by, more and more of Philadelphia's citizens have come to realize that the Rizzo program is a good one. While crime has increased in this city, as it has elsewhere, it has gone up less. The streets are safer, business establishments and homes have more security than in many cities. Not long ago, I'm glad to say, the Veterans of Foreign Wars voted Frank Rizzo an award for his outstanding program of law enforcement. Many of the groups and individuals who once assailed the Superintendent are coming around to his point of view.

I am also glad to say that the Fraternal Order of Police lodge in Philadelphia has backed Frank Rizzo all the way. I think we need a similar program of law enforcement in every city and county of this country. The FOP will do all that it can to bring about this objective. If we succeed, we will be getting somewhere.

We must expand our membership. We want a thriving and active FOP lodge in almost every city in this country. We think we have already proved in Philadelphia, Cleveland and other cities that we can protect the interest of our members and get things done. We must institute a public relations program which will enlist the goodwill and support of the public for our objectives. I have not the slightest doubt that we will have this public support, since our objectives are of extreme importance to law-abiding citizens, their families and their businesses.

I want to emphasize that I am not a racist and that the FOP is not a racist organization. We plan an intensive effort to persuade more Negro policemen to join the FOP. Some of the finest police officers I know are Negroes. The interests of white and black policemen are identical. Both need adequate pay and good working conditions. Both need to support each other at the fullest for both oftentimes face dangers similar to those which face the fighting men in Vietnam. The FOP will do all it can to promote racial harmony in the police forces of the nation, and racial harmony in every community.

We might as well face up to the fact that many juveniles, and, in the so-called ghettos, the Negro juveniles, in particular, are hostile to society. As I see it, the program for dealing with juvenile delinquents has broken down completely. The police forces over the country should cooperate with civic groups to see how young people can be per-

sueded that there are more opportunities for them within our system than there are by fighting it. This problem is a real one though, but maybe the old stick and carrot technique will help.

We must draft and press for state and national legislative programs which are in the interests of police officers. We have already done a good bit of work in this field and it has proved rewarding.

We must have contacts with the country's highest officials and see to it that they understand what we are trying to do and how we are trying to do it.

We must insist upon the most modern equipment and modern methods of crime prevention and detection for police officers.

The FOP plans to go to the aid of police officers who are wrongfully accused of derelictions because they have tried to perform their duties. In this connection, let me point out that the American Civil Liberties Union is always ready, willing and able to hire clever lawyers to defend the civil rights of criminals. In my judgment, the ACLU has little regard for the civil rights of policemen and makes a practice of interfering with them. The ACLU is well financed and is exceedingly active. The FOP must find ways to be just as well financed and just as active.

Out of the disorder at the Democratic convention grew charges against several Chicago policemen, which have required thousands upon thousands of dollars in attorney fees. Nevertheless, the public rallied to the support of the Chicago officers when they understood what was at stake. Similarly, in my opinion, the public will be glad to assist other police officers, who find themselves in the predicament of the Chicago officers, if the public understands what is involved.

What if the FOP does not draft and press for a comprehensive national program to oppose crime and to protect the interests of policemen? In this case, I am certain that someone will organize police officers to draft and press for such a program. If we do not serve the interests of our members and the public as we should, our future is dim, indeed.

As you know, other groups are talking of organizing the police and there are many anti-crime groups at work. The AFL-CIO is talking of a campaign to organize the country's police officers. I have the highest regard for the AFL-CIO. The organization has been a boon to the working man and has been good for the country. But I think the nation's policemen should have their own organization. As I see it, any police union established by the representatives of organized labor is going to be involved sooner or later in other labor disputes. There will be divided loyalties which will not be good for the police, the public, or even the labor movement itself.

Not too long ago I was re-elected President of the Fraternal Order of Police for a two-year term. I appreciate the honor and am proposing a national program in the interests of our own organization and in the interests of the public. Let me try to sum up that program.

1. The Fraternal Order of Police will insist upon firm, fair and effective law enforcement in every town and city where the organization has a lodge.
2. The FOP will press for adequate pay and satisfactory working conditions in every state, town and city where it has a lodge.
3. The national headquarters of the FOP will prepare and distribute to each lodge factual data and other material which should help in reaching the objectives outlined above.
4. The FOP will embark immediately upon a program for the expansion of the order, emphasizing the benefits to be gained from membership in our organization.
5. The FOP will draft an educational and public relations program, intended to enlist

public support for the policeman and an understanding of his importance in preserving social stability and the American system.

6. The FOP will urge each lodge to organize joint community-police groups in the interests of understanding of the importance and benefits of a harmonious relationship between the law-abiding public and the police.

7. The FOP will cooperate fully in every constructive effort to prevent juvenile delinquency.

8. The FOP will draft a national legislative program intended to help police officers and will work actively towards its enactment. Similar programs will be undertaken at state and local levels.

#### FEDERAL RESERVE BOARD AMENDS REGULATION Z TO SIMPLIFY CERTAIN REQUIREMENTS UNDER TRUTH IN LENDING ACT FOR AGRICULTURAL CREDIT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mrs. SULLIVAN. Mr. Speaker, it has been a source of tremendous gratification to me that the agency assigned primary responsibility under the Truth in Lending Act, the Board of Governors at the Federal Reserve System, has repeatedly proved itself responsive to the needs for changes or improvements of clarifications in regulation Z to meet specific specialized problem situations in the business community.

The Federal Reserve issues all regulations under the truth in lending. Other agencies share in the enforcement and administrative work, but the Fed alone sets overall policy as to what the act requires. This centralization of policy authority in one place, even though eight other Federal agencies have important responsibilities under the law, has proved out to be the most effective method for assuring uniformity of regulation and necessary flexibility in operations.

The latest example of this occurred today when the Board of Governors of the Federal Reserve issued a very important amendment to section 226.8 of regulation Z covering a very technical and very difficult set of problems which has arisen in connection with disclosures for certain types of agricultural credit.

I want to congratulate the Board, and particularly Vice Chairman J. L. Robertson, who has been in charge of the Federal Reserve's outstanding administrative work on truth in lending, for this latest in a series of affirmative actions to make truth in lending work effectively by eliminating unnecessary redtape.

WILLINGNESS TO AVOID RIGID INFLEXIBILITY IN TRUTH IN LENDING

The particular set of problems confronted by the Federal Reserve in today's action has to do with extensions of credit for agricultural purposes, where the exact terms and conditions of repayment cannot be determined in advance. This action will be good news for production credit associations throughout the country, and also for banks or other lenders dealing directly with farmers in extending crop loans. It followed

earlier action by the Board in simplifying the requirements of regulation Z as they apply to the annual percentage rate of loans made by production credit associations to their own members under a system which did not lend itself readily to the use of the actuarial rule originally required under regulation Z. It also follows an action of the Board in amending regulation Z as it applies to the myriad of arrangements in the rural economy on discounts for prompt payment.

Most Members of Congress who voted for the Consumer Credit Protection Act of 1968—Public Law 90-321—of which the Truth in Lending Act is title I, were anxious to make sure that the customer in any credit transaction would know exactly what he was paying for credit, in terms comparable to those used in competing forms of credit, so that the customer could "shop" for the best credit terms. As the principal sponsor of the legislation which became Public Law 90-321, I was intent on making sure that the law did not require legitimate businessmen to change their normal, customary, honest methods of doing business—but to give the customer information the customer had not previously been given on the comparative costs of credit. The key piece of information in that situation is the annual percentage rate of the finance charge.

Because this economy is so vast and dynamic, and operating under diverse accounting practices, it was inevitable that there would be problem situations which would not fit into any hard-and-fast regulatory mold. The Federal Reserve Board drafted regulation Z with this situation in mind, but when new or additional problems were called to its attention—as I have done on numerous occasions—the Board, as I said, has been remarkably responsive. It has been doing a magnificent job on truth in lending.

MAJORITY LEADER CARL ALBERT PLAYED  
IMPORTANT ROLE

The first Member of Congress to call my attention to some of the problems of the production credit associations—member organizations owned and operated by farmers to provide financial self-help—under regulation Z as originally issued was our esteemed majority leader of the House of Representatives, the Honorable CARL ALBERT, of Oklahoma. On the basis of information he provided me many months ago, I have engaged in a long correspondence with the Board, the Farm Credit Administration, and officials of various production credit associations in seeking sensible solutions.

Some bankers and businessmen have reacted to regulation Z as being the most ridiculous thing ever issued by a Government agency. Much of this reaction was based on misunderstandings of the requirements. A part of it was based on a feeling, by some, that a Federal law requiring full disclosure of credit costs should not apply to any "honest" lender. But part of the reaction, also, was based on the demonstrated difficulties of complying with the regulation under very unusual, but specific, circumstances.

As long as the Board of the Federal Reserve is willing to reexamine the facts and restudy the regulation to see whether

changes are needed, truth in lending will not bog down in impossible bureaucratic redtape. But first the problems have to be called to official attention, and I am glad that, in this instance, that was done successfully.

#### LATEST RULING ON AGRICULTURAL CROP LOANS

Following, Mr. Speaker, is a letter I have just received this evening from Vice Chairman J. L. Robertson of the Federal Reserve, reporting on the amendment to regulation Z dealing with agricultural crop loans, and so forth:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,  
Washington, D.C., November 6, 1969.

HON. LEONOR K. SULLIVAN,  
Chairman, Subcommittee on Consumer Affairs, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: As you know, one of the most troublesome problems encountered in implementing the Truth in Lending Act has been in the field of agricultural credit. In an effort to meet the problems arising where farm loans are made on terms that depend on subsequent events (and so are unknown when the loan is made), the Board has adopted an amendment to Regulation Z. A copy of the amendment and a statement that is being released today regarding it are enclosed.

In essence, the amendment provides that where the amounts of payments or advances are not known at the time of consummation of the credit transaction because either or both are tied to the agricultural needs of the farmer which cannot be anticipated, the creditor may simply disclose the method of computing the amount of the finance charge rather than disclosing a total dollar figure. In addition he may omit disclosure of the annual percentage rate and need only disclose the number, amount and due dates and total of payments if known at the time of consummation of the transaction. However, he must disclose the amount of any default or delinquency charges, the nature of any security interest and property to which it relates, any penalty charges and the method of computing unearned portions of finance charges.

Some illustrations of the situations that give rise to this amendment may be helpful. It is a common practice for a bank or Production Credit Association to agree with a farmer at the beginning of the season to advance money for agricultural supplies during the growing season at the times and in the amounts which the farmer needs to sow, maintain and harvest his crop properly. Repayment terms in many cases are tied to the sale of crops. In such cases neither the creditor nor the customer knows the dates or amounts of advances or payments, and, consequently, the creditor must estimate the amount of finance charge, the repayment schedule, and sometimes the annual percentage rate.

Sometimes farmers execute a "milk note" which provides for repayment out of the farmer's milk checks from the creamery, usually at a stated percentage of the check. Since the amount of each check will typically vary, it is impossible to determine the amount of these periodic payments with any accuracy at the time disclosures must be given. It is not uncommon for a bank to give a rancher a number of drafts to be used for the purchase of livestock at auction. Since purchases will be made in varying amounts and at varying times depending upon the farmer's success at auction, it is impossible to know in advance the dates or amounts of such advances. In those cases in which a note is written with the provision that payment is to be made out of the sale of certain livestock or crops, the date of sale

is controlled by agricultural business factors and may vary according to weather, prevailing market, availability of labor, etc.

As a result of these and a host of other variations and uncertainties involved in agricultural lending the creditor in many cases must estimate the specific disclosures now required under the Regulation. Such estimates are at best crude, are often misleading, in many instances bear no relationship to the ultimate facts and have prompted a storm of protest. In view of the difficulties in making estimates and the erratic nature of payments and advances under many of these agricultural plans, some creditors are either refusing to make disclosures or are simply physically unable to do so. Many creditors contend that they are unable to extend credit tailored to the farmer's needs in view of the difficulty in calculation.

The result is that the Regulation in some cases has caused dislocation to trade practice and in other cases may serve to confuse rather than illuminate the farmer's credit transaction. The attached amendment to the Regulation has been prepared to meet these problems and would substantially reduce the burden on agricultural creditors while at the same time insuring that the customer receives a clear and full textual description of his credit transaction.

Sincerely,

J. L. ROBERTSON,  
Vice Chairman.

#### ANNOUNCEMENT BY THE FEDERAL RESERVE AND THE AMENDMENT

Next, Mr. Speaker, I submit the press release issued by the Board and, attached to it, the text of the amendment to section 226.8 of regulation Z, and a clarifying interpretation; as follows:

FEDERAL RESERVE PRESS RELEASE,  
NOVEMBER 6, 1969

The Board of Governors of the Federal Reserve System today issued an amendment to its Regulation Z to make it easier for agricultural lenders to comply with the Truth in Lending Act and insure full and clear descriptions of farm credit transactions.

The amendment, effective immediately, provides that where the dates or amounts of payments or advances cannot be determined at the time of a credit transaction because they are tied to the needs of the farmer as they arise during the year, the creditor may disclose the method of computing the amount of the finance charge rather than a total dollar figure. At the same time, the creditor may omit disclosure of the annual percentage rate but must disclose the number, amount and due dates of the payments and the total amount to be repaid to the extent known. It should be noted that this amendment does not apply to loans for agricultural purposes where dates and amounts of both advance and repayments are known at the time of the transaction.

The Board said a problem arises because some agricultural loans are made on terms governed by production and seasonal needs that cannot be determined at the time a credit transaction is made. For example, a bank or other lender might agree at the start of a growing season to advance money to a farmer for supplies at times and in amounts needed during the year to sow, maintain and harvest a crop. Repayment terms are frequently tied to the sale of crops. In such cases, the dates or amounts of advances or payments cannot be ascertained and consequently the amount of the finance charge, the repayment schedule and sometimes the annual percentage rate must be estimated. These estimates, are, at best, crude and often misleading and in some cases have proven physically impossible to make. The amendment is designed to meet these problems, reduce the burden on agricultural lenders and insure the customer a clear and full description of his credit transaction.

A copy of the amendment is attached. Also attached is a copy of a companion interpretation to Regulation Z.

**TITLE 12—BANKS AND BANKING**  
**CHAPTER II—FEDERAL RESERVE SYSTEM**  
**SUBCHAPTER A—BOARD OF GOVERNORS OF THE**  
**FEDERAL RESERVE SYSTEM**

[Reg. Z]

*Part 226—Truth in lending*

**Agricultural Credit—Information Not Determinable**

1. Effective November 6, 1969, § 226.8 is amended by the addition of paragraph (p) and § 226.9(g) (4) is amended as follows:

**§ 226.8 Credit Other Than Open End—Specific Disclosures**

(p) *Agricultural credit—information not determinable* (1) in any transaction subject to this section, if the amount or date of any advance or payment in connection with an extension of credit for agricultural purposes under a written agreement is to be determined by production, seasonal needs, or similar operational factors, and is not determinable at the time of execution of the agreement, disclosures may be made at the creditor's option in accordance with this paragraph, provided the use of this paragraph is not for the purpose of circumvention or evasion of this Part.

(2) If a creditor elects to make disclosures under this paragraph, he shall disclose the following items in accordance with § 226.8(a), which shall constitute compliance with the requirements of § 226.8, and under § 226.9(a) shall constitute "all other material disclosures required under this Part":

(i) The method of computing the amount of the finance charge including an identification of each component thereof in accordance with § 226.4.

(ii) Any item required to be disclosed under § 226.8(b) (3) which is determinable at the time the disclosures are required to be made under this paragraph.

(iii) The disclosures, as applicable, required under § 226.8(b) (4), (5), (6), and (7) and the items described in § 226.8(e) (1) and (2).

(iv) The disclosures, as applicable, required under § 226.8(o) (1), (2), (3), (4), (5), (8), and (9).

(3) Disclosures made pursuant to subparagraph (2) (i), (ii), and (iii) of this paragraph need be made only on the agreement or on a separate statement as specified in § 226.8(a).

(4) If a creditor making disclosures pursuant to this paragraph transmits a periodic billing statement of the type described in paragraph (n) of § 226.8, such statement shall be in a form which the customer may retain and shall set forth the date by which, or the period, if any, within which payment must be made in order to avoid late payment or delinquency charges.

**§ 226.9 Right to rescind certain transactions**

(g) *Exceptions to general rule*

(4) Any advance for agricultural purposes made pursuant to either:

(i) Paragraph (j) of § 226.8 under an open and real estate mortgage or similar lien, provided the disclosure required under paragraph (b) of this section was made at the time the security interest was acquired by the creditor or at any time prior to the first advance made on or following the effective date of this Part, or

(ii) Paragraph (p) of § 226.8 under a written agreement, provided the disclosure required under paragraph (b) of this section was made at the time the written agreement was executed by the customer.

2a. The purpose of the amendments is to

facilitate meaningful disclosure of credit terms in certain types of agricultural credit extensions where information regarding the dates or amounts of advances or payments is not determinable at the time of entering into an agreement for the extension of credit.

b. The requirements of section 553 of Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. The effect of the amendments in general is to provide relief from a restriction and, in view of the unnecessary hardship on certain creditors in complying with the original § 226.8 and § 226.9, the Board found that following such procedures would result in delay that would be contrary to the public interest.

By order of the Board of Governors, November 6, 1969.

ROBERT P. FORRESTAL,  
*Assistant Secretary.*

**TITLE 12—BANKS AND BANKING**  
**CHAPTER II—FEDERAL RESERVE SYSTEM**  
**SUBCHAPTER A—BOARD OF GOVERNORS OF THE**  
**FEDERAL RESERVE SYSTEM**

[Reg. Z.]

*Part 226—Truth in lending*

**Interpretation**

**§ 226.812 Advances under open and real estate mortgages for agricultural purposes**

Under § 226.8(p) disclosures are permitted in connection with certain extensions of credit for agricultural purposes which may involve advances under an open end real estate mortgage or similar lien. Section 226.8(j) in part treats advances for agricultural purposes under an open end real estate mortgage or similar lien. The question arises as to the respective application of these paragraphs to such advances.

If an extension of credit involving multiple advances, whether or not under an open end mortgage, meets the tests of § 226.8(p), disclosures need only be made prior to consummation of the credit transaction and need not be made at the time of each individual advance, even though such advance for agricultural purposes may not meet the tests in § 226.8(j). Conversely, extensions of credit for agricultural purposes involving advances under an open end real estate mortgage or similar lien which do not meet the tests for disclosure under § 226.8(p) are subject to the relevant provisions of § 226.8(j) dealing with such advances.

(Interprets and applies 15 U.S.C. 1638 and 1639.)

Dated at Washington, D.C., the 6th day of November, 1969.

By order of the Board of Governors.

ROBERT P. FORRESTAL,  
*Assistant Secretary.*

**BACKGROUND OF THE CHANGES**

Mr. Speaker, preceding this announcement was a long series of correspondence with many individuals, officials, and Members of Congress who had forwarded to me inquiries they had received from their constituents on aspects of this issue.

For the purpose of showing that any real and legitimate problems under this important law can, in fact, be solved, if there is a willingness to make the law work properly, I submit a small part of that correspondence, as follows:

HOUSE OF REPRESENTATIVES,  
 Washington, D.C., June 2, 1969.

HON. J. L. ROBERTSON,  
*Vice Chairman, The Board of Governors of the Federal Reserve System, Washington, D.C.*

DEAR MR. ROBERTSON: Majority Leader Carl Albert has sent you a copy of a letter he received from Mr. Jim R. Billington of Wood-

ward, Oklahoma dealing with the problems encountered by the government-related Production Credit Associations in complying with Regulation Z. Mr. Albert also sent a copy to me.

I am enclosing a copy of the response I have sent to Mr. Albert in which I said I would contact your office to urge approval of some alternate but acceptable method of computing the annual percentage rate, since the actuarial rule, according to Mr. Billington, is so time-consuming to apply.

Sincerely yours,

LEONOR K. SULLIVAN.

HOUSE OF REPRESENTATIVES,  
 Washington, D.C., June 2, 1969.

HON. CARL ALBERT,  
*U.S. Capitol.*

DEAR COLLEAGUE: I am glad you sent me a copy of the letter you received from Mr. Jim Billington of Woodward, Oklahoma, about the problems encountered by the Woodward Production Credit Association in complying with Federal Reserve Board Regulation Z, issued in implementation of the Truth-in-Lending Act beginning July 1. I am happy to see that you have sent a copy of that letter also to Vice-Chairman J. L. Robertson of the Board of Governors of the Federal Reserve System. I too will write to Mr. Robertson on this matter, and I plan to write also to the Governor of the Farm Credit Administration, Mr. E. A. Jaenke. I have every reason to think that the problem here is a technical one which can be worked out without too much difficulty.

When I read in Mr. Billington's letter to you that it would require his institution 45 minutes to an hour of additional time on every loan in order to comply with the requirements of the Truth-in-Lending Act—or rather with Regulation Z—I frankly did not believe it could be true. It sounded preposterous. But then I checked with the people at the Farm Credit Administration and they explained the technical difficulty of determining the annual rate of the finance charge on a typical Production Credit Association loan under the so-called actuarial rule which governs most transactions under Regulation Z.

Apparently these farm credit associations use a loan technique which involves applying to principal all payments made during the life of the loan, with the interest being paid at the very end on an accrued basis following repayment of the principal. Under the circumstances, there is no reason in the world why the Federal Reserve Board cannot prescribe some method other than the U.S. Rule for determining the "annual percentage rate of the finance charge." In writing the Consumer Credit Protection Act of 1968, we were determined not to force any credit institution to change its methods of doing business in terms of what it charged or how it went about crediting payments made; our intent was rather to make sure that the debtor or buyer knew exactly how the repayment was to be made and how it would be credited, and would be able to equate the interest rate or the finance charge assessed by one type of lending institution with those charged for competing forms of credit and also with the interest he received from his own investments or bank deposits. In other words, the annual percentage rate was to be comparable with the interest rate on bank deposits so that if a bank advertised its automobile loans at "4½%" and was at the same time paying 4½% interest on time deposits, these two figures were not comparable at all. Under Truth-in-Lending, the bank will now have to acknowledge that its rate on new car financing is not 4½% but actually close to 9%.

Similarly, a member of a Production Credit Association should be able to equate his 7% simple interest rate on a loan with the 5% or so he receives from his investment in savings and loan shares. But we did not want or expect to force a single means of computation upon all lenders or sellers if it is not

appropriate. In fact, Section 107(a)(1)(B) permits the use of any method of determining the annual percentage rate, if approved by the Federal Reserve, "which materially simplifies computation while retaining reasonable accuracy as compared with the rate determined under Subparagraph (A)" (which had set out the customary computation method under the actuarial rule.)

So there is adequate leeway to enable the Production Credit Associations to devise a method which equates their 7% accrued interest with the rate determined under the actuarial method. I assure it would come out to less than 7% that way.

Please assure your constituent that the purpose of Public Law 90-321 is to assure full information to the borrower or buyer on all forms of consumer or agricultural credit, and not to cause dislocations or confusion for government-regulated, or any other, lenders in making the kind of loans Congress officially endorses, including FHA, GI, college tuition loans, etc. They all have to comply with Truth-in-Lending, but in most cases only one bit of additional information is required beyond that usually given by such lenders—"the annual percentage rate of the finance charge." It is the key ingredient of meaningful credit cost disclosure.

I will do everything I can to make sure Mr. Billington's association, and others like it, can live harmoniously with this requirement.

With best regards, I am  
Sincerely yours,

LEONOR K. SULLIVAN.

P.S.—Mr. Billington wrote that the average loan by his association is \$47,000. Except on real estate, only loans under \$25,000 would be subject to the Truth-in-Lending Act.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., June 2, 1969.

MR. E. A. JAENKE,  
Governor, Farm Credit Administration,  
Washington, D.C.

DEAR MR. JAENKE: I am enclosing copies of two letters—one from Mr. Jim R. Billington of the Woodward, Oklahoma Production Credit Association to Congressman Carl Albert, Majority Leader of the House; the other a letter from me to Congressman Albert commenting on the statements made in Mr. Billington's letter. Congressman Albert has written to the Vice Chairman of the Federal Reserve System on this matter and so have I.

I am sure that if the use of the actuarial rule would require 45 minutes to one hour of extra paperwork on every Production Credit Association loan in order to comply with the Truth-in-Lending Act, some other computation method could certainly be substituted with the approval of the Federal Reserve.

It is my understanding that your agency has been discussing this matter with the Federal Reserve. I hope it can be resolved promptly.

With best regards, I am  
Sincerely yours,

LEONOR K. SULLIVAN.

WOODWARD PRODUCTION  
CREDIT ASSOCIATION,  
Woodward, Okla., May 20, 1969.

HON. CARL ALBERT,  
House Office Building,  
Washington, D.C.

DEAR MR. ALBERT: I am sure that you are familiar with the legislation passed last session concerning Truth in Lending. Our understanding of this Truth and Lending law was based on newspaper reports and information from the Federal Intermediate Credit Bank officers. It was our understanding that this legislation was to protect or inform the consumer concerning financing charges on installment purchases. We also understood that there was going to be disclosure information from small loan companies, primarily in the installment loan business.

This law has developed into a real problem for Production Credit Associations and their members. We are an instrumentality of the United States Government and were chartered and put into operation during the early 1930's when credit to agriculture was almost non-existent. The 1933 Farm Credit Act established our Associations which were envisioned to be eventually member owned. This is now a reality. We charge a simple interest figure calculated daily on the outstanding balance. This method of calculating interest is the lowest interest cost method used and is certainly an advantage to the person paying the interest. We are in the business of financing agriculture in our area. The average size of our loans will average approximately \$47,000.00. The borrowers are highly sophisticated farm business men. They understand interest cost.

Regulation Z put out by the Federal Reserve will require approximately 45 minutes to 1 hour staff time for each loan application. This is going to be extremely costly for Production Credit Associations to prepare the information required by the Federal Reserve. We have simple interest. The interest amount is on the note. The interest rate is set by borrowing farmers and ranchers who sit on our Board of Directors. A financial report is given each year at the Stockholders' meeting at which time the financial condition, interest rates, problems and changes are all discussed. The information concerning any loan is always available to a member at his request. All our borrowers know the rate of interest they are paying.

It is recommended that a disclosure type law that would include Production Credit Associations is unnecessary, costly and according to the form prepared for our use, irrelevant.

It is our wish that you would use your influence to try to have Production Credit Associations excluded from this law. Any information that you should request or any help that we can render in changing this law will be freely given.

I would appreciate hearing from you concerning this matter.

Sincerely,

JIM R. BILLINGTON,  
President.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
Washington, D.C., June 10, 1969.

HON. LEONOR K. SULLIVAN,  
House of Representatives,  
Washington, D.C.

DEAR MRS. SULLIVAN: This will acknowledge receipt of your letter of June 2, 1969, with which you enclosed a copy of your letter and a copy of Mr. Billington's letter both addressed to Congressman Albert.

We are aware of the problems which production credit associations and similar lenders face in complying with the disclosure requirements of the Truth in Lending Act and Regulation Z. One of the principal difficulties arises from the fact under the provisions of 12 U.S.C. 1131g a borrower from a production credit association is required to own, at the time a loan is made, class B stock of that association in an amount equal to 5% of the amount of the loan. In many cases, this is deducted from the proceeds of the loan, because the borrower does not previously own that stock. Where the price of the stock is deducted from the proceeds of the loan, the amount of the finance charge must be related to the net amount of credit extended (the remaining 95%) in order to determine the annual percentage rate. Unfortunately, this may not be read directly off of a standard rate chart. However, section 129(a)(1) of the Act refers to "the amount of credit of which the obligor will have the actual use," and the Board has taken the position that any required investment in stock, just as any required investment in a com-

pensating bank balance, reduces the amount of credit of which the borrower has the actual use. If, however, the borrower already owns the PCA stock, the investment in it is not classified as a required deposit balance under Regulation Z, and the finance charge may be related to the amount financed without first deducting the 5% investment.

In your letter you indicated that under the provisions of section 107(a)(1)(B) of the Act the Board had the authority to approve any method of determining the annual percentage rate which materially simplified the computation as long as it retained reasonable accuracy compared with the rate determined by the actuarial method. Members of our staff have met with representatives of the Farm Credit Administration and have reviewed a simplified form of rate calculation and have tentatively approved that method of calculation, subject to further testing. It is not quite as accurate as the actuarial method, but we feel that tests will prove that it does retain "reasonable accuracy" in that it will vary from the actuarial rate by usually less than one quarter of one per cent.

Inasmuch as paragraph (h) of section 102 of the Act makes it, together with Regulation Z, applicable to transactions in which "... the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, household, or agricultural purposes" [emphasis added], the Board felt that it was clear that extensions of credit by PCA's to natural persons are subject to the provisions of the Truth in Lending Act and Regulation Z. We felt that it was further abundantly clear that the Board does not have the authority to exclude any creditor or any class of creditors because compliance is difficult. However, we have worked very closely with the representatives of the Farm Credit Administration with respect to both Federal land banks and production credit associations, and we feel that we have had a large measure of success in assisting them to facilitate compliance by their associations with the disclosure provisions of Regulation Z.

Sincerely,

J. L. ROBERTSON,  
Vice Chairman.

FARM CREDIT ADMINISTRATION,  
Washington, D.C., June 16, 1969.

HON. LEONOR K. SULLIVAN,  
Chairman, Subcommittee on Consumer Affairs,  
Committee on Banking and Currency,  
House of Representatives, Washington, D.C.

DEAR MRS. SULLIVAN: Thank you for your letter of June 2, 1969, and enclosures, which deal with one of the most serious problems the production credit associations have encountered in preparing to comply with the Truth in Lending Act, beginning July 1. This problem is computing the annual percentage rate by use of the actuarial method. I am particularly gratified with the statement in your letter of June 2 to the Honorable Carl Albert, commenting on a letter he had received from Mr. Jim Billington, to the effect that you will do everything you can to make sure Mr. Billington's production credit association, and others like it, can live harmoniously with the requirement that they inform borrowers of the annual percentage rate of finance charge.

The production credit association that Mr. Billington manages is one of 451 such associations which, together with the 12 Federal intermediate credit banks that supervise them locally, and the 12 Federal land banks, 653 Federal land bank associations, and 13 banks for cooperatives, were organized under Acts of Congress and operate under the general supervision of the Farm Credit Administration, an independent agency in the executive branch of the Government. Since the Truth in Lending Act covers only credit

extended to natural persons, it does not apply to the Federal intermediate credit banks which finance the production credit associations and certain other incorporated financing institutions, or to the banks for cooperatives which make loans to cooperative associations.

The Farm Credit Administration is in complete agreement with the basic purposes of the Act. We recognize, however, that agricultural lenders believe they have not been given the same consideration for purposes of Truth in Lending as have lenders who extend credit for nonagricultural business and commercial purposes; also, that the methods required by the Federal Reserve Board's implementing Regulation Z in computing the annual percentage rate of finance charge are too inflexible to permit agricultural lenders in all cases to comply on a reasonable basis.

The Act exempts from its provisions extensions of credits for business or commercial purposes. Regulation Z, however, excludes from such exemption extensions of credit for agricultural business or commercial purposes. Agricultural lenders generally and, we feel, farmers believe that a farm, which requires a capital investment and is managed on a business basis for profit, is as much a business or commercial enterprise as is a nonagricultural enterprise for which exemption is provided; therefore, a loan made for farm purposes should be considered to be within the exemption afforded an extension of credit for business or commercial purposes under the Act. In our view, there is merit to this position.

Regulation Z requires that in computing annual percentage rates to be disclosed to users of credit the United States Rule or actuarial methods be used. These methods do not permit ready computations of annual percentage rates by agricultural lenders who, because the bulk of their business is done within a relatively short period of time in the spring and fall, must be able to make computations quickly and easily. In addition, for some agricultural lenders, particularly the production credit associations but also the Federal land banks, modified or different methods for determining annual percentage rates should be devised to avoid possible disruption of financing patterns which have been developed by the lenders over the years to the benefit of farmer-borrowers.

Since the passage of the Act, we have been working to assure that the production credit associations and Federal land banks will be in a position to comply with the Act by its effective date. For the past months we have been trying to develop methods which would permit the banks and associations to comply with the computation requirements of the Act on a reasonable basis and would be acceptable to the Federal Reserve Board. A short while ago, methods we developed were tentatively agreed upon by Federal Reserve Board personnel and sent to the Federal land banks and Federal intermediate credit banks for their consideration. We hope that these methods will permit compliance with the Act to impose no more than an acceptable administrative burden upon the banks and associations. However, we also hope that better and simpler methods for computing the annual percentage rate will be devised and approved by the Federal Reserve Board.

Sincerely yours,

E. A. JAEENKE,  
Governor.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., July 2, 1969.

HON. GEORGE W. ANDREWS,  
Rayburn Office Building,  
Washington, D.C.

DEAR COLLEAGUE: I am happy to furnish you with some background information on the question you raised with me about the application of the Truth-in-Lending Act to

Production Credit Associations. As the enclosed correspondence will show, this matter was first called to my attention by the Majority Leader of the House, the Honorable Carl Albert of Oklahoma, about a month ago. I pursued it with the appropriate agencies of the Government, the Board of Governors of the Federal Reserve System, which issued the basic regulation dealing with Truth-in-Lending; and the Farm Credit Administration, which would be in the best position to advise the Board on the unique problems of the Production Credit Associations.

Out of this correspondence, it was my understanding that the Board had agreed to work out an alternate method of computation of the "annual percentage rate of the finance charges" so that the Production Credit Associations would be able to determine the annual percentage rate with far less difficulty than if they were required to follow the actuarial method. As I pointed out in my letter to Congressman Albert, the law provides authority for the use of computation methods other than the actuarial rule.

I am enclosing copies of my letter to Congressman Albert of June 2 explaining this point, my inquiries of June 2 to Vice Chairman J. L. Robertson of the Federal Reserve, and to Governor E. A. Jaenke of the Farm Credit Administration; Mr. Robertson's reply of June 10; and a report from the Farm Credit Administration of June 16. From this correspondence, as I said, I was assured that the problem was being worked out in a satisfactory fashion.

In forwarding to you the letter from Governor Jaenke of the Farm Credit Administration, I should point out that I do not agree with the position he expresses that agricultural credit should have been exempted from the Truth-in-Lending Act, as was done with other business or commercial credit. I strongly believe that the farmer wants and needs Truth-in-Lending protection in engaging in credit transactions for agricultural purposes. We included agricultural credit deliberately. It was our feeling that the expenses of running a farm and the credit obtained for farm purposes are so closely allied with the family's living expenses and credit for housing that the farmer was entitled to this protection in his use of credit.

I might add that the Truth-in-Lending Act applies to all types of member-owned lending institutions, such as credit unions, savings and loan associations, rural electrification co-operatives which extend credit, and so on. As you will note from my letter to Congressman Albert, most of these member-owned organizations extending credit to their members already give their borrowers virtually all the information required under the Truth-in-Lending Act, but they have not been in the habit of using the annual percentage rate figure required under the new law. This is the most important single bit of information a borrower should have in determining the comparative costs of different types of consumer credit.

With best personal regards, I am

Sincerely yours,

LEONOR K. SULLIVAN.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., August 18, 1969.

MR. PHIL H. LANE,  
President, Texas Production Credit Association,  
San Angelo, Tex.

DEAR MR. LANE: Ever since Congressman Carl Albert of Oklahoma, Majority Leader of the House of Representatives, called my attention to the special problems of Production Credit Associations in meeting the requirements of Regulation Z of the Federal Reserve, in connection with the operations of the Truth in Lending Act, I have been anxious to do whatever I can to help simplify the computations you have to go through on these somewhat unusual transactions. I thought, from the information Federal Re-

serve Vice Chairman J. L. Robertson gave me last month, that the problem had been greatly alleviated. If further simplification is in order, and if a form such as you described on page 3 of your letter of August 8 to Congressman George Bush is practical and acceptable to the Federal Reserve, it would certainly be fine with me, too.

From the information you and other officials of Production Credit Associations have sent me, I have the feeling that your loans have many similarities to department store revolving credit, or gasoline credit, or other types of open-end credit, in which the customer's or borrower's actions largely determine what the total finance charge will be. I am sure the Federal Reserve can solve your computation problems, for it has showed in numerous actions in connection with Regulation Z that it is not rigid and stubborn, but will make changes where they appear justified.

But I do want to say as strongly as I can that the inclusion of agricultural credit under Truth-in-Lending was not an oversight or some last minute hairbrained idea. The Truth in Lending bill passed by the Senate on July 11, 1967, included agricultural credit; H.R. 11601 introduced on July 20, 1967, included it; in our hearings we received testimony on this matter from several farm or rural organizations, asking that agricultural credit be retained in the bill. We received no testimony opposing it. The bill was debated in Subcommittee, in the full Committee, and in the House over a period of many months, and I do not remember any opposition to the provisions dealing with agriculture.

I can see where credit transactions involving large ranches or huge farms would be in the same situation as the business and commercial credit the law exempts, but our concern was in credit transactions which involved family farms—"a natural person"—rather than a corporate enterprises. In that respect, the farmer is considered no less entitled to the protection of this law than the bank president buying a home, or the college mathematics professor borrowing for a trip abroad. I would hate to think that everyone accorded protection under this law is automatically considered stupid, or "inferior in their ability" and in need of a "guardian." The protection accorded under the law is primarily the right to have the transaction spelled out in detail, with a percentage rate which can be compared to the costs of competing forms of credit, or to one's income from savings or investments. Until July 1, 1969, this opportunity was not accorded to most Americans in their credit transactions.

While every businessman required to make disclosures under the law would rather not have to do so—and some resent it bitterly—the fact is that the overwhelming majority of businesses extending credit have complied and are complying. Now it is up to all concerned to make sure that consumers make intelligent use of the information they are now receiving. Eventually, I am sure the problems will all be worked out and we can all compare credit costs on the same yardstick, so that one man's 8% is NOT the same as another man's 16%—the situation we used to have, when add-ons, discount loans, etc., confused everyone as to actual rates.

Sincerely yours,

LEONOR K. SULLIVAN.

LA JUNTA PRODUCTION  
CREDIT ASSOCIATION,  
La Junta, Colo., August 1, 1969.

Re Truth-In-Lending Act.  
Hon. LEONOR K. SULLIVAN,  
House of Representatives,  
Washington, D.C.

DEAR MADAM: This letter is to advise that I concur in every respect to a letter delivered to you on July 21st by Mr. Homer Jackson,

President of the Rifle Production Credit Association. It is difficult for me to understand how agriculture is excepted from the terminology of a business loan. In fact, agriculture is one of the largest businesses in the United States and, I believe, it is larger than General Motors or United Steel.

I have additional problems in my area, and I am sure there are many throughout the United States, such as having a father and son combination who own real estate and borrow from the La Junta Production Credit and who have given a second Deed of Trust to shore up their loan and now find this boy is in Vietnam and his wife is somewhere in Texas. They are desirous of an additional advance and, if we are able to help them at all, it will probably take from two to three months for this boy to receipt for the rescission agreement so that we can start the three-day elapsed period. It appears this is far too difficult for them to put up with and we will, no doubt, lose a customer and suppose they will have to sell out.

If you had any ideas how we could handle such cases when you wrote the bill, I would appreciate your advising as soon as possible. I don't understand why the rescission agreement had to be put on the bill when, in fact, they had the right to withhold their real estate when we requested the Deed of Trust and I believe they have a daily right to cancel by merely advising us and we will at that time quit lending funds. They have always had the right to sign or pay the loans in full at any time.

A group of production Credit presidents from Colorado and New Mexico wish to visit with you and your committee at an early date and which is indicated in Mr. Jackson's letter. We hope that you can honor us with this privilege.

Yours very truly,

FRANK HARTMAN,  
President.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., September 3, 1969.  
MR. FRANK HARTMAN,  
President, La Junta Production Credit Association, La Junta, Colo.

DEAR MR. HARTMAN: From the voluminous nature of my correspondence with officials of Production Credit Associations, one could easily become convinced that the Truth in Lending Act presumably was passed for no other reason than to harass the PCA's. Undoubtedly there have been problems for organizations such as yours in applying Regulation Z. But Congress did not write Regulation Z; it was issued by the Federal Reserve to carry out the general purposes expressed by Congress in passing the law. As originally issued, Regulation Z required PCA's to use the U.S. Rule in determining the annual percentage rate of the finance charge. When the resulting technical problems were called to my attention, I asked the Federal Reserve to develop, in cooperation with the Farm Credit Administration, an alternate method—as the law permits—and this was done.

I am enclosing some portions of the very extensive correspondence I have entered into it trying to help the PCA's to simplify compliance with the law. That correspondence also explains why agriculture credit is included in the Act. Where there are technical problems (such as in the rescission section dealing with family loans involving a soldier in Viet Nam, etc.) there should be no practical problem in obtaining guidance from the Federal Reserve or the Farm Credit Administration or from the Packers and Stockyards Administration (in any transaction involving the Packers and Stockyards Act) by telephone, telegram, or letter, and quickly.

In writing the law, we tried insofar as possible to give administrative responsibility

to those agencies of the Government which already had jurisdiction over the kind of credit involved, and which would be generally knowledgeable about the operating problems of the firms or associations they were dealing with. So any problem you have in conforming with the law can be clarified or simplified, and perhaps even eliminated, by the appropriate agencies of the Government, using the discretionary powers given to them by this law. If they cannot solve the problem, then they have the obligation to tell us whether a change is necessary in the law Congress does not administer this law, or any other, on a day-to-day basis.

The rescission feature was put into the law in order to make sure that anyone borrowing money or buying on credit primarily for personal, family, household, or agriculture purposes, is made fully aware that a particular transaction might involve the foreclosure and loss of his residence. No attempt was made to differentiate in the law between "good" transactions and "bad" ones. Hence, this provision applies in all credit transactions covered by the law except purchase-money first mortgages.

Sincerely yours,

LEONOR K. SULLIVAN.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., Sept., 11, 1969.  
HON. J. L. ROBERTSON,  
Vice Chairman, The Board of Governors of  
The Federal Reserve System, Washington, D.C.

DEAR MR. ROBERTSON: In further reference to our exchanges of correspondence involving the compliance of the Production Credit Associations with Regulation Z, and particularly, the references in that correspondence to statements made by Mr. Phil H. Lane, President of the Texas Production Credit Association, I have now received a carbon copy of a letter Mr. Lane sent you on September 5 as a follow-up to your letter to me of August 27, 1969. In his most recent letter Mr. Lane suggested a simple statement form which the PCA's can use.

I find in my file that Mr. Lane had sent me on August 22 a draft of a nine-paragraph general informational statement describing all of the various credit arrangements of his organization outlining the variables which go into the determination of the credit charges and the percentage rate in an individual transaction, depending upon the individual circumstances. Mr. Lane had asked me to "get this form approved by the Federal Reserve as a pilot experiment to see if it satisfies everyone involved." There was no indication that Mr. Lane had ever sent this proposed form to you for approval. Hence I am enclosing a copy of it for your consideration.

Sincerely yours,

LEONOR K. SULLIVAN.

#### ANNUAL PERCENTAGE RATE

This financing cost disclosure statement is an effort to comply with the Truth in Lending Act, effective July 1, 1969. It cannot be accurate on agricultural loans, because there is no way to guess the exact dates or amounts of disbursements to you and the future prices and quantities and date of sale of your produced commodities.

This calculation is based on the assumption that the total commitment will be disbursed on date of application with no repayments made until maturity. Therefore, the dollar cost and annual percentage rate estimates as shown, should be higher than actual. Finance charges accrue on the date of disbursement and thereafter on the daily outstanding balance.

During the last fiscal year, the Finance

Charge (interest, including interest on B Stock purchase plus Loan Service Fees) amounted to \$3.37 per \$100.00 loan, since the money borrowed was not kept for the full twelve months period. Interest rates of 7% for three months and 7½% for nine months on the daily outstanding balance, earned \$7.44 per \$100.00. We assume this ratio of difference can apply to higher or lower simple interest rates. For example, the total finance charge should amount to approximately 8.46%, when the simple interest rate is 8% and funds are kept for twelve months.

By agreement between the association and borrower, the simple interest rate may be increased or decreased according to the association's money cost during the term of this credit extension (increases are made after 20 days notice to you).

On a normal loan, the daily outstanding balance averaged \$46.30 per \$100.00 of loan applied for.

This is not an installment loan and no specified payments are required except on dairy loans. Payments are made upon the sale of collateral, including its increase.

A financing statement, security agreement and deed of trust are held by the association on crops, machinery and equipment, livestock, and/or land (the underlined instruments relate to your line of credit). No pre-payment penalty charge made. Interest is not discounted in advance and is charged on daily outstanding balances.

This statement is not intended as an offer or proposal by the creditor, or as a contract between borrower and creditor, but is issued to comply with the Truth in Lending Act, and where applicable, the borrower acknowledges receipt of this disclosure prior to, or as a part of the consummation of this transaction.

Date: \_\_\_\_\_

Borrower.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
Washington, D.C., October 16, 1969.

HON. LEONOR K. SULLIVAN,  
House of Representatives,  
Washington, D.C.

DEAR MRS. SULLIVAN: This refers to your letter of September 11, 1969, with which you transmitted a draft of a proposed informational statement sent to you by Mr. Phil H. Lane, President of the Texas Production Credit Association.

In that connection, we have replied to Mr. Lane's letter of September 5, 1969, and enclose herewith a copy of that reply. As pointed out in our reply, the staff of the Board is now considering either an amendment to the Regulation or an interpretation which will facilitate compliance by agricultural creditors in connection with irregular transactions. Hopefully, a solution can be reached which will materially simplify the problem of determining the amount of the finance charge and the annual percentage rate in such transactions and at the same time provide meaningful disclosures for agricultural consumers.

We have reviewed the proposed informational statement prepared by Mr. Lane and find that portions of that statement do, in fact, convey meaningful information to customers. However, portions of it appear to be extraneous and somewhat unrelated to the information required to be disclosed by the Truth in Lending Act and Regulation Z.

When the staff has completed its studies of the problems relating to agricultural disclosures, the Board will consider appropriate revisions in the disclosure requirements for such transactions and will publish those revisions, hopefully, in the near future. We do

want to assure you that we are making every effort to facilitate compliance without sacrificing the substantial quality of the disclosures required to be made to consumers.

Sincerely,

J. L. ROBERTSON,  
Vice Chairman.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
Washington, D.C., October 16, 1969.

Mr. PHIL H. LANE,  
Texas Production Credit Association,  
San Angelo, Tex.

DEAR MR. LANE: This refers to your letter of September 5, 1969, regarding Regulation Z. Particularly, you have commented on the difficulty incurred in connection with disclosures relating to loans for agricultural purposes.

We are aware that the Truth in Lending Act has, in many cases, placed an increased clerical burden on some creditors. We are particularly aware of the burden in connection with credit extended by production credit associations, and for this reason, the staff of the Board is working on an amendment to the Regulation or, perhaps, an interpretation of it, which will facilitate disclosure of the dollar amount of the finance charge and the annual percentage rate in certain types of irregular agricultural loans. Specifically, we are addressing ourselves to the problem of a satisfactory formula for estimating the amount of the finance charge and the annual percentage rate. However, such a formula must necessarily accomplish two objectives:

First, it should, in fact, facilitate compliance by the creditor;

Secondly, it should insofar as possible produce reasonably meaningful information to the consumer.

For this reason, we are exploring all reasonable approaches to the problem with the hope of finding the right solution.

The purpose of this letter is to let you know that we are aware of the problem and have it under consideration.

As you are aware, one of the principal difficulties in computing the annual percentage rate in production credit association loans is the fact that each borrower is required to own stock in the association to the extent of 5% of the outstanding balance of his loan, and this can have the effect of reducing the net proceeds available to the borrower.

Yours is one of the many letters which we have received regarding this matter, and when the problems have been resolved, the Board will consider changes in disclosure requirements and publish whatever amendments or interpretation to Regulation Z are appropriate. However, it is probably a fair observation that the amended disclosure requirements will not be as brief and will be more specific than those suggested in the last paragraph of your letter.

Sincerely,

J. L. ROBERTSON,  
Vice Chairman.

#### CHALLENGE TO PROTESTORS: "WHAT ABOUT HANOI?"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ASHBROOK. Mr. Speaker, few phrases more succinctly present the views of those who criticize the Vietnam moratorium demand for an "immediate" pullout from Vietnam than, "Tell it to Hanoi."

I think that many tended to forget or to ignore the designs of Hanoi when they joined protests supporting immediate withdrawal of U.S. forces.

In this regard, I was pleased to see a front page editorial in the Newark, Ohio, Advocate. It agreed with the calls for peace; it agreed that mistakes have been made; it agreed that Vietnam must be a well-discussed issue. But it also pointed out that all who do discuss Vietnam must ask themselves: "What about Hanoi?" Where is the reciprocal call for action by the Government of North Vietnam? Where is the challenge to Hanoi?

This October 15 editorial cogently points out that all too often—and too often because of thoughtlessness—persons supporting protest actions have forgotten to inquire about the other side.

I insert the editorial into the RECORD at this point:

#### THE MORATORIUM—WHAT ABOUT HANOI?

The Advocate congratulates Denison University's faculty and students for starting a dialogue with their non-academic community on national morality and goals. Professors and mature students will understand that we do not condemn them for speaking, that we have a right—and a responsibility—to praise or criticize their words and philosophies.

We admit that the non-academic community has no official voice in the course an academic community plots toward a liberal arts education. But when the results of that education call for a public action, the matter of academic freedom and license is no longer an issue. May we all agree that the goal of a liberal education—whether attained inside or outside a college—is an improved society of men?

In today's Advocate professors and students call for a public action in "An Open Letter To President Nixon"—a part of their Vietnam Moratorium. It's a sincere letter—full of "wonder," pathetic pleas, honest admissions, soul searching and bad logic. Some of their other written moratorium material is not sincere—at best misleading, at worst dishonest.

All of us wish the President could grant their request to end the war "now." As one of their contemporaries, a Vietnam combat veteran, said, "They want the sun, and the moon and the stars—and they want them next week. I wish we could do it."

These professors and students have cast themselves in the role of peacemaking. We say, "Welcome aboard, may we all move toward peace together." Let us start by agreeing that the true peacemaker must consider the past, present and future roles of each antagonist.

Their letter on the President is more important for what it does not say than what it does say. Every war in the history of man was a mistake. We have made mistakes in this one. The letter makes no mention of mistakes or atrocities by Viet Cong or Hanoi.

Professors and students failed to use a single sentence for a peace plea to the other side or to offer to make one in his behalf. Nor did they ask the President what North Vietnam could do to encourage his peace efforts.

They ask too much of their country.

They offer little of themselves in return, except "wonder" and a glib tongue.

We have something to ask of them. Will the professors and students now spend an equal (at least) amount of time, energy and talent speaking for their country? Will the students and professors at Denison ask their talented national leader, Sam Brown, to duplicate this moratorium on Dec. 15, with the peace plea directed to Hanoi?

#### SLANTED EDUCATION AT UNIVERSITY OF MARYLAND?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WYMAN. Mr. Speaker, a continuing source of perplexity for many American parents is where their youngsters get the attitudes and ideas they come home with. In particular, they are distressed when son or daughter comes home from college hostile toward the home and system that made it possible for there to be a college in the first place.

Of interest in this connection is a recent report set forth in the interesting publication "In a Nutshell," volume 22, No. 10, which refers to a certain situation at the University of Maryland as part of the explanation. We are all for both sides in the learning process, but not for one side, especially to impressionable adolescents in formative years. Such misorientation is a disservice to the cause of objectivity in education.

The article follows:

#### READING LIST FOR ORIENTATION AND REGISTRATION

Many parents wonder why they send one type of son or daughter to college and another kind comes home. Why do some of the kids turn into radicals? There are many reasons, including the universities themselves. Take the University of Maryland, for example. Freshmen preparing to enter the school were recently furnished a booklet regarding Orientation and Registration which stated: "Only three steps are necessary to arrange for attending Orientation and Registration: A. Fill out the four enclosed cards. B. Enclose a check . . . for \$13 . . . to the University of Maryland. C. Read at least one of the following books:

*The Autobiography of Malcolm X*, by Mason Little

*Black Power, the Politics of Liberation in America*, by Stokely Carmichael and Charles V. Hamilton

*Concerning Civil Disobedience*, by Abe Fortas

*Crisis in Black and White*, by Charles Silberman

*Excellence: Can We Be Equal and Excellent Too?* by John W. Gardner

*Invisible Man*, by Ralph Ellison

*The Other American*, by Michael Harrington

During Orientation, you will informally discuss the issues raised in the book which you read."

Not one of the authors is a conservative—not even "middle of the road." Carmichael is, of course, familiar to all of our readers; Harrington is a Socialist; Abe Fortas is another well-known left-liberal, etc.

While we are not implying that the administration or faculty of the University of Maryland is Communist-dominated, we can, we believe, assume that it at least leans left. Otherwise why were no pro-American, patriotic books listed?

Is it any wonder that so many freedom-loving Americans were dismayed and concerned when, in January, 1967, the U.S. Supreme Court ruled that a teacher may not be fired for being a Communist? "No court," said Justice Tom Clark in the dissenting opinion, "has ever reached out so far to destroy so much with so little." This decision left the doors wide open to the Reds to obtain positions in our schools and undermine the basic American curriculum with Marxist teachings.

There is no way, of course, to know how many Reds are today teaching in our schools and universities, but the attitude of some of our supposed educators makes us fear the Reds are indeed having their influence on our children. Remember that Lenin once said that if he were given control of the education of a nation for one generation that country would always be Socialist.

#### IGNORANCE AND THE LAW

### HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LIPSCOMB. Mr. Speaker, a major series of 10 editorials, "Ignorance and the Law," was recently broadcast by KFVB, Los Angeles. These editorials propose the teaching of basic law in public schools as an important but completely overlooked need whereby our American children may be taught respect for law and order, the rights of others, and the civil liberties we are prize so highly.

The "Ignorance and the Law" series was researched and written by Mr. Gene Fuson, editorial director of KFVB and was aired on KFHB during June 1969, by Mr. Gordon Davis, vice president and general manager of KFVB. The response to this series has been immediate and overwhelming. Support for the idea of teaching basic law in our public schools has come from private citizens, as well as from educators, legislators, jurists, law-enforcement officials, and leaders of minority groups. As a sample of the support building for this proposition, a resolution supporting the teaching of fundamental law and basic statute law as a major course from kindergarten through the 12th grade was passed by the Los Angeles City Council, the Los Angeles County Board of Supervisors, the Southern Section of the California Teachers Association—representing some 90,000 teachers—the Los Angeles Junior College Board of Trustees, and Council No. 42 of the Teamsters Union. In addition, the Los Angeles Junior College also began planning an \$80,000 project to teach law on educational TV. The California Bar Association has also a strong interest in the proposed program.

I heartily congratulate KFVB for its outstanding series of editorials, "Ignorance and the Law." Our Nation is built on the rule of law and the teaching of courses on fundamental law in our schools is perhaps the most logical approach to fostering respect for law and order among our young citizens. The KFVB proposal is a timely effort to rekindle belief in law and order and respect for law in America. I strongly endorse the proposal and would personally like to see the teaching of courses in fundamental and basic law become a part of the major subject curriculum in all schools throughout the Nation. The KFVB proposal deserves the serious consideration of all lawmakers.

The above-mentioned material follows:

#### IGNORANCE AND THE LAW

##### NO. 1: IGNORANCE IS NO EXCUSE

As a nation, we Americans like to think that we are "a nation of laws—not a nation of men."

We like to say that we are a democracy within a republic; that the law of the land is supreme.

But is it . . . really?

Or is *ignorance* of the law supreme?

We say we are a nation of laws . . . not a nation of men. Yet, at no time since the Civil War, has our nation been more distraught over a single home issue than it is now, over law and order . . . Or rather, the lack of it.

We concern ourselves greatly with the keeping of order when a rebellious youth rampages against "The Establishment," . . . as he likes to call it.

He creates havoc in his demonstration, saying, in effect: "To hell with the law" . . . then he proceeds to make his own law.

Now observe this same youth *between* his lawless outbursts. He chooses up sides for a game of impromptu football, or baseball, or volleyball, then follows the rules to the letter. In addition, he insists that all other players do the same.

We must ask: Why does he ignore the law in one area, and insist on it in another?

The major reason is that he has been *taught* the rules of football, baseball and volleyball from his earliest school days.

Ironically, part of the very law he ignores or defies, the California Education Code, requires that he receive physical education for 20 to 40 minutes a day or he can't graduate.

He is *required* to learn the rules of athletic games. But nowhere in that same California Education Code is ANY student required to learn the rules he must live by for the rest of his life . . . THE LAW OF THE LAND.

We require of all persons, that ignorance of the law be no excuse for breaking the law . . . yet we equally demand that our children enter a life for which they have never been taught the legal rules.

Ignorance of the law is no *excuse*. But is it a *reason*?

We'll talk about that tomorrow.

##### NO. 2: NO BOOKS—NO CLASSES

Our city, our state, our nation stand with their backs to the wall, beset by lawlessness and turmoil among our youth; a growing lack of law and order.

We say that ignorance of the law is no excuse. But could ignorance be a reason?

Do we actually promote that ignorance when we fail to teach the fundamentals of law in our schools?

This is no attack on education or on educators. The specific study of the fundamentals of law is not and has never been a major subject in the education system in our country . . . or in any other; not in the way we teach language or history.

The only people that ever carefully schooled their children in the rules by which they had to live were the ones we now refer to as "savages."

The ancients who lived in tribes carefully schooled their children in tribal laws. Their reason: survival. The alternative: death.

In 1765, Sir William Blackstone sorted and codified the laws of England for the first time. He wrote an essay on the natural rights of man. From Blackstone came the basis of our American law.

From Blackstone we copied almost word-for-word The Bill of Rights. But Sir William was in fact, *not* a great justice. He was a school teacher.

As early as 1690, in our land, the American people decided that the teaching of tribal law . . . the law of the land . . . was better left to the home. And so it remained . . . by tradition.

The "law" a child learns in school today, is the Constitution; the mechanics of courts and legislature . . . the size and shape of government. But these are civics and social science; not law.

In his real world, he faces the law of installment credit, contracts, mortgages, public property, citizen rights and legal responsi-

bilities, equity, tax laws, labor law, civil and criminal law: *statute law*.

The 50-million youngsters now in our public schools will have used six *billion* textbooks in 12 years. Yet, they will never see a single textbook on the fundamentals of law. None has ever been published.

We will teach them the laws of grammar. But the laws of the land, they must learn by trial and error . . . or by trial and conviction. More about that, tomorrow.

##### NO. 3: NO TEACHERS—NO DEFENSE

Americans will spend tens of billions of dollars this year to catch, punish and correct people who violate the tribal rules . . . the laws of the land.

Most violators will know little or nothing about the law they broke.

But ignorance is no excuse.

Sharpshooting sales bunco artists will steal another six million dollars from consumers. Victims will scream in anger.

But in the end, they will examine the law . . . and pay the bill because ignorance is no defense.

We will rear lawlessness blamed on white people, black people, law enforcement, the courts, unemployment and overwork. We'll blame it on inhibitions, free love, Dr. Spock and the weather . . . communists, militants, peaceniks, parents and pot.

Nobody seems to blame it on plain old ignorance. That is: a simple lack of knowledge.

And we will continue to propagate and promote ignorance by teaching children *nothing* of fundamental or statute law in our homes, or in schools.

At home, we don't have time.

So we'll pay \$12,000 to buy Junior 11,000 hours of public schooling. He will work his way through 125 textbooks. But no one will be on the laws of the land, under which he must live from the cradle to the grave. Nowhere is a single textbook published on law for grade school students.

We have 1,930 colleges and universities. But not one single class to teach teachers how to teach law in the public schools.

Law is the backbone of our society. And without it, we could not survive as a nation.

Yet, we have no books, no classes and no teachers to teach it.

What it tells us is this: Junior may graduate with honors, a bright young man in the eyes of society.

But in the eyes of a judge, he is inarticulate, uninformed and incoherent because he knows nothing of the most important rules in our land.

And *THAT* is, ignorance of the law.

More about that, tomorrow.

##### NO. 4: NO PLACE TO LEARN

There are five things that make us . . . or any people . . . a nation.

We need *territory* to call our own; and a *defense* force to protect it. We need *work* on which to base our economy; *taxes* to support the organizations, and *laws* to regulate our behavior and maintain order.

If one dies, they all die.

What's bugging us right now is that we have sufficient law, but our order is breaking down . . . primarily among our young people in the 15-to-25-year age group.

For the past ten years, more and more young people have been refusing to recognize and respect the tribal laws . . . the rules of the game . . . the laws of the land. Call it what you will.

We hold that ignorance of the law is no excuse for breaking it. We also know there is a generation gap.

But where does it start?

We know that children form their basic attitudes in their kindergarten years. That includes their ideas of fair play, responsibility; law and order . . . tribal law.

It used to be that they learned it in their homes, mostly from their mothers. But not any more.

In World War II, 25 years ago, Mom was

forced to get a job, and the word "baby-sitter" became part of our language.

Now, 25 years later, women hold 40 percent of the jobs. More than half of the employable women, some 28 million, are wage earners, and a vital part of our economy.

And now we have our new term: "generation gap."

It is generally recognized that children now learn far less of tribal law responsibility at home than in years past.

Add to this, the fact that it has never been part of our public education system to teach children the law of the land the way we teach them the laws of mathematics . . . or grammar . . . or football. We don't even publish any textbooks on law for grade schools . . . or teach teachers how to teach it.

We don't teach law at home.

We don't teach law in the schools.

So is it really so strange that our youth is trying to make its own law . . . or tear down what there is?

KFWB asks: How good is a law system when nobody knows very much about it except the judges who administer it; the lawyers who practice it, and the policemen who enforce it?

We'll talk about that, tomorrow.

#### NO. 5: NO "QUEENSBURY RULES"

If there is anything more typically American than our respect for wealth and material possessions, it's our national love affair with equality and justice.

In other words, Americans beef a lot about other people who don't play fair.

We tell our children that crime doesn't pay . . . that cheaters never prosper . . . that it isn't whether you win or lose, but how you play the game. The small child's universal phrase for a violation is: "No fair." Grownups boo the referee and yell, "Kill the umpire," for the same reason.

Indeed, good sportsmanship and playing the game according to a "Queensbury Rules" concept is so important to us that we wrote it into law in the California Education Code. Sections 8551 and 8571 require that every child have 12 years of physical education as part of his public schooling.

But what of the "Queensbury Rules" of society . . . the rules by which we must play the game of citizen from the cradle to the grave.

Those rules are the law of the land: the Federal Code; the California statutes; city ordinances.

The "Queensbury Rules" for being an American are the principles of contract law; of taxes; of equity, of civil law, private law . . . common law and criminal law.

Citizen rights are one phase; citizen responsibilities, another.

America was founded by people seeking justice under the law. And we have been working toward that end for nearly 200 years.

It is paradoxical that after 200 years, we carefully teach our children all of the rules of language, athletics, mathematics, personal health and safety, and law for the operation of a motor vehicle.

Yet nowhere, except by hearsay, guesswork, intellectual osmosis, or trial and error do we even try to teach children the most important rules of all . . . the ones by which society demands that they live.

Among youth who are *not* taught law, crime rates are increasing by 15 to 30 percent a year. In the one area where they are taught the law, crime rates are dropping by three to ten percent a year.

More about that on Monday.

#### NO. 6: IF WE TEACH—THEY CAN LEARN

Our American system has always held that ignorance of the law is no excuse . . . no defense, for breaking the law.

At no time in American history have we

been more threatened by the problem of people who do break the law.

At no time have we tried harder and achieved less to find a solution to our dilemma than right now.

Law enforcement analysts noted a sharp increase in juvenile delinquency 20 years ago. What little action we took was obviously ineffective.

Since 1950, crime rates have been climbing between 16 and 30 percent a year . . . *seven times faster than population.*

Most of it is among young people who know little or nothing about the laws under which they, and we, are required to live. They don't know because we have neither the books nor the teachers to teach them.

The only area in which young people are taught the specific rules and penalties is in the military service, and they say their crime rates are *not increasing*, but *decreasing*.

Every recruit is given a full course on the Uniform Code of Military Justice. He learns the rules of behavior the way he learned the rules of football.

The Navy says its crime rate has dropped 30 percent in ten years. The Air Force says its crime rate is dropping by ten percent a year. The Army supplies no figures, but says its crime rate is in a steady decline.

Military people are hard-headed. They believe that if you want people to obey the rules, you first have to tell them what the rules are.

We civilians don't subscribe to that. At least, we haven't, yet.

So our graduating student this year will know all the major rules in his academic subjects, and will then set out to play the game of being an American citizen; an American adult.

But the rules of that game are called statute law. And on that subject, he is mute, blind, illiterate.

Would you buy fire insurance on dirt and rocks if you thought it was required by law? More than a million people do exactly that. We'll talk about it tomorrow.

#### NO. 7: FIRE INSURANCE ON DIRT

Say ignorance of the law is no excuse. If someone required you to buy life insurance on a granite boulder, you'd be outraged. A rock has no life and cannot die.

But more than a million Californians are buying fire insurance on dirt that won't burn. And they make no protest.

Why?

Because they *think* it's the law.

Here's how it works: Virtually all GI Home Loans in California are handled through mortgage companies that are *not* state or federally chartered. Chartered lenders find the GI interest rates too low.

So the mortgage companies, as standard practice, tell the GI buyer he must buy fire insurance to cover the entire amount of the loan . . . the buildings and the land. Further, *they* suggest the insurance company.

In most instances, the cost of the structure amounts to 25 to 40 percent of the total purchase.

If the house burns down, the policy covers only the cost of the building, so there is no possible way in which the GI homeowner can ever use more than 25 to 40 percent of the fire insurance he is forced to buy.

State and federally chartered institutions are prohibited by law from requiring fire insurance to cover anything beyond replacement cost of destructible property.

There are now more than one million GI Home Loans in California, insured for 12 billion dollars. *Eight* billion of this is for the land upon which the houses are built. All eight billion of it is insured against destruction by fire.

But not one square inch of it will ever burn.

GI's have been buying fire insurance on California dirt for 20 years, because most of them think it is required by law.

But it isn't.

There is in fact, no law that requires anyone to buy fire insurance on dirt.

Ask your legislator.

He can tell you how bills to correct this abuse always die young in the legislature.

Don't be angry, if you've been gouged. Because you didn't know.

Ignorance of the law is no excuse.

More about that, tomorrow.

#### NO. 8: THE IGNORANT PAY

Even while KFWB's editorial series on Ignorance and the Law is being broadcast, a story is breaking in Sacramento that is current testimonial of the need to teach citizens the laws of the land.

That story is about six thousand ordinary people, in Marin, Orange, Los Angeles, San Diego, Oakland and San Francisco County, many of them, poor people.

They bought automobile insurance from the Key Insurance Exchange. It was a new company, a small one. And they paid their premiums on a monthly basis.

When they signed their policies, they saw a list of 22 conditions in the contract stated in the usual legal language.

If any of them tried to read the conditions, they either didn't understand them or they ignored them, because Condition 22 said they were joining a "reciprocal" insurance company.

Only people who have been taught the law and how to read contracts know that a "reciprocal" insurance company is one in which the policy holders insure each other.

And now the 6,000 policy holders of Key Insurance Exchange have learned what this means the hard way.

Because Key Insurance Exchange couldn't sell enough insurance to stay afloat, it recently went broke.

The State Department of Insurance took over and found that the company owed between \$350,000 and \$400,000.

Those Key policy holders are now learning that "reciprocal" means that if the company goes broke, the policy holders have to pick up the tab, and pay off the debt.

This happened because these 6,000 California citizens had never been taught how to read a contract, much less, how to understand one.

They simply didn't know.

But in our society, we have a rule: Ignorance of the law is no excuse.

More about that, tomorrow.

#### NO. 9: WHAT COULD WE TEACH THEM?

It is one of the great paradoxes of America that when it comes to teaching the law to our children, we stand right now where we did 70 years ago, when we first decided to teach them about health and personal hygiene.

Health and hygiene education are now required by the same law that we don't teach our children. And thanks to America's school teachers, as well as its physicians, we have a fantastically healthy society. Our children are bright and vigorous and strong.

They are so bright and so strong, in fact, that there is virtually nothing our kids can't wreck, if they really put their minds to it.

And their demonstration of that fact is a source of our national agony.

Until now, it has not been "The American Way" to teach our children the laws of the land, the tribal rules of being an American. And even if we should decide to teach them, it would be a gigantic task.

Our educators would have to write textbooks, lesson plans; curriculum guides; teaching guides and workbooks, because there are none now. They would have to prepare special materials to teach teachers

how to teach law, because we have neither trained teachers nor materials now.

And what could our children learn in that study?

They could learn about public law, which covers taxes and crimes against the people; private law, which includes disputes between persons. They could learn about contracts. They could learn common law . . . the prerogatives of proprietorship . . . private property; damages. They could learn equity, which says: No wrong shall be without adequate remedy.

They could learn statute law, the specific rules under which we must live for our entire lives.

Our children could learn that the first law on personal liberties was passed, not by an American, but by a Greek named Solon, 2,000 years before Columbus even discovered America.

We don't teach it, but men had laws long before we even had written language . . . or doctors.

And all we had before that was . . . teachers.

More about that tomorrow.

#### NO. 10: IN SUM—TEACH LAW

Our people and our nation are deeply troubled by gross violation of our social guidelines: the law of our land.

We say ignorance of the law is no excuse for breaking the law, but crime rates are climbing seven times faster than population. Our order is breaking down.

We demand that people live by the law. But we do not teach them what that law is.

KFWB believes that if we, as a people, are obligated to abide by the rules, we must also be obligated to teach our people what the rules are.

In law, those rules are called, "statutes." We have neither books nor teacher expertise on this.

But we do have the means to acquire the books and expertise.

KFWB does not propose a specific curriculum. This station is an observer; a reporter, and in this case, an advocate.

Designing the course to be taught is the job of the educators, and only they can do it.

We believe that in the study of *fundamental* law, our children will find reflected every major social advancement in recorded history of mankind.

In *statute* law they will find the day-to-day rules that govern the money we earn; the land we own; the disputes we have; the agreements we make . . . even the purity of the food we eat.

We believe that having a legally informed citizenry is at least as important to the future of our social order as having a politically-informed electorate.

We believe that teaching our children the specific laws under which they are required to live, is at least as important as their knowledge of fine art. Our Education Code requires that they be taught 12 years of fine art in our public schools but no law.

KFWB believes that ignorance of the law is a major element of social disorder. And the only antidote for ignorance of any kind is education.

In sum: if we expect our children to abide by the rules, we should first teach them specifically what the rules are, and kindergarten seems to be an excellent place to begin.

It's as simple as that.

#### A DIGEST: IGNORANCE AND THE LAW

Why don't we teach our children the law of the land?

We are fostering ignorance of the law when the most basic rule of our American

legal system is that ignorance of the law is no excuse.

Ignorance is no excuse.

But could it be a *reason*?

We say we are a nation of laws, not a nation of men, and that the law of the land is supreme.

But is it, really?

Or is ignorance of the law supreme?

At no time since the Civil War, has this nation been more distraught, more concerned or more threatened by a single domestic issue than it is right now over the issue of Law and Order . . . or more accurately, the *lack* of it.

And at no time in American history have we floundered more helplessly in our frustrated search for a solution to the problem.

We have plenty of law. What's really bugging the whole country is that our *order* is breaking down.

Stated in simple terms, order is the business of observing the rules of the game . . . the law of the land . . . tribal law; call it what you will.

Rebellious youth rampages against "The Establishment," as he likes to call it, saying in effect: "To hell with your law," and sets out to make his own law. Then the policeman has to come and restore order.

That same youth will set up a game of impromptu football or volleyball, or baseball, and follow the rules to the letter. In addition, he will insist that all others in the game do likewise.

Why does he defy the law in one area and insist on it in another?

One reason is that he has been taught the rules of football, baseball and volleyball from his earliest school days because it is required by law. The California Education Code requires he be taught physical education . . . the rules of the game . . . for 20 to 40 minutes a day for 12 years, or he cannot graduate.

But nowhere in that education code is anyone required to teach one shred of the laws we must live by, from the cradle to the grave. But for one exception: we are required to teach the rules for operating a motor vehicle.

This is no attack on education or our educators. Fundamental law is not, and never has been, a major subject in our education system or any other. Not in the way we teach the rules of grammar, or math, or science . . . or football.

The only peoples that ever taught their children the specific rules were the ancient tribesmen. They instructed all children in tribal law. They had good reason. The alternatives were survival or death. So they taught their children the rules.

Those were the people we now call "savages."

We now have 50 million youngsters in grade schools. They will work their way through 6,125,000,000 textbooks in 12 years. They will use about 125 textbooks each.

Right now, we couldn't teach them the law of the land even if we wanted to, because there is not a single textbook published on fundamental law for kids in any grade.

Besides that, we have no teachers trained to teach it.

Of our 1,930 colleges and universities in the United States, there is not one that teaches a single class to teach teachers how to teach law to grade school students.

Nor is there a lesson plan or a curriculum guide published.

What this all tells us is that we are propagating and promoting ignorance of the law, while at the same time demanding that ignorance of the law be no excuse for breaking it.

Some educators become defensive about this and say, "Yes, but we do teach law in the schools."

What they teach in school is the Consti-

tution, the mechanics of the legislature, the size and shape of government.

Those subjects are civics and social science, not law.

The real world is one of contracts, mortgages, installment credit; property rights and legal responsibilities; tax law, labor law, civil and criminal law . . . all *statute* law.

We teach our child the laws of grammar and football, but the laws he must live with for his entire life, he must learn by trial and error, or by trial and conviction.

We are deeply troubled by crime and disobedience.

Depending upon whose version you receive, we blame it on white people, black people, law enforcement, the courts, unemployment, overwork, inhibitions, free love and the weather; Dr. Spock, communists, liberals, conservatives, militants, parents, peaceniks and pot.

Nobody seems to want to blame our trouble on ignorance, that is: a simple lack of knowledge.

In 1765, Sir William Blackstone sorted and codified the English laws and wrote an essay on the natural rights of man. From Blackstone came the basis for American law, and from him we copied almost word for word the "Bill of Rights."

Men of the legal profession like to refer to Blackstone as "one of the great jurists." He had a tremendous impact on the law alright. But Blackstone wasn't a lawyer; he was a school teacher.

After Blackstone, it became tradition in our school system not to teach the law. Children learned most of their ideas of law and order, fair play and responsibilities from their mothers at home.

But with World War II, two things happened that changed that situation: Mom was forced to go out and get a job, and the word "babysitter" joined our language. Now, 20 years later, 40 percent of our labor force is women, and we have two more new words in our language: "generation gap."

It is no accident that it was also 20 years ago that law enforcement analysts began buzzing about a serious rise in juvenile delinquency. Nor is it coincidence that the children born about that same time are now the ones in turmoil.

We know that with people, actions are the result of attitudes; attitudes result from belief; and belief results from learning, no matter what the source . . . parent, teacher, textbook or experience.

We know that crime rates are climbing seven times faster than population, and particularly among the young civilian males.

So we checked in the one area where those same young civilian males are thoroughly schooled on the specific laws they must live by: the military service.

Every recruit is taught the Uniform Code of Military Justice. He knows exactly what the violation is and exactly what will happen if he commits it.

While civilian crime rates soar, the Navy says its crime rate has dropped 30 percent in 10 years. The Air Force says its crime rate is dropping 10 percent a year. And the Army says its crime rate is in a steady decline, although no figures were available.

If the Pentagon is telling it like it is, perhaps our educators should take a closer look at how the military does it.

The one thing more American than our respect for money and material possessions is our love affair with justice and equality. We're always beefing about other people who don't play fair.

To signal a foul, our little children shout: "No fair." Their parents boo the referee and yell, "Kill the umpire," for the same reason.

We will demand the "Queensbury" rules be observed in nearly everything we do.

We will pay \$12,000 to buy Junior an 11,000-hour public education, but the part we leave out of it is the "Queensbury" rules of being an American: the laws of the land.

On the rostrum at graduation, Junior will shine out bright and clear: a whiz at grammar, math and history.

But when he tries to read a contract, or stand before a judge, he will be deaf, mute, blind and illiterate.

One must ask: How effective can we expect our law system to be when nobody knows much about it, except the judges who administer it, the lawyers who practice it, and the policemen who enforce it?

Turmoil is upon us and we pound the table and thunder that ignorance of the law is no excuse.

But tomorrow morning, and every morning, five Supreme Court Justices will mount

the bench to tell the other four how the law should work.

KFWB recognizes that we have no tradition of teaching the fundamentals of law and statute law to our children; no books, no teachers and little know-how.

But we demand that they live by the rules for their entire lives, so teaching them the rules seems like a logical idea. And kindergarten might be just the place to begin.

## SENATE—Friday, November 7, 1969

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, at this season of remembrance look upon the unrest, the strife, and the warfare of the world and send Thy healing grace.

O Thou who "makest wars to cease unto the ends of the earth," provide for mankind a deeper and more lasting peace than the world has ever known.

O God to whom the cry of the captive has gone up in every age, we remember the sons of this Republic now imprisoned in distant lands, lonely sufferers, bereft of comfort, family, and friends. Be their companion in solitude, their strength in weakness, their hope in despair. Let sacred memory and the prayer of faith minister to their deepest needs. Rebuke the cruelty of their keepers, give fit employment to their minds, and finally, by Thy grace, deliver them from bondage to home and family with honor untarnished and character unstained.

O Thou who hast said, "Love your enemies, do good to those who hate you, and pray for those who despitefully use you," we pray for those who call us aggressors, imperialists, and enemies that they may discern the true intent of our hearts and with us learn the ways of peace.

Through Jesus Christ, our Lord. Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 6, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, in which it requested the concurrence of the Senate.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 2546. An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes; and

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal year 1970 to \$610,000,000.

### HOUSE BILL REFERRED

The bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

### SENATE RESOLUTION 280—SUBMISSION OF RESOLUTION AFFIRMING THE SUPPORT OF THE SENATE FOR THE PRESIDENT IN HIS EFFORTS TO NEGOTIATE A JUST PEACE IN VIETNAM

Mr. SCOTT. Mr. President, on behalf of the distinguished majority leader and myself I submit a resolution for appropriate reference.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

Mr. SCOTT. I also send to the desk a list of additional cosponsors, and ask unanimous consent that their names be added to the resolution.

There being no objection, the list of additional cosponsors was ordered to be printed in the RECORD, as follows:

Senators Allen, Burdick, Byrd (Va.), Byrd (W. Va.), Dodd, Gravel, Holland, McClellan, McIntyre, Metcalf, Proxmire, Spong, and Talmadge.

Senators Griffin, Percy, Smith (Maine), Allott, Jordan (Idaho), Gurney, Miller, Thurmond, Pearson, Hansen, Curtis, Hruska, Boggs, Hatfield, Dole, Bennett, Packwood, Cook, Williams (Del.), Young (N. Dak.), Mathias, Cotton, Baker, Tower, and Mundt.

Mr. SCOTT. Because of the absence of some Senators on both sides of the aisle who would, I feel, want to join in this resolution, I ask unanimous consent that the resolution lie on the table for 2 legislative days, through the close of business Tuesday, November 11. This should not be considered as a precedent, but is requested only because of the unusual present circumstances.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The resolution (S. Res. 280), submitted by Mr. SCOTT (for himself, Mr. MANSFIELD, and other Senators), which reads as follows, was referred to the Committee on Foreign Relations:

#### S. Res. 280

Resolved, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war