

By Mr. LONG of Louisiana:

H.R. 14856. A bill to amend the Public Health Service Act to provide for the payment of a rehabilitation pension to certain persons released from Public Health Service hospitals after treatment for leprosy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14857. A bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands; to the Committee on Merchant Marine and Fisheries.

By Mr. PURCELL:

H.R. 14858. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. STEIGER of Arizona, Mr. UDALL, Mr. LUJAN, Mr. FOREMAN, Mr. McCLURE, Mr. HANSEN of Idaho, Mr. OLSEN, Mr. MELCHER, Mr. BURTON of Utah, Mr. LLOYD, Mr. POLLOCK, Mr. TALCOTT, Mr. TUNNEY, Mr. PETTIS, Mr. VAN DEERLIN, Mr. JOHNSON of California, Mr. SISK, Mr. BARING, Mr. WOLD, Mr. ANDREWS of North Dakota, Mr. KLEPPE, Mr. REIFEL, Mr. BERRY, and Mr. FOLEY):

H.R. 14859. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. RHODES (for himself and Mr. LIPSCOMB):

H.R. 14860. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. WYDLER:

H.R. 14861. A bill to amend the Miller Act to preclude recoveries on prime contractors'

bonds of extensions of credit irresponsibly made to subcontractors; to the Committee on the Judiciary.

By Mr. BOLAND:

H.J. Res. 986. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.J. Res. 987. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on House Administration.

By Mr. FOREMAN:

H.J. Res. 988. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.J. Res. 989. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.J. Res. 990. Joint resolution to amend the joint resolution entitled a "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America" to permit the display of all-weather flags at night and without regard to weather conditions; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 991. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PERKINS:

H. Con. Res. 451. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H. Con. Res. 452. Concurrent Resolution condemning the treatment of American prisoners of war by the Government of North

Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself and Mr. BURKE of Massachusetts):

H. Con. Res. 453. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. WAGGONER:

H. Res. 710. Resolution providing funds for the Committee on House Administration; to the Committee on House Administration.

By Mr. BROOMFIELD:

H. Res. 711. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first-use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

By Mr. FISHER (for himself, Mr. ASHLEY, and Mr. STUBBLEFIELD):

H. Res. 712. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H. Res. 713. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROWN of California introduced a bill (H.R. 14862) for the relief of David Hernandez-Luna and Alicia Leon Guerrero de Hernandez, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

334. The SPEAKER presented a petition of the Kadena-son Villagers' Rally for Immediate Withdrawal of B-52, Okinawa, relative to withdrawal of B-52 bombers from Okinawa, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

JAMES BATTLE: "WHAT'S RIGHT WITH AMERICA"

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BUCHANAN. Mr. Speaker, it is my pleasure to call to the attention of the House a very meritorious enterprise. James Battle, a student at Virginia Polytechnic Institute, is author of a "What's Right With America" program there. Jim is a senior, an A-student, with a major in space and mechanical engineering. He is a member of the student senate at VPI.

His father, Laurie C. Battle, is known and respected by all the Members of this body and is presently the counsel and staff director of the House Committee on Rules. Laurie Battle distinguished himself as a Member of the Congress serving the people of the Birmingham area, whom it is now my pleasure to represent. He was author of the Mutual De-

fense Assistance Control Act of 1951, better known as "the Battle Act." After 6 years of outstanding service to the then Ninth District of Alabama, he did not seek reelection to the House. He is well remembered with great appreciation by the people of my city.

As the newspaper article enclosed hereafter makes plain, Jim Battle is a student leader representative of the finest qualities of American manhood. It is a pleasure to call to the attention of my colleagues this example of a fine son following in the footsteps of his distinguished father.

The article follows:

SGA SENATE VOTE SUPPORTS BATTLE'S "AMERICA" PROGRAM

(By Art Cover)

The Student Senate voted Tuesday night to support the program "What's Right with America" to be held November 18 on the Virginia Tech campus.

Senator Jim Battle spoke about the program stating that despite the fact that there are many things wrong with America, there also is "a lot our nation has to be proud of."

Battle did not give the exact details of

the program for the rally because "its policy will be formally made at a committee meeting Thursday." The committee includes members of the sponsoring organizations. He did say that it would be "in contrast to aspects of the Moratorium demonstration," but would not be "pro-war."

The program tentatively planned includes a "one-half to one hour commentary" and will feature "students and faculty members presenting prepared speeches." Battle pointed out that he was not trying to hold an anti-anti-war demonstration; rather, that the purpose of the rally is to emphasize student belief that America has a lot to be proud of.

Battle emphasized that the supporters of the program did not want people to cut classes, as the supporters of the Moratorium requested students to do, but "to come whenever they can."

Before the beginning of the Senate meeting, Battle passed a petition to the members of the Senate, requesting them to sign it. The petition read as follows:

"The Student Senate, representing the student body of V.P.I., recognizes the great need for a proper perspective of the American scene. While being aware of our nation's problems, we must also recognize that our nation has much to be proud of. We there-

fore endorse the program "What's Right with America" which has the above stated goals and which will occur on November 13, 1969, on the Tech campus. The above should in no way interfere with the regularly scheduled activities of the university." Approximately 25 of the Senators signed the petition.

Battle stated that every American Flag that could be found would be displayed.

SALUTE TO DENMARK

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FARBSTEIN. Mr. Speaker, it is my pleasure to insert in the RECORD the statement delivered by my good friend, Charles H. Silver, president of Beth Israel Medical Center on October 23, 1969. At this "Salute to Denmark" Dr. Karl Henry Koster, who spearheaded the rescue operation of the Danish Jews, was honored. Also present were Consul General G. F. K. Harhoff and Mr. Elliott Arnold, author of the book "A Night of Watching" Dr. Koster was presented with a plaque, in English and Danish, and a plaque has been placed at the entrance of the Beth Israel Medical Center in his honor.

SALUTE TO DENMARK

(Address by Charles H. Silver, president, Beth Israel Medical Center)

Few stories have revealed human nature as vividly as one by the immortal Hans Christian Andersen called "The Emperor's New Clothes."

The gleanings of Andersen's vast genius will never fade in the memory of man. But there is another story that has much to do with our meeting here tonight—and one of its chapters might be called "The King's New Clothes."

For it was in 1940, shortly after the sudden and brutal occupation of Denmark, that the ruthless conqueror ordained that all Jews must don a badge of shame in this land where every denomination had been granted freedom of religion for many decades.

The morning on which this hateful decree was imposed, Denmark's noble ruler, King Christian the Tenth, appeared in his court and in public proudly bearing on the sleeve of his tunic the same yellow badge emblazoned with the Star of David—identifying himself as one with his Jewish subjects.

Thus, he proclaimed the profound disgust and defiance of the Danish people and his personal decision that just as the Jews had become part of Denmark, the heart of every Dane was deeply involved and outraged by this persecution. And this is just one chapter in the thrilling story of Denmark's heroism under the heel of the Nazi invader.

The souls of men were lifted by the brave and loyal act of this people and their monarch in linking themselves with the plight of the Jews. But Denmark's finest hour was yet to come.

It came in the grey dawn of Rosh Hashonah—the Jewish New Year—October first, 1943—A grim day in the history of Nazi cruelty—A great day in the anthology of humanity.

After three-and-a-half years of occupation and oppression, Hitler decided that Denmark was to serve as a model of the means to solve the "Jewish Problem."

All Jews were to be rounded up and sent to concentration camps.

An imported striking force of Storm Troopers began to search for Denmark's 8000 Jews. The vans were waiting to pile them in like cattle.

The ship was waiting to chain them in like slaves.

The streets of every Danish city echoed with the ominous tramp of Nazi boots.

Fists and gun butts battered against the doors of Jewish homes.

The search was savage and tireless—and almost in vain.

As the incomparable Victor Borge puts it in his epic lines, it was: "Without a moment's hesitation, without a thought of self, without question, without appeal—the Danish people took the—Jews out of sight—into hiding! In attics! Into cellars! Into haylofts! Little Jewish families hidden under every bush and barrel!"

It was the story of Anne Frank multiplied eight thousand times—and that story had a happy ending—seven thousand five hundred happy endings.

That is how many Jews were rescued—seven thousand five hundred—in a Danish Dunkirk.

Hundreds of fishing boats took them to sanctuary in neutral Sweden. They sailed silently in the dead of night across ten to twelve hours of dangerous sea. The Jews lay huddled in the holds under oilskins—covered with fish—holding their breath in the fearful knowledge that the destination was death unless the courageous Danes who piloted these boats could run the gauntlet of guns and searchlights on the Nazi ships all around them.

Miraculously, they got through! The almost unbelievable courage of the Danes was matched by the Norwegians, the Finns and the Swedes.

Every Scandinavian country reacted with the same brave defiance in startling contrast to the apathy exhibited by almost every other nation which stood by and watched—practically without protest—as six million Jews were consigned to slavery and slaughter.

I have told you the end of the story first. Before they were smuggled into the boats and out of Denmark, the Jews had to be gathered together into safe hiding places—and this was done at great risk and jeopardy to their Danish fellow countrymen and friends.

One of the more prominent and populated places of refuge was Bispebjerg Hospital.

All through the eve of Rosh Hashonah until late into the night, Jews were brought to the hospital in ambulances and taxis—even buses—and put into beds as if they were patients.

Christian names were lettered on their charts for their own further safety—and Christian hands fed them and hid them until it was safe to send them in ambulances to the waterfront where the rescue fleet was waiting.

Has history ever recorded such heroism as this legendary and saintly act of the Danish people?

How can we ever do enough to demonstrate our profound admiration and gratitude?

Others who will speak here after me will tell you the names of some of those who led in this exalting and successful struggle against injustice. They will tell you that a whole nation was involved—doctors, nurses, lawyers, businessmen, workers, cab drivers, clergymen, schoolchildren, sailors, housewives, newspapermen, government officials, men and women of every status and walk of life, political figures of every persuasion.

The Danish Minister of Trade—Christmas Moller—risked his personal safety to say:

"This has become to us part of Denmark's fate and if we desert the Jews in this hour of their misery, we desert our native country."

He put into words the high resolve of four million Danes.

But how can we put into words how much we owe them?

How can we thank Denmark sufficiently—not just for saving almost 8000 Jews—but for saving the self-respect of civilization—for setting before the judgment of history an example of courage and sacrifice that will burn brighter in the memory of man than the ovens of Auschwitz and Buchenwald?

What a bright and shining example of goodness and hope in the human soul at a time of inhumanity and degradation—when the greatest horror of all was that there was not horror enough!

Perhaps our cherished friend and board member of Beth Israel Medical Center, Richard Netter, will tell us what we can do beyond today's tribute.

He is the Chairman of the Board of "Thanks to Scandinavia" and a true humanitarian.

Through Dick Netter and Dr. Carl Koster, let me say that we shall never forget our debt to the Danish people.

Like the hollow voice of the ghost of Hamlet's father wandering on the eerie ramparts of Kronberg Castle, the silence speaks from the nameless graves of millions of Jews.

It thunders across the seas that wash the shore of Denmark.

It echoes the heroic story we recall here today. It says: "Remember me . . . Remember me."—And we answer: We shall never forget.

While much of the rest of civilization looked the other way and millions of Jewish men, women and children were sent to their death—the people of Denmark risked their lives to save nearly eight thousand.

We will remember you. We will never forget.

We will never forget the eternal lesson that with the help of God the valor of man can triumph over evil.

We will never forget the courage of the Danes.

We will never forget the saviours in white worked for mankind's better self.

We will never forget.

PRESIDENT NIXON'S ADDRESS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. TALCOTT. Mr. Speaker, I hope it is clear that the "silent majority" has not yet marched or paraded. It probably will not.

Although I agreed with the intentions and the messages of yesterday's speakers, I could not bring myself to march, parade, or take to the streets on Veterans Day. I paid my respects and expressed my gratitude to those veterans—living, fighting, and dead—in a quiet private way, renewing my commitment that they shall not have served, suffered, or died in vain. I find that a large majority of responsible citizens share my views in this respect.

The silent majority, in my opinion, trust President Nixon's judgment, skill, and sincerity in extricating us from this

miserable war. The silent majority believes in our representative system of government and wants our governmental business to be conducted in the conventional constitutional manner. The silent majority is repulsed by most of what is said on the streets, resents the tactics of the curbstome diplomats, and is offended by the obscenities and misrepresentations of the street demonstrators.

The silent majority will parade neither to support the President's policy for peace nor to demonstrate its disapproval of the anti-Nixon, anti-American, and antiwar groups. Their patience and trust in our elected President, and in our venerable system of government, will continue so long as the President levels with them and so long as their constitutional rights are also respected and protected. The President can be assured that the "silent majority" will not extend its moratorium to the disrupters, degraders, and destructors lest it become a "silenced majority" like those behind the various Communist curtains.

The President should be neither dejected nor buoyed by those who attempt to dictate the principles, policies, programs, and plans of our Government by the din of street demonstrations.

I commend the President for the manner in which he is conducting the business of our Nation. The mail from my constituency strongly supports the President's plans and proposals for peace.

POLITICAL PERSPECTIVE: THE
ROLE OF THE POLITICAL PARTY

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHWENDEL. Mr. Speaker, the League of Women Voters is a nonpartisan organization. As a group it neither supports nor opposes candidates nor does it line up for or against a political party. However, league members as individuals are encouraged to work actively for the candidate or party of their choice. The league believes that more citizens should participate in political activity and that one of the barriers to greater participation is a lack of understanding of the function of the political party. The taped recording "Political Perspective: The Role of the Political Party" was produced by the league to help citizens understand what political parties are all about. On the program, Dr. Howard Penniman, professor of political science at Georgetown University discusses how U.S. political parties began, what makes them tick, and the pros and cons of reorganization along ideological lines.

A transcript of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: THE ROLE OF THE
POLITICAL PARTY

Participants in the order they are heard: Torrey Baker, Former broadcaster, Voice of America;

Dr. Howard Penniman, Professor of Political Science, Georgetown University, Washington, D.C.

(Music up and under.)

BAKER. The League of Women Voters brings you "Political Perspective: The Role of the Political Party."

(Music out.)

George Washington didn't approve of them; the Constitution doesn't mention them, and little federal legislation controls them, but we have them just the same—political parties, that is.

And this is Torrey Baker speaking to you on behalf of the League of Women Voters—a nonpartisan organization devoted to the informed and active participation of citizens in government.

Today we are asking: What is the role of the political party in the United States of America? Are parties necessary? Who needs them? These are the questions we will ask Dr. Howard Penniman, Professor of Political Science at Georgetown University in Washington, D.C.

Dr. Penniman why did our early leaders take such a dim view of political parties?

PENNIMAN. Well, of course, the Founding Fathers had never seen parties work. This is one of the interesting aspects of our parties, and one of the reasons I suppose that our parties are different from anybody else's parties, and that is that they grew up more or less spontaneously, because no one had understood that in a democratic society, since we were really the first democratic society, one did need this kind of organizing force. What the Founding Fathers had seen were the factions around the King, and the factions within the small groups of the Parliament. They had of course seen factions develop during the Revolutionary War period. In addition to that, they saw factions as divisive on issues.

What they didn't realize and there is no reason why they should have realized it, was that parties would be precisely the instrument which would cut down on the degree of divisiveness in the society, because in order to get its people elected it would have to organize some of these groups together, and the moment they organized some of them together they would lose some of the extremism that is likely to be there when they are acting in small independent groups.

BAKER. George Washington then could be called our only President elected on a nonpartisan basis. Dr. Penniman, what changed the system from that which the Founding Fathers had envisioned?

PENNIMAN. The people who founded the country had hoped that each individual member of Congress in both the House and the Senate would act as individual philosophers, so to speak, thinking about their problems, and debating them as individuals. But Hamilton found almost immediately after he became Secretary of the Treasury that if he were to get through the very broad and important proposals that he had for improving the economy of the country, he had to draw together a number of people from different sections, who would agree to give up a little here, and a little there, in order to get what was good for the country as a whole, or as Hamilton viewed what was good for the country as a whole. But in order to do this, he had to organize—so almost immediately after the new government got underway, Hamilton, who had opposed the development of faction found himself the creator of factions within the Congress and almost immediately thereafter, another author of the Federalist Papers, Madison, was organizing the opposition to the group that Hamilton had brought to the fore.

BAKER. So I suppose the next development was inevitable. If a faction—or a party—was to get its position accepted in the Congress it had to elect a majority of its people to the Congress. The only way to assure the election of a majority of its people was to go back to the grass roots and organize the voters—explaining why one faction should

be elected rather than another. And, so, all of a sudden we had political parties.

Dr. Penniman, what are the main functions of political parties in this country now?

PENNIMAN. In the first place they do select the candidates. I was looking at a piece the other day which noted that there are perhaps seventy million Americans who qualify for the presidency under the simple rules of the Constitution. Obviously, we couldn't select from among 70 million citizens. What happens is that ultimately the two parties draw it down to where we are voting for a candidate of the Democratic Party and a candidate of the Republican Party. But this is a major function of the parties to select the candidates not only for the presidency, of course, but at all levels of the society.

BAKER. And the second function?

PENNIMAN. The second function that the parties perform is that of choosing the issues which will be debated during the campaign.

Now along with this, and one which is not adequately stressed, is—in the determinings of the policies that we will discuss, by implication, the parties also will determine the ones which we will not discuss. And one of the great merits, I think, of the party system, particularly of a two-party system, some issues are left out. The issues which would most seriously divide the society, tend not to be discussed.

The fourth function that parties perform is that of organizing the government. No government requires organization so much perhaps as the American Government, since the Founding Fathers created a government which is divided between the legislative and the executive, and the legislative itself divided into two bodies, and then the courts separated from both, and in addition to that we divided the powers between the states and the national government. In order to coordinate this mass of governmental instruments, the party became almost essential.

BAKER. And the fifth function of political parties?

PENNIMAN. A fifth function is the one obviously, of the opposition party. If there is going to be a party in power that is promoting programs and organizing the government to carry out these programs, then also there needs to be an examination and a criticism of these policies if we are to have responsible government where the people can (a) learn what is going on; and (b) control that which is going on.

And the final function that I would list is the serving as a link between the citizen and his government. Most people today do not know much about what is going on inside the bureaucracy, and the Congressman serves as a link between the citizen out in Nebraska, or South Dakota, or California, and the bureaucracy which so often controls a portion of that man's life.

BAKER. There are some people who don't approve of this function of the political party and who say Congressmen should be making laws and not running errands. Dr. Penniman, you take a somewhat different view about the function of a Congressman.

PENNIMAN. He is the ombudsman that we hear so much about at the present time, which is that—serving that function of linking the citizen with his government, of making it possible for the citizen to complain, and to examine into what his government is doing. The Congressmen do pay a great deal of attention to their constituents, of either party, and that is to say a Democratic Congressman listens to the Republican citizens as well as to the Democratic citizens—he seeks to solve their problems just as much as he does those of the people in his own party, and this is an important humanizing fact, it humanizes the bureaucracy, which is far removed from the people

and it is the politician who brings the government down to the people.

BAKER. If parties select candidates, select the issues, organize the government, provide the stimulus of opposition and act as the link between the citizen and the government, they have a big and important function to perform. Are parties organized to do all that is asked of them?

PENNIMAN. Our parties are decentralized, they are multi-centered, and undisciplined and they lack an ideology. They are decentralized in the sense that there are many centers of power. There is obviously the White House; there are the leaders in Congress; there's the National Committee of each of the parties, and the state central committees, there are the mayors of the big cities. But the real point I am making is that there are all kinds of centers of power within both of the parties, all over the country, and no one segment can make the policies for all the other segments.

BAKER. This system doesn't sound terribly efficient. Why are the parties set up in this way?

PENNIMAN. They are multi-centered and decentralized basically because the organization of parties is at the state level. The laws which control parties are state laws; the laws which control elections are state laws. When we first began regulating parties with the corruption of the 1870's and 1880's, it was the states that began the regulation; when the direct primary came in to existence it was at the state level not at the national level. And each of these has had its effect upon the nature of the party system, and the only party, legally, the only party that exists is the state parties. They are undisciplined, meaning that the President or the leadership in Congress, or the leadership in some states cannot tell the individual office holder what he shall do, and the reason that they are undisciplined at the national level is because they are multi-centered and because they are state-oriented. If I owe my election to activities in the State of Wisconsin, then I am likely to reflect a good deal of the views of the people of the State of Wisconsin, and in the crunch, if the President wants me to do something, and the people of the State of Wisconsin want me to do something, I am very likely to do what the people of the State of Wisconsin would like me to do. This is obviously what happens when Southerners are asked by the President to do something and it conflicts with what the folk in Mississippi want, then they do what the folk in Mississippi want.

Now the parties are undisciplined, and they are likely to continue to be undisciplined. They lack an ideology.

Well, quite obviously, if we have the other conditions which I have described, it would be very difficult for them to pick up an ideology that would be uniform throughout the parties.

BAKER. Dr. Penniman, I gather that you would not suggest reorganizing the political parties along ideological lines. Why?

PENNIMAN. The real fact is, of course, that if you realign along ideological lines, and thus had unified parties, probably disciplined parties, that we would begin to create more than two parties, because some of these issues simply cannot be broken down two ways, or if the two major parties, as for example, now on civil rights, more or less, agree on civil rights, then any party which—or any group of people who disagree, who don't believe in the advancement of civil rights, or on the other hand who would prefer to have it move much, much faster than the two parties are prepared to go, then the only place for them to go is to create a third party.

If you have two parties where there is room for movement within the two parties, then fine, you can have some who in the Democratic Party who are opposed to civil rights, in Congress, and you have some in

Congress we think are not moving nearly fast enough. If you had rigid discipline, and rigid ideology, then both those who would like to slow things down would have to get out. We would also have to—and I think this is terribly important to recognize—if we want to have ideological alignment, then we are pretty nearly going to have to get rid of the direct primary, because a direct primary means that in each state the party is whatever the Democrats of that state, or the Republicans of that state, want it to be. And so the Democrats of Mississippi have a wholly different view of what the Democratic Party ought to be from what the Democrats of New York City believe. And the same is true of the Republicans.

BAKER. Thank you, Dr. Penniman, and now if I may sum up: Political parties make democracy work. Without parties citizens would find controlling their government a hopeless task. Political organization is essential if a large society is to operate with even a moderate degree of success. Parties provide that means.

Thanks to Dr. Howard Penniman of Georgetown University for giving us "Political Perspective" on the role of the political party. This is Torrey Baker speaking on behalf of the League of Women Voters.

ASSEMBLYMAN NORM ANDERSON, WISCONSIN CONSERVATION LEGISLATOR OF THE YEAR

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. KASTENMEIER. Mr. Speaker, while more people in our Nation are living more comfortably than ever before in history, brought about through spectacular gains in methods for producing the needs and luxuries of life, the technological advances responsible for this accomplishment have been achieved at the expense of an increasing deterioration of the environment, the pollution of air and water, a loss of living space and of wild nature.

There are, however, a number of individuals who are concerned with the deteriorating environmental quality. One such person is Wisconsin Assemblyman Norman Anderson of Madison, who happens to be one of my constituents and a friend. During his tenure in the Wisconsin Assembly, Norm Anderson has consistently distinguished himself in the field of conservation legislation. Recently, he was given special recognition for his many accomplishments when the Wisconsin Wildlife Federation named him the Conservation Legislator of the Year.

Mr. Speaker, I join with my fellow Wisconsinites in congratulating Norm Anderson for this singular and richly deserved honor. A recent November 5 Madison, Wis., Capitol Times article, written by staff reporter Whitney Gould, describing Assemblyman Anderson's activities follows:

NORMAN ANDERSON LEADS BATTLE TO SAVE OUR ENVIRONMENT—NAMED "CONSERVATION LEGISLATOR OF THE YEAR"

(By Whitney Gould)

Polluted waterways and besooted air, a landscape littered with throwaway cans,

birds dead from pesticides—all are evidence to some that the battle to save the environment may already be lost.

Assemblyman Norman C. Anderson (D-Madison) is not one of them.

"I was more pessimistic four or five years ago than I am now," he says. "Then we felt we were voices in the wilderness. Now at least someone is listening."

Anderson, now in his sixth term in the Assembly, was named Conservation Legislator of the Year recently by the Wisconsin Wildlife Federation. He was among those honored Saturday at a banquet at the Park Motor Inn.

The 41-year-old Assemblyman's most visible project during the current legislative session was a bill which would outlaw the use, sale or distribution of DDT in Wisconsin, except in certain emergency situations. The bill, authored by Anderson and Assemblyman Lewis Mittness (D-Janesville), passed the Assembly by a smashing 99 to 0 vote, in the wake of the state Department of Natural Resources Department's lengthy and well-publicized hearings on a petition for a ban, by two conservation groups.

"There is no doubt in my mind," Anderson says, "that those hearings and the resulting hammering away in the news media, created the climate which made it possible to pass the bill." A similar measure, introduced by Anderson in 1967, got bogged down permanently in the Assembly Agriculture Committee.

He gives the current measure a good chance for passage in the Senate, once it comes up for a vote, though he doubts that the endorsement will be unanimous. "The senators are perhaps a little more political than the Assemblymen," he smiles.

Anderson combines his State Capitol chores with his work as partner in the firm of Wheeler, Van Sickle, Day and Anderson.

From his eighth floor office in the Anchor Building, he looks down into the russet-colored treetops at the South entrance to the Capitol, where "you can see entirely different species of birds from the ones you see on the ground."

"He is," says one longtime Statehouse observer, "the most knowledgeable legislator in conservation matters in either party. He's been behind every major piece of conservation legislation in the past 10 years. And he's so single-minded, as a matter of fact, that if you don't share his enthusiasm on an issue, he'll bore you to tears."

Of the current conservation output in the legislature he shakes his head. "We haven't done very much."

Anderson helped draft the original Outdoor Recreation Act Program (ORAP) bill in 1966. That bill failed to pass. But he was a member of the task force which recommended the "ORAP-200" program, which would provide some \$200 million in bonding for recreation lands acquisition and water pollution abatement measures.

Wisconsin citizens approved the proposals in an April 1 advisory referendum, but the Legislature has stalled action on funding the measures and setting up the machinery to put them into operation.

The ORAP proposals are finally scheduled for action by both houses this week. Anderson is optimistic that the water pollution measure will pass, but expects that an additional one cent-per-pack tax on cigarettes may be substituted for the bonding proposal.

Other sessions were more productive. As a member of the governor's Water Resources Task Force in 1965, Anderson was instrumental in helping to forge a major revision of the state's water laws. The bill which eventually became law as a result of that group's work, centralized administration of all of the state's water resources in the department of Resource Development (amalgamated under the Kellett reorganization bill into the Natural Resources De-

partment); expanded the state's police powers in water pollution abatement, established a septic tank permit system; and provided that all counties must zone their shorelands to minimum standards.

Anderson regards that bill as a major accomplishment. Few would give the same measure a chance of passage in the current Legislature.

Another measure which he introduced and is now pending was a bill which would require a two-cent redemption on disposable beer bottles and cans.

"I remembered reading an article about the Coors brewery in Denver," he recalls. "They paid one cent a few years back for every aluminum can brought in, for salvage. Eventually, they discontinued the practice because they said it was uneconomic, but they got 85 million cans."

"I'm convinced that if this were in operation here, kids would pick them up by the million."

Among other conservation measures Anderson has pushed was the fight to preserve the Wolf and other wild rivers; a revision in the County forest crop law; legislation to fund what is now the Scientific Areas Preservation Council; and a bill which has provided appropriations for research into possible toxicants for carp.

Anderson was born in Hammond, Ind., a heavily industrial city in the northwest corner of the state.

"I assumed that you'd just never get a breath of fresh air because that was what I had always had."

Visits to an aunt's cottage on Lake Ripley in Cambridge convinced him that "Wisconsin was where I wanted to live."

Since he was first elected to the Assembly in 1956, he has served variously on the Assembly Conservation Committee, the Legislative Council's conservation committee, the Wisconsin Council on Natural Beauty, and a number of legislative task forces.

"It is possible to get discouraged," he admits when pressed about the environmental crisis. But the growing public awareness has helped bring about a lot of changes in this field.

"The future looks grim until we can hold the population in check and find more efficient ways of getting rid of our waste products. But I'm not convinced that all of this deterioration is not reversible. If we can at least slow it down, it will have been worth it."

Honored at Saturday's banquet, in addition to Anderson, were: "Conservationist of the Year" Leonard J. Seyberth of Eau Claire, former chairman of the state Conservation Commission, who helped bring about the state's party permit system for deer hunting, and who is chairman of the ORAP advisory council.

Gov. Knowles and Lt. Gov. Jack Olson, for leadership in conservation programs; entertainer Arthur Godfrey, for helping to "spread the gospel" of conservation throughout the globe; A. W. Jorgensen, Mazomane, conservation educator; Wisconsin League of Women Voters, water conservation; Don L. Johnson, the Milwaukee Sentinel, conservation communicator; conservation committee of the AFL-CIO; Carl Nisen, Union Grove, wildlife conservationist; John Detchebohrer, Holmen, soil conservationist; Kurt Listeman, Neillsville, forest conservationist; and Neil Larsen, Clear Lake, youth conservationist.

POSTAL REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DERWINSKI. Mr. Speaker, since we have been properly preoccupied by

the debate over Vietnam and the good and bad effects of the weekend moratorium, I pointedly direct the attention of the Members to a key Presidential proposal which is encountering unfortunate delay and distortion in the House Post Office Committee.

I refer, of course, to the President's proposal for postal reform with the basic concept of a Government corporation takeover of the present responsibilities of the Post Office Department.

Therefore, I was pleased to note an editorial carried on October 23 by radio station WBBM in Chicago which emphasizes the need for prompt processing of the postal reform bill.

The editorial follows:

POSTAL REFORM

"Neither rain nor snow nor sleet nor gloom of night,

Shall stay these carriers from the swift completion of their appointed rounds."

That famous saying about the nation's mailmen may be true, but it doesn't take into account the burden posed by an obsolete postal system. The United States Post Office Department still is operating under principles set down in the last century—and this at a time when the volume of mail has climbed to 82-billion pieces annually.

Our postal organization is inefficient. A Presidential commission has advised the creation of a government-owned corporation to handle the nation's mails. It's estimated that such an administrative set-up would save taxpayers one billion dollars a year.

But—legislation for postal reform is stalled in committee in the House of Representatives. A corporate set-up would mean the end of political patronage in the post office, and most politicians adopt a "go-slow" attitude when it comes to proposals that would erode their own political power.

We think it's time Congress faced the facts, as we said in previous editorials: the nation can no longer afford the luxury of a horse-and-buggy post office. We urge the Congress to act speedily to adopt the measures which would stream-line the postal service and put it in the space age.

WILL CHINESE-AMERICANS BE NEXT?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. MATSUNAGA. Mr. Speaker, the possibility of another travesty of justice involving the deprivation of the civil rights and civil liberties of a racial minority in this Nation was brought strikingly to mind by the remarks of FBI Director J. Edgar Hoover in recent testimony before a House congressional committee.

On page 546 of the printed hearings, before a subcommittee of the Committee on Appropriations of the House of Representatives on April 17, 1969, Mr. Hoover stated:

We are being confronted with a growing amount of work in being alert for Chinese Americans and others in this country who would assist Red China in supplying needed material or promoting Red Chinese propaganda. For one thing, Red China has been flooding the country with its propaganda and there are over 300,000 Chinese in the

United States, some of whom could be susceptible to recruitment either through ethnic ties or hostage situations because of relatives in Communist China.

The repugnant implications of this statement are only too obvious to the loyal Americans of Chinese ancestry whose lives could be drastically affected, as were the lives of 110,000 Americans of Japanese ancestry who were arrested, their property confiscated, and who were detained in so-called "relocation camps" during the dark days of 1942.

A most pertinent article by the Seattle Times' columnist, Herb Robinson, cuts to the heart of the matter regarding Mr. Hoover's comments. I urge my colleagues to read it and to join in the effort, if they have not already done so, to repeal title II of the Internal Security Act of 1950, the law which provides that American concentration camps "can happen here."

The article, "Hoover's Remark Recalls Dark Days," from the October 19, 1969, issue of the Seattle Times, follows:

HOOPER'S REMARK RECALLS DARK DAYS

In his annual appearances before the House appropriations subcommittee to discuss the Federal Bureau of Investigation's budget, it is J. Edgar Hoover's custom to outline his views on crime, communism, internal security and other matters of F.B.I. interest.

This year, news accounts of Hoover's testimony—delivered in April but not made public until July—dwelt largely upon his opinions on campus radicals and the new-left movement.

It was not until later that attention was focused on another statement made in the same hearing, one that has provoked heated protest among Americans of Oriental descent and that may lead to repeal of an all-but-forgotten section of the McCarran, or Subversive Activities Control Act.

Discussing the growth of Communist China's intelligence activities within the United States, Hoover said the F.B.I. is confronted with "a growing amount of work in being alert for Chinese Americans and others in this country who would assist Red China."

Communist China, Hoover continued, has been "flooding the country with its propaganda and there are over 300,000 Chinese in the United States, some of whom could be susceptible to recruitment either through ethnic ties or hostage situations because of relatives in China."

A month later, the Japanese-American Citizens League in San Francisco responded to Hoover's remarks, saying there was, by inference, a "melancholy resemblance to the charges against Japanese-Americans prior to and during the Second World War."

Meantime, in Seattle, the newly organized Asian Coalition for Equality (ACE), was stirred into action. A spokesman for the group, consisting of people from Seattle's Japanese, Chinese and Filipino communities, said "it is an outrage that loyal American citizens—simply because they are not white—are considered potentially disloyal Americans."

Hoover's racial slur, the ace statement said, "makes us wonder how tenuous the relationship of Chinese Americans is in this country and how safe they are from being victims of the same fate as the Japanese-Americans during the war."

Among Oriental Americans, few have forgotten the dark moments of 1942 when more than 100,000 American residents of Japanese ancestry—many of them native-born—were rounded up and herded into detention centers, a polite euphemism for "concentration camp." The episode remains an incredible chapter in United States history, particularly

since no such action was taken against German- or Italian-Americans. They, after all, were white.

Because memories are still fresh on that score, not all Orientals in this country have been as skeptical as other Americans toward the wild rumors circulated by black extremists in recent years about the existence of "Negro concentration camps."

They recall, for example, that the House Un-American Activities Committee recommended last year that the government activate detention camps for black nationalists and Communists under authority of the McCarran Act.

Much of the McCarran Act, passed in 1950 over President Truman's veto ("it punishes opinions, not actions," said Mr. Truman), has been invalidated over the years by a series of Supreme Court decisions. Still intact, however, is a section authorizing the arrest and detention of citizens—during a declared "internal-security emergency"—felt by the Justice Department to be capable of espionage or sabotage.

Literature is circulating in Seattle describing various government installations being held in "stand-by" status for future use as detention camps. Despite the questionable authenticity of this literature and official pronouncements that no such facilities are in existence, rumors continue to circulate, due partly to the efforts of black extremist agitators.

Fortunately, legislation has been introduced in Congress to repeal the McCarran Act's detention-center clause. Among co-sponsors is Representative Al Ullman of Oregon, who finds it "inconceivable that a law should still be on the books that permits the rights of American citizenship to be extinguished . . . simply on the basis of national origin or other indiscriminate reasons."

Regrettably, however, the repeal measure has not yet been scheduled for hearings and—as reported in *The Times* yesterday by Rowland Evans and Robert Novak—the Justice Department unofficially wants to preserve the existing law.

That is why Seattle members of the Asian Coalition for Equality have begun a petition campaign urging prompt congressional action.

The campaign merits support for two reasons. First, the detention-center law serves no purposes today except to recall the awful events involving Japanese-Americans in 1942.

And second, as long as it remains on the books, the statute lends credibility to black extremist rhetoric, even though right-minded Americans insist "it couldn't happen again."

CRIME IN THE DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. HOGAN. Mr. Speaker, this is another in a series of statements dealing with the problem of crime in the District of Columbia.

My statement today deals principally with the question of the extent of criminal defendants testimonial immunity from impeachment by the use of prior convictions as applied by the U.S. Court of Appeals for the District of Columbia. It also deals with the question of court backlogs.

A recent case decided by this court is illustrative, in my opinion, of the

"strained" construction placed on the statutes relating to criminal law in the District of Columbia by certain members of the appellate bench. The case involved is *United States of America v. Joseph Coleman*, No. 22,316, U.S. Court of Appeals for the District of Columbia Circuit, July 11, 1969.

I find myself in agreement with the dissenting opinion of Circuit Judge Edward Tamm on several counts. First, I agree with Judge Tamm as stated in his opinion that—

Two members of this court reach a new height in their creation of near-mythical "rights" of criminal defendants which requires that their convictions be vacated.

Second, I agree with Judge Tamm's observations that the two majority judges arrive at decisions for reasons more philosophical than legal. I submit that the philosophical approach of the majority opinion is more fitting to a classroom discussion on jurisprudence than it is to the application of laws to decisions coming before the Federal circuit bench. Third, Judge Tamm's opinion concerning the effect these "near-mythical rights" decisions have on an overburdened court docket strikes at the very heart of one of the basic problems concerning criminal court procedure as it exists in the District of Columbia.

I think this opinion, particularly Judge Tamm's dissent, will prove instructive and informative to the Members of Congress, especially as certain of the President's crime bills are presented for floor action in the House and the Senate. Accordingly, I insert the opinion in the RECORD in full below:

[U.S. Court of Appeals for the District of Columbia Circuit]

No. 22,316—UNITED STATES OF AMERICA V. JOSEPH COLEMAN, APPELLANT

(Appeal from the U.S. District Court for the District of Columbia)

[Decided July 11, 1969]

Before BAZELON, Chief Judge, and TAMM and ROBINSON, Circuit Judges.

ROBINSON, Circuit Judge: On August 20 or 21, 1967, an apartment was burglarized, and a saxophone and other items were purloined.¹ On August 21, a man identifying himself as Wilson Terry pawned the saxophone, signing "Wilson Terry" on the pawnbroker's copy of the ticket evidencing the transaction. The pawn broker's appraiser spotted appellant in the pawnshop on the following September 18 and, believing him to be the man who had brought the stolen saxophone in, promptly called the police.² After conversations with appellant and the manager of the pawnshop, who made a similar identification, the police officers placed appellant under arrest. A search of his person produced a copy of the pawn ticket for the saxophone and identification cards bearing the name "Wilson F. Terry."

Indicted in counts of housebreaking³ and grand larceny,⁴ appellant stood trial in the District Court before a jury. The real Wilson F. Terry testified that he had lost the identification cards, and denied signing the "Wilson Terry" on the pawn ticket. A handwriting expert expressed the opinion that appellant had made that signature,⁵ and the two employees of the pawnshop reiterated their identifications of appellant as the party who had pawned the saxophone.

As is evident, the Government's theory that appellant had broken into the apart-

ment and filched the saxophone was based wholly upon an inference from its possession by appellant shortly after it was stolen. Appellant offered no witnesses in his own behalf and, for reasons hereinafter elucidated, did not take the witness stand himself. The prosecuting attorney argued to the jury that it should, and the trial court charged the jury that it might, infer appellant's guilt of either or both of the offenses charged from unexplained possession of the saxophone so closely on the heels of its theft from the apartment.⁶ The jury convicted on both counts, and the court sentenced appellant to imprisonment for a maximum term of 12 years.

The principal argument on appeal, and the only contention meriting discussion,⁷ is that the court misapplied our *Luck*⁸ doctrine in ruling on appellant's request for testimonial immunity from impeachment by the use of criminal convictions which he had accumulated. We held in *Luck* that trial judges have discretion to limit or ban impeachment of that type where "the cause of truth would be helped more by letting the jury hear the defendant's story than by the defendant foregoing that opportunity because of the fear of prejudice founded upon a prior conviction."⁹ Appellant's challenge thus commands our scrutiny of the record with a view to ascertaining whether the teachings of *Luck* and its progeny¹⁰ were honored in this case.

At the close of the Government's case in chief, defense counsel¹¹ approached the bench and informed the trial judge that he "would like to put the defendant on the stand if we can have the benefit of the *Luck* decision. In other words, what I am interested in is not having his record spread before the jury." Without further inquiry of any sort, the trial judge, citing our *Gordon*¹² holding, stated that "[a]nything that has to do with cheating and stealing is admissible," and proceeded at once to examine appellant's criminal record. Going down the list of past offenses, he excluded one,¹³ but ruled that the Government could use a conviction for housebreaking and larceny, an additional larceny, conviction, and three convictions of false pretenses. The judge then concluded the inquiry, appellant elected not to testify and, as we have observed, the case went to the jury on the Government's evidence alone.¹⁴

In *Gordon*,¹⁵ we held that "as a rule of thumb"¹⁶ convictions evidencing dishonest conduct go to testimonial credibility while those involving assaultive or violent conduct do not,¹⁷ and the trial judge made that distinction here. *Gordon* also emphasized other considerations highly relevant to an adjudication on impeachment by prior convictions, but we find no indication that they were assigned a role in this case. One such consideration is the remoteness, in point of time, of a conviction;¹⁸ another is its similarity to the offense for which the accused is on trial.¹⁹ Still another is the importance, in the search for truth, of giving the triers of fact the benefit of the accused's testimony.²⁰ Here the housebreaking and larceny conviction came in 1959; when the others occurred we know not. Moreover, two of the convictions the judge would have let in were for larceny, one of the offenses with which appellant was charged. And notwithstanding the judge's elimination of some of the convictions, we discern no effort to weigh the prejudicial effect of impeachment by those remaining upon such testimonial contribution as appellant could have been expected to make.

Even more importantly, we have recognized, from early in the *Luck* era, that "where inferences founded upon unexplained acts are likely to be heavily operative, the court's discretion to let the jury have the accused's story, unaccompanied by a recital of his past misdeeds, may play an important part in the achievement of justice."²¹ In the case at bar, appellant's version of the affair, unembarrassed by mention of his previous diffi-

Footnotes at end of article.

culties with the law, could very well have been crucial. The success of the prosecution depended entirely upon the strength of an inference from appellant's possession of the stolen saxophone that he was the housebreaker who stole it. Unless the fact of possession was refuted or satisfactorily explained—and ostensibly only appellant could possibly do either—that fact was “like to be heavily operative” against him.

The Government argues, however, that appellant should not benefit from an application of *Luck* principles because appellant's trial counsel made no representation as to what appellant's testimony would be, or as to the unavailability of other witnesses to establish his defense. We have said many times that it is for defense counsel to invoke *Luck*,²² and to invoke it in a meaningful way,²³ and this, of course, will necessitate initially some explanation of the theory and testimonial details of the defense where, as usually is the case, they cannot otherwise be made known to the court.²⁴ At the same time, we have admonished that, once the *Luck* issue is raised, defense counsel's shortcomings²⁵ do not mitigate the need for an exercise of judicial discretion.²⁶ Certainly there is nothing to commend a requirement that defense counsel delineate that which is already plainly apparent to all concerned.²⁷

When, after the Government rested in this case, appellant's attorney requested the *Luck* ruling, it was manifest that the Government had hung its entire effort on the inference permitted by an unexplained possession of recently stolen property. It was equally clear that the Government, in its endeavor to win the verdict, was forced to ask for an appropriate instruction on that score. In that setting, appellant's proposed testimony, if it was to be helpful at all, had to be directed toward an explanation of his possession of the saxophone, or toward a denial of that possession and an explanation as to how he came to have the pawn ticket. Indeed, in the same monologue which contained his disposition of the *Luck* issue, the trial judge said to defense counsel: “What is your defense? He didn't do it and didn't go in there and didn't have it. That is all you can say.” And we realize, as we think the trial judge also should have done, that all too frequently the innocent have no witnesses other than themselves who can testify on such matters.

We hold that the circumstances here emphatically enough called upon the trial judge to strike the balance that *Luck* demands and, in the process, “to make sufficient inquiry to inform himself on the relevant considerations.”²⁸ We mean, not that all impeachment by appellant's past record was necessarily to be ruled out, but that a suitable exploration and a sound discretionary exercise became requisite. But since, in some though certainly not in all respects, the Government's case was strong,²⁹ we are not prepared to say that the judge's omission to do so entitles appellant to a new trial. Any sound disposition of this litigation must follow an inquiry as to what result a proper exercise of *Luck* discretion would have produced, and whether the failure to achieve that result prejudiced appellant.³⁰ Such a probe, in turn necessitates precise knowledge as to what appellant would have said from the witness stand and, in somewhat smaller degree, as to the availability of other witnesses who could have said the same thing.

Accordingly, we remand this case for a *Gordon*-type hearing³¹ in which these and any other relevant points may be investigated.³² Unless the trial judge, after considering all the circumstances, old and new alike, can say “with fair assurance” that the verdict “was not substantially swayed by the *Luck* error,” if any there was, appellant must be awarded a new trial.³³

So ordered.

TAMM, *Circuit Judge, dissenting*: Today two members of this court reach a new height in their creation of near-mythical “rights” of criminal defendants which requires that their convictions be vacated. One Samuel R. Pillow, a resident of the District of Columbia, left the city for a period of nine days. During that time his apartment was burglarized and he lost \$700 worth of personal property including a saxophone valued at \$175. Subsequently, Mr. Pillow alerted the police department of his loss. The police located the saxophone in a pawn shop in the northwest section of Washington. It was pawned by a person who signed “Wilson Terry” on the pawn ticket and who produced the requisite identification cards. The police then requested the attendants in the store to notify them immediately if the individual who pawned the saxophone returned. Less than one month later the store attendant called the police and notified them that the person who pawned the saxophone was again in the store. The police arrived at the store and placed appellant under arrest. When appellant was searched incident to this arrest the police discovered on his person the other half of the pawn ticket bearing the name “Wilson Terry.” At trial, Wilson Terry testified that he had lost the various identification cards previously mentioned and that he had not signed the pawn ticket. Both attendants at the store positively identified appellant as the person who pawned the saxophone. In addition, a handwriting expert testified that it was his opinion that appellant's signature matched the signature of Wilson Terry on the pawn ticket. Appellant did not take the stand and offered neither witnesses nor evidence in his behalf. Needless to say, the jury convicted appellant as charged.

On these facts the majority reverses appellant's conviction and reminds for a *Luck*³⁴—*Gordon*³⁵ hearing to determine whether the verdict was “substantially swayed by the *Luck* error.”³⁶ It is clear from the record that the evidence against appellant is overwhelming and that any *Luck* error by the trial judge surely must be classified as “harmless” under *Chapman v. California*, 386 U.S. 18 (1967); accord, *Harrington v. California*, 37 U.S.L.W. 4472 (U.S. June 2, 1969). Under my reading of the relevant authority in the *Luck* area, it is not at all clear that the appellant in this case ever meaningfully invoked the rule, since he proffered absolutely no defense when queried by the trial judge.³⁷ I believe that the court need not reach its ponderous consideration of any *Luck* problem since even if the trial judge did not conduct a completely proper *Luck* hearing any error was clearly not prejudicial under both Fed. R. Crim. P. 52(a) and *Chapman*.

Since appellant refused to take the stand, appellant's defense was presented to the jury by his counsel in his opening statement: “[I]t is our contention that the defendant did not pawn the saxophone nor did he enter the house and take it out” Tr. 88).

It is my opinion that the evidence of appellant's guilt is so overwhelming that whether he took the stand or whether his past convictions were introduced are factors which have a *de minimis* effect upon the conviction which he now seeks to vacate. After reading thoroughly the majority's exercise in judicial time-wasting, one must wonder exactly what appellant's defense will be on the remand. Given this new opportunity, however, perhaps he will be able to explain: (1) if he did not enter the apartment, how he came into possession of the saxophone, and (2) if he did not pawn the saxophone, why he had the other half of the pawn ticket in his possession and why his handwriting matched that on the pawn ticket. The majority might do well to answer these questions

for the members of the public who are not well versed in all the technical nuances of the criminal law and who wonder why our trial courts have such backlogs and delays.

Our court dockets are crowded and this court has repeatedly emphasized the necessity and desirability of speedy trials for all defendants. Yet, with this in mind and for reasons more philosophical than legal, the majority demands this case to the already busy district judge with directions to hold a hearing at which appellant can proffer his “alibi.” I must dissent from this further impediment to the achievement of justice in this case despite my acknowledgment of the submissive fatalism with which bench and bar calmly accept the inevitably of endless delay in the termination of criminal prosecutions. I feel it is essential that appellate courts develop an eye for the forest of reality as a necessary substitute for the prevailing sense of the trees of abstract theory. Since my reading of the record discloses insurmountable evidence of appellant's guilt and no “error . . . affect[ing] substantial rights”³⁸ of appellant, I would affirm his conviction.

FOOTNOTES

¹ The exact time of the housebreaking and theft—a matter of some importance here, see *Travers v. United States*, 118 U.S. App. D.C. 276, 280, 335 F.2d 698, 702 (1964)—is uncertain. The occupants of the apartment were out of the city and, by prior arrangement, a friend checked the apartment periodically. “[E]verything was fine” on the August 20 check, but the check on the next day disclosed that the apartment had been broken into and articles stolen therefrom.

² In the meanwhile, the theft of the saxophone had been reported, and the police had requested notification in the event that the man who had pawned it returned.

³ D.C. Code § 22-1801 (1967 ed.), since amended (Supp. II 1969).

⁴ D.C. Code § 22-2201 (1967 ed.).

⁵ This witness concluded that appellant had also made a similar signature on one of Terry's identification cards which had been removed from appellant's person after arrest. See, e.g., *Pendergrast v. United States*, No. 21,031 (D.C. Cir. Jan. 31, 1969) at 16-25, cert. denied 37 U.S.L.W. 3451 (May 26, 1969).

⁶ Appellant presents two additional claims. One relates to the court's instructions to the jury on the inference permitted from appellant's unexplained possession of the recently stolen saxophone, but the several points appellant seeks to make are foreclosed by our decision in *Pendergrast v. United States*, supra note 6. The instruction did not meet all of the standards we recently laid down in *Pendergrast*, but there was no objection to it and we do not consider its shortcomings such plain error as to justify reversal. See Fed. R. Crim. P. 30; *Singer v. United States*, 380 U.S. 24, 38 (1965).

Appellant's remaining contention focuses on two references by the prosecuting attorney to “fingerprint” evidence; handwriting, but no fingerprint, evidence was introduced at the trial. The references were obviously inadvertent and in our view too innocuous to mislead the jury or to otherwise affect substantial rights. See Fed. R. Crim. P. 52 (a).

⁸ 121 U.S. App. D.C. 151, 348 F.2d 763 (1965).

⁹ *Id.* at 156, 348 F.2d at 768.

¹⁰ See *Weaver v. United States*, — U.S. App. D.C. —, 408 F.2d 1269, 1274-75 (1969).

¹¹ Not his counsel on appeal.

¹² *Gordon v. United States*, 127 U.S. App. D.C. 343, 383 F.2d 936 (1967), cert. denied 390 U.S. 1029 (1968).

¹³ Possession of a prohibited weapon. Appellant's record also revealed charges of destroying private property and attempted housebreaking of which he was found not guilty.

¹⁴ Immediately after the *Luck* ruling, the trial judge directed appellant's counsel to make his opening statement, the privilege of making which he had earlier reserved. Defense counsel then informed the jury that "it is our contention that the defendant did not pawn the saxophone nor did he enter the house and take it out." The court then took a recess, and when it reconvened defense counsel stated that he rested. It seems obvious that during the recess appellant made the decision that he would not undertake to testify under the conditions the judge's *Luck* ruling made possible.

¹⁵ *Gordon v. United States*, supra note 12, 127 U.S.App.D.C. at 347, 383 F.2d at 940.

¹⁶ *Id.*
¹⁷ *Id.* See also *Luck v. United States*, supra note 8, 121 U.S.App.D.C. at 157, 348 F.2d at 769.

¹⁸ 127 U.S.App.D.C. at 347, 383 F.2d at 940.
¹⁹ *Id.* See also *Luck v. United States*, supra note 8, 121 U.S.App.D.C. at 156-157, 348 F.2d at 768-69.

²⁰ *Smith v. United States*, 123 U.S.App.D.C. 259, 261, 359 F.2d 243, 245 (1966). See also *Gordon v. United States*, supra note 12, 127 U.S.App.D.C. at 348 n. 11, 383 F.2d at 941 n. 11; *Suggs v. United States*, 129 U.S.App.D.C. 133, 138-39, 391 F.2d 971, 976-77 (1968). Compare *Barber v. United States*, —U.S.App.D.C. —, 392 F.2d 517, 519 (1968).

²¹ *Smith v. United States*, supra note 21, 123 U.S. App. D.C. at 261, 359 F.2d at 245; *Walker v. United States*, 124 U.S. App. D.C. 194, 195, 363 F.2d 681, 682 (1966); *Covington v. United States*, 125 U.S. App. D.C. 224, 225, 370 F.2d 246, 247 (1966); *Stevens v. United States*, 125 U.S. App. D.C. 239, 370 F.2d 485 (1966); *Harley v. United States*, 126 U.S. App. D.C. 287, 288, 377 F.2d 172, 173 (1967); *Lewis v. United States*, 127 U.S. App. D.C. 115, 381 F.2d 894 (1967); *Suggs v. United States*, supra note 21, 129 U.S. App. D.C. at 138-39, 391 F.2d at 976-77. See also *Trimble v. United States*, 125 U.S. App. D.C. 173, 174-75, 369 F.2d 950, 951-52 (1966).

²² Although there was a *Luck* request at trial, we held that the judge's discretion was insufficiently invoked in *Hood v. United States*, 125 U.S. App. D.C. 16, 17-18, 365 F.2d 949, 950-51 (1966); *Evans v. United States*, —U.S. App. D.C. —, 397 F.2d 675, 678-80; (1968); *Smith v. United States*, —U.S. App. D.C. —, 406 F.2d 667, 668 (1968). See also *Gordon v. United States*, supra note 12, 127 U.S. App. D.C. at 345, F.2d at 938; *Jones v. United States*, No. 21866 (D.C. Cir. Oct. 17, 1968) at 7 (concurring opinion).

²³ See *Hood v. United States*, supra note 23, 125 U.S. App. D.C. at 18, 365 F.2d at 951; *Payne v. United States*, 129 U.S. App. D.C. 215, 216, 392 F.2d 820, 821 (1968); *Evans v. United States*, supra note 23, 397 F.2d at 678-79.

²⁴ It is not, however, clear here that "the District Judge afforded defense counsel abundant opportunity to present his contentions concerning the *Luck* issue." *Evans v. United States*, supra note 23, 397 F.2d at 679. Rather, following appellant's bare *Luck* request, the judge promptly made his ruling without any sort of inquiry beyond the criminal record and immediately thereafter called upon defense counsel for his opening statement. See note 14, supra.

²⁵ *Lewis v. United States*, supra note 22; *Gordon v. United States*, supra note 12, 127 U.S. App. D.C. at 346-47, 383 F.2d at 939-40; *Suggs v. United States*, supra note 21, 129 U.S. App. D.C. at 138, 391 F.2d at 976; *Jones v. United States*, —U.S. App. D.C. —, 402 F.2d 639, 643 (1968). See also *Stevens v. United States*, supra note 22, 125 U.S. App. D.C. at 240, 370 F.2d at 486 (dissenting opinion); *Williams v. United States*, 129 U.S. App. D.C. 332, 339, 394 F.2d 957, 964, cert. denied 393 U.S. 984 (1968) (concurring opinion); *Evans v. United States*, supra note 23, 397 F.2d at 681, 683 (dissenting opinion).

²⁶ Compare *Jones v. United States*, supra note 26, 402 F.2d at 643.

²⁷ The two employees of the pawnshop identified appellant as the party who brought the stolen saxophone in for the pawn, although one may not initially have been fully certain. The Government's handwriting expert was firm in his opinion that appellant had signed the pawn receipt in the name of Wilson Terry, and had similarly signed one of Terry's identification cards. The jury could also have taken into consideration appellant's deception through the use of Terry's name when the pawn was made. Yet the only circumstances indicating that appellant was the party who broke into the apartment and stole the saxophone was his possession of the saxophone in the pawnshop. If in truth appellant acquired possession of the instrument by some other means, the verdict should have been different.

²⁸ Since a vital link in the Government's evidentiary chain rested wholly on inference—an inference that appellant might have explained away had he been permitted to testify—we, unlike our dissenting colleague, are unable to say that the error foreclosing his testimony was nonprejudicial.

²⁹ See *Gordon v. United States*, supra note 12, 127 U.S.App.D.C. at 348, 383 F.2d at 941.

³⁰ Compare *Luck v. United States*, supra note 8, 121 U.S.App.D.C. at 157, 348 F.2d at 769.

³¹ See *Kotteakos v. United States*, 328 U.S. 750, 765 (1946).

³² *Luck v. United States*, 121 U.S.App.D.C. 151, 348 F.2d 763 (1965).

³³ *Gordon v. United States*, 127 U.S.App.D.C. 343, 383 F.2d 936 (1967), cert. denied, 390 U.S. 1029 (1968).

³⁴ Majority opinion at 9.

³⁵ This court has held many times, as the majority must recognize, that the defense counsel must invoke *Luck* in a meaningful way. Indeed, we stated not long ago that "[i]f *Luck* made anything clear, it was that the defense is ill-advised to content itself simply with citing *Luck*." *Hood v. United States*, 125 U.S.App.D.C. 16, 18, 365 F.2d 949, 951 (1966). See *Jones v. United States*, —U.S.App.D.C. —, 404 F.2d 212 (1968); *Smith v. United States*, —U.S.App.D.C. —, 406 F.2d 667 (1968).

³⁶ Fed. R. CRIM. P. 52(a).

DECLINE OF NEWARK'S LEATHER INDUSTRY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. RODINO. Mr. Speaker, during the last few years, and especially the last few months, Newark's leather industry has been critically hurt by the accumulative impact of foreign imports. I am particularly disturbed about the economic and human cost that those of us in Newark will suffer because of the decline in our leather industry. The following article from the Newark Sunday News outlines much of the problem:

DECLINE IN NEWARK'S LEATHER INDUSTRY LAID TO IMPORTS

(By Sam A. Gronner)

Increased import of inexpensive leather goods, if continued at its present rate, will mean unemployment for some Newark workers.

This warning came from local representatives of the leather industry, who say the influx of leather goods produced at one fifth

the cost abroad is the main reason for recent cutbacks.

The problem has been especially acute in Newark.

Statistics cited by Irving R. Glass, president of the Tanners Council of America, appear to substantiate local claims of a decline in business. Glass said that the cutbacks by the domestic industry in the face of the cheaper imports with which they cannot compete resulted in 5,000 jobs lost last year, and 50,000 in the last five years.

OLD STORY

Joseph C. Kaltenbacher, president of Seton Leather Co., 849 Broadway, said that his firm, founded in 1906, was forced to reduce production for the first time in his memory.

The impact of foreign imports is not new to the industry. As early as 1913, a delegation representing Newark leather tanners went to Washington to protest a proposal to relax a protective tariff imposed on foreign leather goods.

And in 1929, a report prepared for the city Chamber of Commerce, used arguments much similar to those heard today.

Shortly after that report was made public, one Newark tanner testified before a Senate finance subcommittee that imports of bags and suitcases had increased 400 per cent since the enactment in 1922 of the Underwood Act. That law substantially lowered the tariff on these goods, he said, and he was forced to operate at 50 per cent capacity.

The issue again was in the limelight recently when representatives of the trade, union members and city officials discussed ways to restore Newark to its former status as a leather center.

INCREASING DEMAND

The meeting, the first in a series on Newark's troubled industries—especially those needing a substantial low-skilled labor force—was arranged under the auspices of the city's Economic Development Office.

Glass recounted statistics which illustrate that the demand for shoes, handbags and leather goods has increased 25 per cent over the last five years.

As a striking example he cited the shoe industry. With the rise in demand from 1963 to 1968, the foreign imports began taking larger slices away from the domestically produced shoes, increasing by a dramatic 16.8 per cent in five years.

Glass' report predicted a gloomy future if the trend continues, ending in "economic stagnation." It was agreed between industry members and Deputy Mayor Paul Reilly to prepare a petition which would be sent to President Nixon, and simultaneously to send informational packets to the state's federal legislators.

By enlisting such support, the industry hoped some steps would be initiated to cut the flow of imports.

QUOTAS URGED

Glass urged imposing quotas on shoes, handbags, and small leather goods to curb the currently unrestricted flow of such items from Formosa, Spain, Japan, Portugal, France and Hong Kong. He said wages paid in those countries are so low that dealers buy the finished goods abroad to get more of a profit margin in the retail trade and bypass domestic manufacturers.

So dramatic is the decline in demand for domestic leather, that Barrett & Co. of 49 Vesey St., an old and respectable firm, is working at 50 per cent normal capacity, according to Joseph Bistany, secretary-controller.

"This is impossible competition," Bistany said, "We just granted our workers a 50-cent per hour increase, and all our related services, like maintenance, are going up as well."

"In our line we compete with the Frenchman. Now, with devaluation, their finished product becomes even more attractive for the

retail business. And this import, like shoes, means lost leather sales for us."

Although it is far less of a leather center than it once used to be, Newark is still a favorable location for the tanning industry, especially with regard to labor supply.

UNSKILLED SUFFER

Were it not for the present rollback in production, the industry could absorb more unskilled manpower of Newark—at wages averaging \$3.50 an hour. As Floyd Gold, treasurer of Goldsmith Leather Co., 121 Paris St. put it: "Our people are taking home up to \$200 a week. They would be on welfare if it wasn't for this type of work."

The slowdown had no effects locally until recently, according to Kaltenbacher of Seton, the city's largest tanning house. "The industry is still substantial today, although it was at its peak in the 1890's."

Kaltenbacher related the growth of his firm, founded by his father at 62 Verona Ave., and which spread during 60 years into adjoining buildings. Seton became a public corporation in 1927, and has since acquired Radel Leather Manufacturing Co. of Newark and the Wilmington Chemical Corp. of Delaware and an Ohio plant.

Kaltenbacher, whose son Philip D. is also with the firm and was just re-elected to represent Essex Assembly District 11F, said that in contrast to the growth the company had enjoyed, the layoffs are "something new."

The younger Kaltenbacher pointed to the imports again as the root of the problem, stating "we're playing by the free-trade concept while other countries build protective barriers to guard against American goods overrunning their industries."

He was echoed by Gold: "Take for example Japan, which puts restrictions on all types of things. They protect themselves and damage your industry. We should have restrictions on what's coming in too."

MORATORIUM PROTESTORS PROLONGING THE WAR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. WYMAN. Mr. Speaker, why do not—or cannot—those moratorium protesters realize that by their demands for immediate, unconditional withdrawal of all American forces from Vietnam they are in fact prolonging the war there? Those who contribute to the impression in Hanoi that the United States may any day now adopt a policy of outright appeasement and wholesale retreat from Vietnam encourage continued Communist recalcitrance at Paris.

They must understand that if we run out on our South Vietnamese allies—just turn tail and withdraw lock, stock, and barrel—not a single nation in the world will ever trust the United States of America again. Frustrations with the conduct of a war by civilian policies that for years have demonstrably prevented the military from winning a military victory in South Vietnam are virtually universal in this country and understandably so. The frustrations of young people who naturally do not want to go to Vietnam and be shot at under similar conditions are also understandable.

In this connection an editorial in today's U.S. News & World Report by the

distinguished Columnist David Lawrence is worthy of consideration and careful study by both the Pentagon and the White House.

The editorial follows:

[From U.S. News & World Report, Nov. 17, 1969]

WHO IS PROLONGING THE WAR?

(By David Lawrence)

The United States is militarily the most powerful nation in the world. Certainly a tiny country like North Vietnam would never have been able to deprive an American army of victory if the commanders of our forces had been permitted to use military strategy and air power in the customary ways.

Who interfered with our own military operations? Who in this country prevented our armed services from using their maximum strength? Who, indeed, must accept the responsibility for the long list of casualties? This would never have been so large if American forces had been authorized to employ the military means necessary to attain victory.

But ever since we went to the aid of the South Vietnamese, there have been pressures inside the United States. These have been called "political." Basically they were influences which catered to pacifist elements and sought to sway the uninformed citizens who never really knew how or why the war was being lost.

General William C. Westmoreland, who commanded U.S. ground forces in Vietnam for four years and now is Chief of Staff of the Army, revealed in an interview in this magazine on Sept. 29, 1969, some of the frustrations of our military commanders. He said:

"One of the interesting things about this war is that responsibility has been divided. I had the U.S. ground war in the South, Admiral Sharpe had the air war in the North. The political, psychological, economic factors implicit in this entire equation were vested in the Ambassador in Saigon and the Secretary of State. Also, operations were conducted in the territory of an ally who exercised sovereign authority over his land and his people and control of his troops.

"No U.S. authority short of the President had cognizance over the entire conflict. Therefore, the President had to get into all sorts of details. And he had many pressures brought to bear on him—numerous factors to consider: international opinion, domestic opinion, as well as the military situation. The war has been more than military. I'm not unaware of the many complex factors that had to be considered."

Psychological warfare is in some respects as important as military operations. The newspapers, radio and television are filled with pronouncements from persons, inside and outside of Congress, who have publicly denounced the foreign policy of their Government in the middle of a war.

In Hanoi, everything said in this country is studied carefully day by day. The Red Chinese and the Soviets also note that the United States seems to be wavering and apparently is unwilling to pursue the war to a military decision.

When President Johnson acceded to the wishes of the "anti-war" elements and announced that he would halt the bombing of North Vietnam in the hope of initiating peace negotiations, the enemy was sure that the critics of the Vietnam war within the United States were making headway. Hanoi concluded that it was just a question of time before America would have to acknowledge a humiliating defeat and withdraw from Asia altogether.

For more than a year now the United States has made every effort to get a constructive peace settlement. But North Vietnam has refused to negotiate meaningfully. Encour-

aged no doubt by both Peking and Moscow, Hanoi feels that it needs only to wait a year or two and all American troops will be withdrawn. Then the Saigon Government could be ousted and a Communist-controlled regime would take over.

Many people in America think that the Vietnam war is a remote affair and that the United States "has no business" in Asia. This is an erroneous concept because the underlying issues can make the difference between world war and world peace.

The safety of nearly every country—in Asia, Europe and Latin America—is at stake and will be threatened if Communism achieves a victory in Vietnam.

Speeches and statements being made day after day in the United States decrying American policy are giving "aid and comfort" to the Hanoi Government and are prolonging the war.

The demonstrations by so-called "peace" groups are helping to prolong the war.

The carping criticisms by politicians who mistakenly think they are currying favor with the public are also prolonging the war.

The war could be ended honorably by the President if he were given the wholehearted support of the American people.

If we could develop right now a united America, the fighting in Vietnam would be promptly terminated. We could, for instance, announce the date of a cease-fire. If it were not respected, we would be able to retaliate immediately with maximum military power.

When the enemy becomes convinced that the United States means what it says and that the dissenters in this country are a small minority, peace will come soon in Vietnam, and we might well avoid World War III.

SETTING A DEADLINE FOR WITHDRAWAL

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. GOODELL. Mr. President, I remain firmly convinced that we should establish a fixed, public timetable of 1 year for the withdrawal of all American troops from Vietnam.

The bill I recently introduced in the Senate, S. 3000, would mandate such a timetable. It provides that no funds may be expended to support the presence of American military personnel in Vietnam after December 1, 1970.

There has been extensive public discussion of the pros and cons of such an approach. In his November 3 speech, the President indicated that he opposed a firm withdrawal deadline.

I have prepared an article entitled "Set a Deadline for Withdrawal," which is published in the New Republic of November 22. It describes the reasons for my proposal, and responds to the arguments made in opposition to it.

Mr. President, I ask unanimous consent that my article be printed in the RECORD.

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

[From the New Republic, Nov. 22, 1969]

SET A DEADLINE FOR WITHDRAWAL!

(By Senator CHARLES E. GOODELL)

The President has announced that he does not intend to be the first American President

to lose a war, but the Vietnam war is not his to win or lose. This war was "lost" by his predecessors when they involved us in a purposeless conflict, the origins and nature of which they never understood.

On September 25, I introduced in the Senate, S. 3000, "The Vietnam Disengagement Act." The bill provides that no funds may be expended to support the presence of American military personnel in Vietnam after December 1, 1970. It sets a fixed, public timetable of one year to accomplish the total withdrawal of all our military personnel, but it would permit the continuation of appropriate military and economic aid to the South Vietnamese government, as recommended by the President and approved by Congress.

The human, economic and other costs of prolonging our unconscionable military presence in Vietnam outweigh, I deeply believe, any benefits which could possibly result from our continued presence there for an indefinite time. While there are risks attendant to complete withdrawal, these are smaller than the risks and costs of any policy of extended troop commitment.

Notice to the South Vietnamese government that we are withdrawing our forces within one year will create a powerful incentive for that government to mobilize its forces more effectively and to seek the political strength of a broadened popular base.

As the foreign intruder, we have polarized the political situation in the South, and driven many nationalist elements toward the NLF. Our withdrawal is likely to help foster a depolarization that would create a favorable environment for a genuine political settlement.

In his November 3 speech, the President argued that a fixed withdrawal date would remove any incentive for the enemy to negotiate in Paris. He admits, however, that there has been no movement whatever in the Paris talks. A fixed withdrawal timetable could hardly make these stalemated talks more stalemated.

The President contends that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." The South Vietnamese army has over a million men under arms. The Vietcong has only about 100,000 and the North Vietnamese army has only 110,000 men in the South. American withdrawal may require the South Vietnamese army to adopt a more defensive strategy aimed at protecting the populous areas—and to abandon its objectives of controlling the entire countryside. To assume, however, that such a large army could simply be overrun by a relatively ill-armed and much smaller enemy assumes that the President's own plan for "Vietnamization" likewise would have little or no chance for success in the foreseeable future.

The President places great stress on the notion that a "bloodbath" would occur in South Vietnam if our troops were swiftly withdrawn. An even greater bloodbath, however, is occurring now. American bombing raids and artillery have been killing Vietnamese by the hundreds of thousands. Beyond that, the South Vietnamese government is conducting its own political assassinations. Saigon radio reported that by December 31, 1968—one year after its inception—the joint Saigon-US "Phoenix" program for killing NLF village officials had caused the death of 18,393 persons.

It is difficult to judge how the Communists would act if they were to take control of South Vietnam. There would be some reprisals, certainly. Yet a persuasive case can be made that it would be contrary to the Communists' self-interest to initiate large-scale violence against the civilian population, thereby diminishing their ability to unite the widely disparate elements of South

Vietnamese society. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

The "bloodbath" argument also rests on the questionable assumption, discussed earlier, that the South Vietnamese army would be powerless to prevent a complete Communist take-over of the South.

What will happen if the enemy decides to re-escalate the fighting and increase American casualties by this spring? We can only look with trepidation on the ominous suggestion that Mr. Nixon will in that event take "strong and effective measures"—presumably of counter-escalation.

The fundamental defect of the President's plan is that it makes the pace of our withdrawal dependent upon factors wholly beyond our control, thus continuing the old approach under which the United States, instead of having a viable policy of its own, merely responds to the initiatives of the enemy. It is time to stop postponing our withdrawal until our adversaries change their minds. It is time for the South Vietnamese to take over responsibility for protecting themselves. In short, it is time that we make up our minds to get out by a certain date, and then get out.

THE FORT LAUDERDALE NEWS
OFFERS SIGNIFICANT OPPORTUNITY
FOR NOT-SO-SILENT
MAJORITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BURKE of Florida. Mr. Speaker, one of the outstanding newspapers in my district and in the State of Florida, the Fort Lauderdale News, has undertaken a most significant effort in endeavoring to give its readers an opportunity to voice their viewpoints on President Nixon's efforts to achieve a just and lasting peace in Vietnam.

The Fort Lauderdale News gave its readers an opportunity to have their say on this issue through a ballot which was recently published in one of its daily editions.

Over a period of only 6 days, the News received a total of 8,541 responses from concerned readers in the Fort Lauderdale area, and it is interesting to note that out of this large total, only 567 votes were cast in favor of an immediate pullout of American forces in Vietnam, while there were 1,543 votes in favor of even increased military pressure on the enemy.

I feel that the results of this ballot serves to point up the strong, widespread support being given to the President in his peace efforts and I am happy to bring the results of this effort by the Fort Lauderdale News to the attention of the Congress.

The article follows:

[From the Fort Lauderdale News, Nov. 12, 1969]

ENTHUSIASTIC READERSHIP RESPONSE ON VIET VIEWS WERE SENT TO PRESIDENT

Yesterday afternoon a rather bulky package was air-expressed from Ft. Lauderdale

to President Richard Nixon at the White House.

This particular package contained 8,541 ballots sent to The Ft. Lauderdale News and our sister publication, the Sun-Sentinel, in recent days which our readers had used to express their opinion in regard to the war in Vietnam.

These ballots rather conclusively proved at least two points. One point was that a surprisingly large majority of the people who responded to our plea let Mr. Nixon know how they felt about the war and his program for ending it and that they were solidly behind his program. Out of these 8,541 ballots there were 6,431 people who voted in favor of Mr. Nixon carrying through with the plan he outlined to the nation 10 days ago.

Surprisingly, also there were only 567 votes cast in favor of an immediate pullout of all our forces in Vietnam, while there were 1,543 votes cast in favor of applying greater military pressure on the enemy to force him to negotiate an end to the war.

The second point these ballots proved was the contention made by President Nixon that there does exist in this nation a great mass of citizens who up to now haven't had much of an opportunity or perhaps an inclination to voice their opinion on the war or how they feel it can best be ended.

The very fact that in just six days some 8,541 people in this area took the time and the trouble to clip a ballot from our newspapers, mark it, and mail it to us for tabulation and submission to President Nixon, makes this point evident beyond any shadow of doubt.

It was our original intention to wait until our poll ended before sending all the ballots we had received to the White House. But with yesterday being Veterans Day, and with the day being used by many groups across the nation, not only to honor our war dead but to rally behind President Nixon's stand on the Vietnam conflict, we thought it appropriate these ballots be sent to the White House on this day and by the quickest means possible.

We would also like to inform those who took part in our poll, and those who might still do so, that their expressions of opinion won't go unnoticed at the White House. Presidential aides informed us yesterday they were eager to receive the ballots and bring them and their results to the President's attention.

There was one other reason we felt it was timely to dispatch these ballots to the President in advance of our original plans. As most of us now know, thousands of anti-war protestors are now gathering in our nation's capital to launch another series of demonstrations aimed at forcing President Nixon to pull all of our troops out of Vietnam right now, even though that course would mean literally abandoning South Vietnam to the enemy.

Unquestionably, the great majority of these antiwar protestors aren't going to Washington to promote any violence. Most of them are sincere people who believe we made a bad mistake in getting into the war in the first place and are compounding that mistake every day we stay in it. These people certainly have a right to be heard and to emphasize their stand by peaceful demonstrations.

There will be some, however, who won't be so peacefully inclined, and who will no doubt seek to use the series of demonstrations as a means to incite violence. This well explains why a feeling of tenseness is now spreading through Washington and why police and military officials are taking unusual precautions to handle any outbreaks that might occur during the remainder of this week.

With these potentially dangerous demonstrations looming directly ahead we thought it was important that the President know

right now that his plea for the "silent majority" in this country to back his hand is having the kind of result he hoped it would have.

These 8,541 ballots from the people of this area will come as welcome news to Mr. Nixon at the very time he most needs it, and we sincerely thank all of the readers of The News and the Sun-Sentinel for the truly amazing manner in which they responded to our poll and enabled us to provide Mr. Nixon with an unmistakable and clear-cut cross section of public opinion in our circulation areas in regard to the war and to his plans for ending it as quickly as possible on an honorable note.

VOICE VIEW ON VIETNAM

President Nixon in his speech on November 3, asked the "silent majority" to support his policies regarding the phased withdrawal of combat troops from South Vietnam.

This is an opportunity for all citizens to express their views. To facilitate this, we are presenting the ballot below:

I support President Nixon's Vietnam policies -----
 I favor an immediate withdrawal from Vietnam -----
 I believe we should apply more military pressure to force North Vietnam to negotiate a meaningful peace -----
 Name -----
 Address -----
 City ----- State -----

Indicate your preference by marking the appropriate box. Mail this ballot to:

The Ft. Lauderdale News,
 Vietnam Views
 101 N. New River Dr., East,
 Ft. Lauderdale, Fla. 33302

All ballots will be tabulated, the results published and the ballots forwarded to the White House.

BARRIER-FREE ARCHITECTURE

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. DOLE. Mr. President, it is estimated that more than 20 million Americans are confronted each day with architectural barriers which severely limit or entirely prohibit their use of facilities and buildings.

Steep stairs and a lack of elevators, for example, are impossible hurdles for those suffering from cardiac conditions, arthritis, or neurological disabilities; public restrooms, water fountains, and telephone booths become inaccessible to those with severe physical limitations.

It is indeed encouraging therefore that the American Institute of Architects is conducting workshops for its members to stimulate architectural design which includes meeting the needs of the physically handicapped. The purpose of the workshops is to acquaint architects with Public Law 90-480, which Congress enacted last year to assure that buildings constructed with public funds are accessible and usable by the handicapped and elderly.

In addition, it is hoped that architects will be stimulated to keep the handicapped in mind when they design other buildings and facilities intended for public use.

Upcoming AIA workshops include: November 17-18, Hartford, Conn.; November 24-25, Fort Worth, Tex.; December 2-3, San Francisco; and December 10-11, Los Angeles.

Since early October, 2-day workshops also have been held in Philadelphia, Louisville, Minneapolis, Denver, Seattle, and Atlanta.

The National Easter Seal Society for Crippled Children and Adults, Rehabilitation Services Administration, General Services Administration, and the President's Committee on Employment of the Handicapped also are cooperating to make the AIA seminars a joint effort to break down architectural barriers.

At the Minneapolis meeting, William P. McCahill, Executive Secretary of the President's Committee on Employment of the Handicapped, delivered a speech which I commend to the attention of Senators because of its clarity and realism. I ask unanimous consent that it be printed in the RECORD.

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

BARRIER-FREE ARCHITECTURE

(By William P. McCahill)

It is a sad but true fact of life that many of the most severely wounded veterans of Vietnam will not be able to obtain the education promised them by a grateful Congress. The reason is simple. They won't be able to get into or function adequately in more than 90% of our colleges and universities. Either there won't be any elevators in multi-story buildings or there won't be even one ground-level entrance. And, even if there are elevators and stepless doorways, toilet stalls will be too narrow, drinking fountains too low, telephones too high or parking facilities either non-existent or too far away for wheelchairs. We have constructed an environment on campus which does what the Viet Cong couldn't do, stop the American fighting man dead in his tracks, wheel tracks. That's part of what this meeting is all about. Perhaps a more dramatic part, but an important one.

TEN AIA WORKSHOPS

Our meeting today in Minneapolis is the third in a series of ten orientation workshops in carefully selected cities throughout the country. When they are completed, we hope to have involved between 1500 and 2000 students, architects in private practice, builders, architects working with Federal, State and local agencies of all kinds, key professors and deans of the major schools of architecture in the country. Our purpose in so doing is to acquaint architects in private practice and in public programs with the needs of disabled people and the provisions of new Federal legislation now going into effect, Public Law 90-480. We hope to enlist your interest in implementing this legislation and similar State legislation so that buildings and transportation systems you design will be more responsive to the special needs of people with physical impairments.

We have here today some disabled people who will demonstrate problems they face in getting around in the average building. We have other consultants who can answer questions about the Legislation. The film you will see tomorrow portrays vividly the human problems of the men and women who have chronic impairments.

My job today is to set the stage—to explain why it is so important that the architectural professions and the building industry generally take the lead in improving the environment for the disabled and elderly. This will include some ideas about the size of the

problem and what different groups, including the Federal Government, are trying to do about it.

TWENTY MILLION AMERICANS

As one looks around, it is easy to note that the modern man-made environment is designed for the young and healthy. Yet almost everyone, sooner or later, is handicapped by a chronic or temporary disability or by the infirmities of old age. By designing for the physically perfect we bar real people from getting an education, earning a living, going to church or synagogue, library or opera, becoming a part of active community life. It has been estimated that more than 20 million Americans are built out of normal living by unnecessary barriers—a stairway, a too-narrow door, a too-high telephone.

ARCHITECTURE COMMISSION RECOMMENDATIONS

To throw the spotlight of public attention on this problem, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped conducted several hearings across the country and presented to Congress some recommendations stemming from its 2-year investigation. Incidentally, Lorenzo Williams—a prominent architect from Minneapolis—was a member of that commission. Among these were:

1. Enactment of Federal legislation requiring that all new public buildings and facilities which are intended for use by the public must be designed to accommodate the elderly and the handicapped if any Federal funds are used in their construction.

2. Enactment or revision of State legislation to require that State and local buildings constructed with public funds meet accessibility standards and to include strong enforcement provisions.

3. Revision of all building codes so that industries, shops, and other privately owned structures used by the public will be built for accessibility in the future and so that, when existing buildings are renovated, feasible improvements in accessibility will be made.

As the Commission reviewed studies, and talked with people in all walks of life from different sections of the country, it became clear that one of the major reasons for inaccessible buildings was simple thoughtlessness. A public opinion poll by Gallup revealed that 64% of the American people had not thought at all about how the handicapped manage to get around. They were unaware that one of the greatest single obstacles to employment for the disabled youth or adult, veteran or housewife, is the physical design of the buildings and facilities they must use.

Most people did not know that of the one in every ten persons who has some disability there are 2 million children with orthopedic difficulties, and countless others with more hidden physical defects. What about the education of these children?

And there are millions of adults enfeebled by age or who have heart conditions that preclude their climbing stairs and hills. There are millions with arthritis, who are blind or deaf plus those with other chronic disabilities that keeps them in heavy leg braces or on crutches or in wheelchairs . . . Over and above these are those temporarily disabled by accidents who could return to school or work sooner if buildings were designed for accessibility.

Some of the other key findings that will interest you were that new facilities built and equipped to accommodate the handicapped cost little or no more to construct than buildings designed only for the able-bodied. The important point here is to achieve this at the design stage—not later. Testimony and studies of the Commission showed, however, that many old buildings could have some of their barriers removed

at nominal cost. It was found, also, that industry and business could tap a new reservoir of competent employees and new customers simply by adding a few accessibility features such as hand rails, ground level main entrance or ramp, doors that open automatically, nonslip flooring, one or more wide toilet stalls with grab rails and an open booth with a low placed telephone.

The great obstacle of stairs and steps and inaccessible toilets, or lack of usable transportation often makes it necessary to transport a person in terms of his real capacity or potential. This fact and the obvious need for all disabled people to get around their communities to shop, go to church, to vote or to go to the movie makes it necessary for all of us in the rehabilitation professions to urge the design professions, the building industries and transportation officials to work with us toward a barrier free environment.

Removing architectural barriers is a "cause" involving a number of agencies of the Federal Government, many voluntary organizations including universities, professional societies and thousands of volunteers.

I'd like to review some of the high-lights of the work of the past few years so that you will have a greater appreciation of why the Federal Government and the American Institute of Architects along with the other sponsors of these meetings are teamed together on this current series of workshops on barrier-free architecture.

NATIONAL EMBARRASSMENT

Our work on different facets of this problem goes back about ten years. Architectural barriers became a live "public issue" when the "Handicapped man of the Year" came to Washington to receive the President's trophy. This particular disabled man was in a wheelchair. It was necessary to tug and lug him and his wheelchair into the Federal Building and onto the stage where the ceremony was being held—as if he were a sack of potatoes and not a sensitive human being. We got six Marines to assist him and other wheelchair users into the auditorium and I pulled his chair up the platform back-steps.

The incident was a national and personal embarrassment, and that Fall at a White House meeting of our Advisory Council, an ad hoc committee was formed to try to come up with a solution to the vexing problem of architectural barriers. Represented on that ad hoc committee were, besides the President's Committee, the Veterans Administration, the then Office of Vocational Rehabilitation and the Department of Labor.

Following consultation among these groups, the President's Committee joined forces with the National Society for Crippled Children and Adults to wage a massive educational campaign to make the public aware of the problem of architectural barriers. These two organizations have affiliates or counterparts in every State and in many communities around the country who could attack the problem at its very roots—the local neighborhood.

FORMATION OF STANDARDS COMMITTEE

It was decided at the start to invite representatives of some 50 organizations who were vitally interested in, and ably qualified to assist in attacking the problem of architectural barriers. As a result these experts and consultants formed an American Standards Association Committee. Under the chairmanship of a distinguished Washington architect, Leon Chatelain, Jr., who formerly was President of the American Institute of Architects, and the staff director was Minnesota's own K. Vernon Banta, here with us today.

This Committee was composed of representatives of professional and trade associa-

tions—including architects, engineers, the construction industry, and building trade unions—societies, manufacturers, and government agencies. A comprehensive and detailed "Work Outline" was developed, and with this as a guide, each member of the Committee investigated independently specific areas which related to his basic interest and knowledge. The findings were then tested over a two-year period on the campus of the University of Illinois, which included in its enrollment about 200 severely handicapped students.

RESEARCH, TESTS, THEN A REPORT

Through this research and testing, using individuals with a wide range of physical impairments, the Committee was able to have the essential data necessary for making its many decisions. Ramps were constructed that were adjustable to different pitch and length and combinations of both. Adjustable handrails were installed. Research men tested wheelchair-bound individuals having various types and degrees of handicaps under widely varying conditions. Another basic research team measured the turning space of a wheelchair and the vertical and horizontal reach of the individuals using them. Each test was conducted by individuals representing various manifestations of disability, various ages and varied circumstances relating to time of onset of disability. The data from these tests were included in a report of over 100 pages.

At the end of this two-year testing period, the report was condensed into a 12-page set of specifications, and approved by the American Standards Association. This approval means that they were reviewed by every committee and board concerned with building, safety, fire egress and protection within this Association.

These Standards are intended for use by architects, designers, engineers, builders, and those who want to make their buildings accessible to the physically handicapped. They were purposely drawn up as guidelines, rather than specific blueprints. In order to have a wider and more general application; but they were informative enough to satisfy any architect or builder who wishes to convert the principles into accessible architectural design.

They include such items as grading of ground, walkways, parking lots, entranceways, ramps, doors, toilet facilities, water fountains, public telephones, and elevators. They are specific with respect to dimensions, in use of materials, and methods of construction and design.

These minimum standards were distributed to architects and builders throughout the Nation not once, but several times through various channels.

The President's Committee and the National Society urged the State Governors' and city Mayors' Committees and the State and local Easter Seal Societies to form voluntary groups to study the removal of architectural barriers and if necessary, to work for State legislation where public construction was involved.

SOME ACTION; NEEDED: MORE

By 1965 about 24 States had taken some kind of official action (law, executive order or building code) to eliminate architectural barriers in public buildings, and by 1969 the total was 45 States.

Although this represented great accomplishment, much of the legislation was permissive or not fully comprehensive in coverage. The net effect was that by 1965 too few buildings intended for general public use were really being constructed in such a manner as to make this possible. Too few architects, designers, financiers and owners of buildings including Federal, State and local governments were fully committed to the

objectives of these laws, if, indeed, they even knew about them.

PROMOTION AND PERSUASION

Through the efforts of the architectural barriers project of the National Society, financed by grants from the Rehabilitation Services Administration of the Federal Government, approximately one hundred local communities established committees of citizens to make surveys, to issue public educational materials, to develop guidebooks to local buildings citing those which could be used by the disabled. Many magazines of national organizations carried informative articles supporting the use of the standards and the objective of removing barriers.

While no government wide order was promulgated, several key Federal agencies adopted some or most features of the standards. Accordingly, many public buildings such as post offices, veterans' facilities, national parks and office buildings began to cater to some of the needs of the disabled. Faithful promotion and persuasion added a few more Federal agencies or facilities to this group each year.

CONGRESS CREATES NATIONAL COMMISSION

By the end of 1965, the Congress agreed with other interested groups that it was time to take stock—to get an overview—of what had been accomplished to date in eliminating barriers, and what else might be done. As part of a bill to improve and extend vocational rehabilitation services for the disabled, the Congress created a National Commission on Architectural Barriers.

The National Commission was made up of private citizens chosen from different sections of the country who were knowledgeable about one or more aspects of the problem. The Commission's work was financed by your Federal Government.

At the request of the Commission, both the American Institute of Architects and the National League of Cities undertook special studies covering the orientation of architects to the problem, the adequacy of State and local laws and codes in helping to remove architectural barriers, and the state of public awareness of the problem and how it could be solved. Many national, State, and local groups, as well as concerned individuals appeared or sent in testimony, information, research studies, or statements expressing their points of view to the Commission. These were considered by Commission members and reflected in many of the Commission's major recommendations.

RECENT PROGRESS

Following the Commission's recommendations, progress continues to be made on several fronts:

(1) The Congress passed the recommended Federal legislation and some States have passed improved State laws.

(2) The Federal agencies have developed guidelines and standards for new buildings based on the USASI (American Standards Institute) standards.

(3) The American Institute of Architects is involving architects in a study of these laws, regulations and standards through this national series of workshops and action programs in 10 regions.

(4) Reports and studies on this problem have been given publicity.

(5) The National Easter Seal Society for Crippled Children and Adults, with Federal assistance, is doing a special research study in three communities to develop "a prevention formula" which will help communities to avoid the development of architectural barriers.

(6) A Federal grant has just been made to Eastern Oklahoma State College at Ada, Oklahoma, to establish an information service on the removal of architectural bar-

riers. Such an information service will serve colleges and universities as well as research groups.

(7) This summer we held in Washington a national citizen's conference of 1200 citizens from all parts of the United States. This group studied the nature of environmental barriers. They looked at public schools, public transportation facilities, housing, recreation facilities and public buildings which for the most part have been designed for use by able-bodied people. Technical papers, films, and other materials developed especially for this conference have been taken back to hundreds of communities throughout the country.

COMMITMENT, COOPERATION

All of our work on elimination of architectural barriers has involved cooperation between governmental agencies and one or more non-governmental civic or professional groups. This approach to the solution of the barriers problem is characteristic of the manner in which the vocational rehabilitation of disabled individuals has been developed in the United States. By joining forces with all groups, our movement has greater strength. It draws upon a broader base of financial resources, a wider spectrum of community, State and national leadership. It helps to develop a fraternity of committed people.

HOUSING AND TRANSPORTATION

I have left to the last a reference to the work which has been done on the special problems of housing and transportation. Through strong congressional interest, sparked by organizations of handicapped people, our basic national housing act has been amended to make possible certain types of Federal benefits to disabled people seeking rental or purchase housing—in single family homes or in apartment units. Certain financial incentives are available to profit and non-profit groups willing to sponsor the development of special housing for these groups.

Our general philosophy is that the disabled should be able to find a variety of accessible housing, transportation, and other services just as the able bodied do—consistent with their financial capability. We believe that there should not be ghettos of old or handicapped people segregated from the able bodied.

On the other hand, we know that some older people and handicapped people prefer to live separately in specially designed housing. They prefer to work and to socialize primarily with other old or handicapped people. For this reason, the Department of Housing and Urban Development and local housing authorities work cooperatively with sponsors of both types of housing in an effort to provide more usable residential units for older and disabled people. We don't have any one formula, rather a flexible response to community preferences.

National efforts with respect to improving transportation facilities are at an earlier stage of development. As a result of the constant persuasion exerted by groups such as the Paralyzed Veterans of America, the President's Committee and individuals associated with it, airports and carriers are offering better accommodations to the disabled. Similarly, local leaders usually associated with organizations of handicapped persons, the Easter Seal Society and the Mayor's and Governor's Committees on the handicapped have engaged in strong educational campaigns to influence the design of new public transportation systems. They have persuaded the developers of local rapid transit facilities in Washington and San Francisco, for example, to include the disabled among those whose patronage they will accommodate. The example of accessible transportation at Expo '67 in Canada has been used as a spur to galvanize American designers of transport

into action. Similar plans for the Osaka 1970 festival in Japan will also help.

DISTRICT OF COLUMBIA SUBWAY SYSTEM

Incidentally, an Amendment to Public Law 90-480 will be introduced in the House this week with hearings set for November. The legislation will make accessibility for the handicapped and elderly mandatory in the D.C. Subway System. The accessibility and usability features of common carriers were analyzed—the bus and street car systems, trains and air transport. The major findings will help the policy staff of the Department of Transportation shape their responsibilities toward including the handicapped in this Nation's transportation scheme.

Recently, the U.S. Department of Transportation received recommendations from a year long study of the public transportation needs of the disabled. All modes of transportation were studied.

THE BARTLETT AWARD

One last remark. To stimulate greater interest by all architects in barrier-free architecture, the American Institute of Architects and the President's Committee are making an annual award. An outstanding example of fine architecture which also exemplifies accessibility for the disabled will receive the Bartlett Award, named in memory of the late, great Senator E. L. Bartlett from Alaska who was the Senate sponsor of Public Law 90-480, the Federal legislation on barrier-free design. I hope that many of you will be competing for this new award in the years to come.

During the next several weeks we will be presenting this award to the three recipients of the 1969 competition during the workshops similar to this scheduled for Hartford, Los Angeles, and San Francisco. These awards are going to the architects of the Boston City Hall, the San Diego Stadium and the Tenneco Building in Houston. I regret we are not able to present an award during this luncheon to an architect from this region. Hopefully, things will be different after this workshop concludes.

A JUDICIOUS JUDGE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHWENGEL. Mr. Speaker, the State of Iowa has been working in recent years to achieve reform of its lower courts. Like many States, Iowa has suffered from the concept of part-time judges. Conflicts of interest were, and continue to be a problem.

The municipal judge for Iowa City, Iowa, the Honorable Marion Neely, has handled this difficult problem in a most admirable manner under the circumstances. Rather than duck the question of a possible conflict of interest between his duties as judge, his duties as a private attorney, and his duties as the Republican county chairman, he faced them forthrightly. He made full disclosure of the problem, and made certain that appropriate officials were cognizant of the problems involved before he accepted the post.

The Cedar Rapids Gazette of November 3, 1969, editorialized on the judge's handling of the problem, and I would like to add my congratulations for his superb handling of a most difficult situation.

The editorial follows:

A JUDGE'S VIEW

Does a part-time police judge who is also Republican county chairman have a conflict of interest? This question was raised recently in Iowa City where Police Judge Marion Neely is also Johnson county G.O.P. chairman.

Judge Neely, a lawyer, had anticipated the question when he agreed to accept the judgeship in 1965. One condition to his acceptance, he set out then, was that he would be permitted to work in the party of his choice. Iowa City officials agreed to the condition. Only this year, at Judge Neely's request, the Johnson County Bar association checked into the Neely situation and agreed there is no conflict of interest.

Judge Neely referred to these instances in a recent statement answering the question, which was raised by a candidate for the city council. He went a step farther, saying:

"Even though the purpose of the allegation was to revive an issue that had been resolved, it does emphasize the necessity of court reform in Iowa, for every person with judicial capacity below that of district judge faces political attacks such as the one in the instant situation. This includes those directly involved in politics in Iowa, such as municipal court judges, justices of the peace, and mayors of communities that have mayor's courts. And, of course, those involved indirectly in the political scene, such as police court judges, who have to rely on a political appointment every two years. The only way to have compliance with a rule that takes all judges out of politics is to enact judicial reform, which proposition I have long advocated."

That's straight talk from a judge who is on the front firing line probably as much or more than most because he is located in a university community where there is a good deal of action.

Iowa City is a large enough community to have a full-time municipal judge, removed from city politics. In his four years on the bench—as a part-time judge—Judge Neely has raised the status of his court and actually handles a volume of work equal to that processed by full-time municipal judges in Clinton, which has the same population, and in Ames, which is smaller. He is right. Judicial reform, especially on the lower court level, is overdue in Iowa.

STUDENTS AT ORAL ROBERTS UNIVERSITY JOIN IN PRAYERS FOR PEACE—HAWKS AND DOVES UNITE IN PRAYER RATHER THAN PICKET WITH PLACARDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. RANDOLPH. Mr. President, as students on campuses across the land participated in pro and con demonstrations on the Vietnam conflict, the youth of Oral Roberts University, Tulsa, Okla., united in prayer.

These students, like those elsewhere, desire peace. However, rather than carry placards, they placed their faith in God and asked His guidance in bringing a just settlement.

This is a new institution of higher learning, and I had the privilege of addressing its first class in 1965 and also its first graduating class in 1969.

Mr. President, the Tulsa Tribune of October 15 contains a story entitled "ORU Students Pray for Peace." I ask unanimous consent that the article be printed in the RECORD.

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

ORU STUDENTS PRAY FOR PEACE—DOVES AND HAWKS ALIKE

(By Bob Foresman)

Oral Roberts University has both hawks and doves but today virtually all are praying for a peaceful solution to the Vietnamese War.

They are stopping to pray instead of picketing with placards as is being done at many campuses.

The moratorium was officially noted at the 10 a.m. chapel which is compulsory for the 882 students. They gathered quietly at the Learning Resources Building auditorium to the strains of "The Battle Hymn of the Republic."

As the students sat waiting for the program to begin, they quietly sang the words to the old Civil War hymn.

The Rev. Bob Stamps, Methodist minister and university chaplain, quietly stepped to the podium and said he would lead a responsive prayer in which, at intervals, students would reply with the words, "We implore You, God of Peace."

Mr. Stamps termed today a "great day for ORU's campus."

It is one of the highlights of a four-day Cultural Emphasis Week which will be climaxed on Thursday by dedication of the new Avenue of Flags leading into the campus from Lewis Avenue.

On Thursday morning the American flag, the new Oral Roberts University flag, the Oklahoma flag and the Christian flag will be hoisted together with those of 20 nations which have students attending the university.

Mr. Stamps asked the students to cast their eyes to God and relax and let the Spirit of peace go through them.

"Usually our prayers are much too small but today we are great.

"Our dreams of faith are large," he began.

Specifically he asked God to grant wisdom to President Nixon and other national leaders.

He also prayed for the salvation of the 45,000 American "boys" who have given their lives in the struggle. He also prayed for the "hundreds of thousands" of enemy soldiers who have given their lives.

After each prayer the students would intone "we implore you, God of peace."

Mr. Stamps asked the Lord to grant wisdom to the Paris negotiators who are attempting to settle the war.

"Bring peace to our campuses, bring an end to war."

The students sat in absolute silence except for the responses. A few were visibly moved.

After the program, which included a panel discussion by women of several ethnic groups seeking universal understanding, the students filed out of the hall and went to classes.

Many instructors abandoned their lectures and students held open discussions on the Vietnam situation.

Bob Goodwin, Tulsa senior, president of the Student Senate, asked each student to spend a portion of the day in prayer.

Afterward he said that he did not object to boisterous meetings and placard-carrying on other campuses.

"We don't do that sort of thing here."

Goodwin said the student body at ORU is one in allegiance "first to God and next to country."

THE EVER-PRESENT PROBLEM OF KEEPING THE RECORD STRAIGHT

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HOLIFIELD. Mr. Speaker, on October 29 the attention of this body was directed toward an article which appeared in the October 29 issue of the Washington Post reported as an endorsement of a strong State role in regulating safety standards for nuclear powerplants. The article reported upon testimony presented on October 28 by John Nassikas, Chairman of the Federal Power Commission, in an appearance before the Joint Committee on Atomic Energy of which I am chairman. These hearings currently being held by the Joint Committee concern the environmental effects of producing electric power.

I personally was very surprised on the morning of October 29 to read the referenced article since I had listened very carefully to Chairman Nassikas. I found that the article created exactly the opposite impression of the one I had received from listening to Mr. Nassikas' testimony.

Mr. Nassikas had returned to the committee hearings on October 29 for the purpose of continuing his testimony, and I took advantage of the opportunity to ask him to comment upon the impression created by the article in the Washington Post. In brief, Mr. Nassikas stated that the article was incorrect. He reiterated his view that the regulation of nuclear powerplants should continue to be in the hands of the Federal Government and stated his belief that on the basis of his own knowledge of the Atomic Energy Act there has been Federal preemption of this field as a matter of public policy.

In order to "set the record straight once more," I am furnishing for the RECORD an extract of the transcript of the Joint Committee hearings containing the portion of the discussion which centered about this issue on the morning of October 29. In fairness to the Post, I should say that on the morning of October 30 there appeared a small paragraph in correction of their October 29 article.

The extract follows:

EXTRACT FROM HEARINGS BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY ON OCTOBER 29, 1969, ON "ENVIRONMENTAL EFFECTS OF PRODUCING ELECTRIC POWER"

Mr. NASSIKAS. Whatever I may have stated yesterday in reply to questions or in my prepared testimony, I am certain that no inference reasonably could be derived that I would in any way suggest taking away from the Atomic Energy Commission its established powers over the areas of radiological effects in relation to safety and health.

In other words, we know that this particular question, that is, whether or not there is Federal pre-emption of this area, is before the court in the Minnesota cases.

I did not in any part of my testimony refer to the Minnesota cases by inference or otherwise, nor was there any intention to attempt to erode the established authority of the Atomic Energy Commission.

To the contrary, I specifically and positively stated that I thought this should continue to be in the Federal realm and I can't forecast what the court will do, but I would think that from my own knowledge of the act and its experience that there has been Federal pre-emption of this field and, as a matter of public policy, properly so.

Chairman HOLIFIELD. I thank the gentleman for that statement.

The problem is not quite as newsworthy as if he had made an opposite statement but, nevertheless, it does set the record straight. Representative MAY. Mr. Chairman, thank you.

May I say before I pose a question to Chairman Nassikas that after the meeting yesterday, Mr. Chairman, I was called by a member of the press and he put specific questions to me as to what my interpretation was of what you said on this.

At least you and I understood what you were saying because I said exactly what you have said, that this was the general thrust and tenor of your remarks.

I, too, get sometimes confused on people who sit and listen to the same thing and come out with several different interpretations.

Mr. NASSIKAS. Thank you, Mrs. May.

I never have claimed to be always right but I try to be clear.

B'NAI B'RITH MESSENGER'S TRIBUTE TO SENATOR MURPHY

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. JAVITS. The B'nai B'rith Messenger of October 31, 1969, an independent newspaper published in Los Angeles, contains an editorial attesting to what many of us in the Senate have known for some time: that GEORGE MURPHY is a Senator with a deep sense of compassion which has earned him the friendship of his colleagues and the respect of the State he represents.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

UNITY

The basic philosophy of the majority of the Zionist community in the United States has long been that Israel and Jewry have friends in both political parties.

Thus, in days gone by, both the Tafts and the Wagners spoke their praises and translated their words into support for the Jewish State.

Thus, major Zionist groups in recent years have heard from the Humphreys and the Nixons, the Dirksens and the Kennedys.

No greater proof of the Zionist theory has ever been offered than that of the past weekend at the Jewish National Fund's annual conference.

There, Gov. Ronald Reagan, Sen. George Murphy and Sen. Alan Cranston stood shoulder to shoulder behind the State of Israel. It was a display of unity that many in the Jewish community would call "rare," but in reality, it was a reaffirmation of a basic fact of American political life. In both parties, among those who may differ on a multitude of other issues, Israel has friends.

It is a fact that too many of the so-called Jewish communal leaders overlook each November as they paint themselves into political corners. They permit the phrase "anti-Semitic" to be used liberally in the Jewish community to describe any candidate whose views may be more conservative than theirs.

Thus, our phones ring every election time with denunciations of conservative candidates, Sam Yorty, our callers would tell us, is an anti-Semite. This is the Sam Yorty who led the way in his campaign against Hitler in the late 1930s. It cost him an election. It's the same Sam Yorty who has three times visited Israel and who has appointed more Jewish city commissioners than all his predecessors combined.

Thus, our callers denounced George Murphy as an anti-Semite. This is the same George Murphy who has endeared himself to many for his devotion to the Jewish aged. This is the same George Murphy who has, without prodding, taken up the cudgels for Russian Jewry and has been a leader, not a follower, in the United States Senate in his support of the Jewish State.

Thus our callers condemned Ronald Reagan, a man who once slept all night in a car rather than register at a hotel which did not accept Jews. This is the same Ronald Reagan who needed no second invitation to express his positive viewpoints on the State of Israel.

Our callers have scathed Richard Nixon as an anti-Semite. They have tarred Barry Goldwater with this brush. They have never been able to face an American truth, that to be a conservative is not to be an anti-Semite. They have never been able to really acknowledge that anti-Semitism lurks at the extremes of both the right and the left and that conservatives are no more extremists than are liberals.

Yes, the late Sen. Robert A. Taft and the late Sen. Robert Wagner could find a unity of purpose and a unity of spirit in their support of a Jewish State in Palestine. The late Sen. Dirksen and the late John F. Kennedy could, with vigor, praise the American Jewish community for its accomplishments on behalf of the creation and the survival of that State.

What happened Sunday at the JNF conference was a reaffirmation of the principle that Israel has many friends in both of our great major political parties, a fact which all of us should remember.

HON. ARMISTEAD I. SELDEN, JR.,
HONORED AT LIVINGSTON UNIVERSITY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NICHOLS. Mr. Speaker recently a former colleague of ours was honored in my home State by having a public building dedicated in his honor.

The former member of our Alabama legislative delegation for some 16 years, our esteemed friend, the Honorable Armistead I. Selden, Jr., was singularly honored by Livingston University in the recent dedication of their Armistead I. Selden junior hall.

Former Congressman Selden is no stranger to university campuses. He was graduated from the University of the South at Sewanee, Tenn., and holds a law degree from the University of Alabama.

As you will all remember, Mr. Selden

served with much distinction on the House Committee on Foreign Affairs. In addition to his very active participation in committee work, he was also an official U.S. delegate to the North Atlantic Treaty Parliamentary Conference during 1957-1959. He distinguished himself as an outstanding authority on Central and South American issues by heading special congressional studies on the Panama problem in 1963.

I believe that former Congressman Selden can be considered an expert on U.S. foreign policy and is certainly well-qualified to discuss a subject which continues to receive both nationwide and worldwide attention, that is, the effort presently underway by some to effect the immediate and unconditional withdrawal of American troops from South Vietnam.

These remarks are extremely timely, and as one who steadfastly supports the position of our former colleague, I wish to make this excellent speech available to my colleagues. I am sure that no matter what your particular position might be that you will find his statement of considerable interest.

The speech follows:

REMARKS OF HON. ARMISTEAD I. SELDEN, JR.,
AT LIVINGSTON UNIVERSITY

To say that it's an honor and a privilege to be here on this occasion would be perhaps the understatement of my entire public career. This has to be one of the greatest honors that anyone could hope for—to have a public structure named for him during his lifetime. That this structure is a building dedicated to the molding of an informed citizenry makes me especially grateful and humble.

To President Deloney, the Board of Trustees, the state legislature, particularly Representative Pruitt and Manley, and to all who played a part in the naming of this dormitory, I am deeply indebted.

During the sixteen years I had the honor of representing this county and district in the United States Congress, it was my privilege to work closely with the leaders of this institution, this community, and this county. And while my contributions were small indeed, I, too, am extremely proud of the progress that has been made and the fact that my name will be associated by future generations with that progress.

I suggested to Dr. Deloney when he informed me of today's activities that perhaps it might be inappropriate for me to make the dedicatory speech. When he assured me that I would be expected to do so, I concluded there would be no more timely occasion than today to discuss on the campus of an institution of higher learning a subject that at this very moment is receiving both nationwide and worldwide attention. I refer, of course, to the efforts presently underway by some in Washington and in other parts of our nation to bring about an immediate withdrawal of all United States forces from South Vietnam.

I'm certain I need not remind this audience that since the United States was launched by World War II into a position of world leadership, our nation has expended vast resources and manpower in an effort to stop the spread of international Communism.

The Marshall Plan, the Korean conflict, numerous Berlin crises, vast expenditures of foreign aid, even vaster expenditures on military manpower and equipment, the Cuban confrontation, the war in Vietnam—all have been efforts to combat tremendous pressures exerted by the forces of international Communism on the United States and on our allies.

No wonder, then, that the people of our

Nation are weary of these burdens and are continually searching for some way to achieve world peace and thereby lighten the load we necessarily have had to shoulder. There are those who feel we should draw back our lines of defense and discontinue our efforts to aid these nations who wish to remain free but cannot do so without our help. There are others who feel that events transpiring within the Communist world will bring about a conflict of such magnitude among the Communist nations that the international Communist movement will no longer be a threat.

Unfortunately, both these views are unrealistic. To abandon our friends would only strengthen our enemies, move the front lines of our enemies closer to our own shores, and possibly make inevitable a direct confrontation with Soviet-Sino military forces.

Also, while the Communist nations are having problems both internally and among themselves, a war that will irreconcilably split the two most powerful Communist nations and forever rend asunder the principal factions of the international Communist movement—such a war, regardless of how much we may desire it, does not appear as a reasonable likelihood today.

So no matter how hard we may wish for a simple solution, we can never afford to lose sight of the fact that there is still such a thing as the international Communist movement. Its threat to democratic forms of governments continues to be real, whether the threat is of the Soviet and satellite variety or of the more extreme Chinese variety. Between these two parent poles of influence in the world Communist movement, there is not that much difference, particularly in terms of the threat they still pose to our interests throughout the world.

We are aware, of course, that at this very moment there are seekers of "that simple solution," who are urging "peace at once" in Vietnam with the immediate removal of all American forces. Yet, despite the desire to end a costly and unpopular war, can we in this nation afford to run up the white flag in Vietnam, abandon the South Vietnamese, and ignore the sacrifices that have been made by tens of thousands of Americans who have been killed or wounded in an effort to protect the rights of people to select their own form of government? This, in effect, would be the abandonment of those awesome responsibilities that world leadership has thrust upon the United States in this critical stage of history.

It was the philosopher Santayana who said "He who forgets the past is condemned to relive it." With this in mind it might be well this morning to recall that thirty years ago, so-called peace activists, perhaps with great sincerity, demonstrated in London. The result of those demonstrations was the encouragement of Adolph Hitler in his belief that the Western democracies would surrender rather than stand firm against aggression.

Thirty years ago, the London Times argued in its editorials that Hitler and Mussolini were not really making unreasonable territorial demands on their neighbors—and in Berlin and Rome, those editorials were read and understood to represent British intentions not to resist aggression.

Thirty years ago, students at a leading British University voted that they would not carry arms in defense of their country, and observers in foreign capitals mistakenly concluded that the English had no will to resist aggression.

That was three decades ago. Looking back, we now know that the actions of these British peace-now-at-any-price advocates led to the dangerous miscalculations that finally precipitated World War II.

And today despite the sincerity of many of those who advocate and demonstrate in this country for peace-now-at-any-price, I

am convinced that the Communist world can only be misled as to America's will to resist aggression by their activities.

The salient historical fact ignored by the governments of Britain and France in the nineteen thirties was their responsibility as world leaders, and into this vacuum of abdicated responsibility moved the aggressor states. Ultimately World War II, with its massive destruction and loss of lives, came to pass—a war in which my generation and the generations of many of you here today found it necessary to participate.

"I have brought back," said Neville Chamberlain, stepping from his plane after meeting with Hitler and Mussolini at Munich, "I have brought back peace in our time."

Yet, a year and a half later the world was engulfed in the bloodiest war in human history.

What, then are the lessons to be gained for that terrible experience?

What are the lessons applicable to our time?

None, say the doves, the "peace in our time" spokesmen of the late 1960's. These advocates of American disengagement from any confrontation with Communist aggression argue that the United States has no right or obligation, legal or moral, to aid in the defense of Vietnam—or, in fact, any other nation.

"We cannot be policemen for the world," they argue. And, indeed, the question arises: If not the United States, what nation *can* be a force for the establishment and maintenance of international law in the face of continued Communist aggression, from Prague to Southeast Asia?

Unfortunately, the United Nations—upon whom we placed so much hope—has proven inadequate to the task of maintaining international law, order, and peace. This fact leads inevitably to the moral—and practical—choice: Can and should the United States withdraw its influence and strength from areas throughout the world where aggressive Communism threatens?

Can we withdraw as did the British and French into splendid isolation, ignoring the fact that even if there is no policeman for the world, international lawlessness still persists.

Considering this, would such withdrawal be right? Would it be moral? To be sure, the argument is raised that our interest in Vietnam is not wholly selfless.

We have, say our critics, foreign and domestic, a selfish stake in the Vietnam war.

But that argument merely states the obvious. Of course, it is to our self interest to defend any allied nation against aggressive Communism.

"Ask not for whom the bell tolls," Ernest Hemingway quoted the poet Donne at the height of the Spanish Civil War, "it tolls for thee." His point was clear: The struggle for the freedom and self-determination of *any* people affects *all* people.

This does not mean that the United States is legally or morally obligated to take sides in every international controversy. But it does mean that there are those areas of challenge and confrontation in which no great and free nation—if it wishes to remain great and free—can avoid risk and responsibility.

Ultimately, Britain, France, and the free West had to face up to the totalitarian threat of the 1930's. But the overwhelming evidence of the times has made clear the fact that if Hitler, Mussolini and Imperial Japan had been confronted earlier, if they had been stopped by a firm stand on the part of Western Democracies, World War II, the bloodiest war of all times, might well have been prevented.

But there was the morality of Neville Chamberlain—sincere as he might have been—in purchasing what he thought was

peace at the cost of Czechoslovakia's self-determination in 1938.

And what would have been the morality of the United States, if in 1946 we had purchased peace from aggressive communism, at the cost of Turkish and Greek self-determination?

Or the morality of "peace in our time" had President Harry Truman surrendered West Berlin in 1948—or stood still while Communist forces overran South Korea in 1950?

Or what would we have had to say about the morality of President Dwight Eisenhower had he not stood firm in the Middle East following the Communist-backed coup in Iraq?

Moral judgment, in a historical context, is always difficult. But of this, despite America's chronic critics, we may be sure. No nation in world history ever before concluded a major war, as we did in 1945, with as great power and pre-eminence throughout the world.

Had the United States been the international villain described by our Communist enemies and other critics, we could easily have used that power and pre-eminence—which included overwhelming military and economic might, supported by a monopoly of nuclear weapons, to shape the world to our will. Instead, we developed the most generous policy any great nation ever employed in dealing with conquered nations and weakened nations. We did not plunder the world. On the contrary, the United States launched the greatest program of support and aid to other nations ever devised.

We rebuilt Europe—and sent billions in resources and aid to other countries of the world, including even our former enemies.

Was there a selfish interest involved in our actions? Is there a selfish interest involved in our continued support of the South Vietnamese government against Communist attacks?

Again, I say: Yes—that is the motive of self interest that arises from an honest and enlightened recognition of the fact that—to paraphrase Donne—"so long as the freedom of any people is diminished, ours is diminished."

We have fought in Vietnam—and Americans are in Vietnam today—not because the government of South Vietnam is pure and perfect.

Indeed, we aided the dictator Stalin during World War II, certainly *not* because his Communist regime was pure—but because had we not helped him, the shadow of Nazism might well have engulfed the world.

And today, in Vietnam, our withdrawal from that country—as is being urged by the modern echoes of Neville Chamberlain—will not bring peace in our time. It will simply lengthen the shadow of Communist aggression throughout the world.

It will set the stage—as did the British and French disengagement from confrontation in Munich in 1938—for an even more ominous confrontation at a later time.

Thus, "get out of Vietnam—at any price" is *not* an argument for peace and morality. It is an argument for the easy, simplistic way to avoid the responsibility that falls upon the United States as the leading nation of the West and the shield of Western freedom.

To avoid that responsibility—to ignore the lessons of the recent past—and to lead an aggressive world force into reckless future action based on miscalculations—that would be the greatest immorality.

"I have brought back 'peace in our time,'" said the British prime minister 31 years ago. Let us hope that no American President will ever bring back to the American people such a peace—a peace purchased at the price of respect of international law and national security.

In expressing these views here this morning, I do so confident that the great majority

of students on this and other campuses throughout Alabama look to and work toward a future in which the frontiers of freedom are safeguarded not only here in America, but wherever in the world men and women desire to remain free.

For that, after all, is the ultimate purpose of an educational system in a free society—to preserve as Jefferson wrote, "the blessings of liberty for ourselves and our posterity."

And so on this occasion we dedicate a building—a dedication for which I cannot find words to express my heartfelt appreciation. But I would hope that in the days and years ahead those who reside within these walls will dedicate themselves to something much more important—a dedication of those who live and study here to ideas and principles of a great institution, a free society and a great nation.

DETROIT FREE PRESS EDITORIAL ON AGNEW'S ATTACK ON TV NETWORKS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NEDZI. Mr. Speaker, while all of us have at one time or another been unsettled by television coverage of news events, we should find far more unsettling the implications of Vice President AGNEW's attack on the television networks and their commentators.

Constructive criticism and independent coverage by all the news media is indispensable for the proper functioning of American democracy.

I hope that the networks will not feel obliged to trim their coverage and comments to suit Government officials.

Under leave to extend my remarks in the RECORD, an astute and comprehensive editorial from the Detroit Free Press issue of November 15, 1969 is set forth below:

No honest man could deny that he has occasionally seethed in his chair, from time to time, because of a peculiar twitch of Walter Cronkite's mustache or the arch of David Brinkley's brow or because a comment seemed biased or unintelligent. By the same token, we in the printed news media know we give our readers cause for righteous indignation from time to time.

And because we know this—because we are sensitive to the power of the "media"—we know that the average citizen is tempted to accept what Vice President Agnew said about television as the whole truth. We know, too, that because of our obvious vested interest in the First Amendment, our reactions are suspect.

Yet the vice president's argument was so beguiling, so deceptive and so dangerous that it must be answered forthrightly. Of course there are abuses. Of course the enormous power of television must be watched. Of course the public character of the airwaves and the licensing process puts them in a situation different from that of newspapers.

But is the exercise of the obligation to report and analyze critically really the danger the vice president conceives it to be? He complains of the treatment given President Nixon's recent Vietnam speech. If we are to believe Mr. Nixon, however—or Mr. Agnew himself, for that matter—the President has succeeded rather well in mobilizing his "silent majority." In other words, de-

spite what Averell Harriman or Marvin Kalb may have said about the speech, it got through to the people.

Indeed, Mr. Nixon knows better than anyone that the astute politician, using television without the intrusion of critical questions, has great power to manipulate public opinion. Is it not better to have a critical panel reviewing the President's speech, raising questions, than to have it accepted in its entirety? We will have foolish and even dishonest newsmen, just as we will have foolish and dishonest public officials. The one serves as a check on the other.

Were it not for critical reporting—free of intimidation—there would be no counterweight to the power of the presidency. Any President occasionally wishes the critics in the press would go away. But in a free society, a public official has to take his chances with criticism.

Mr. Agnew's attack on the critical comments by former Ambassador Harriman is particularly revealing. This is no mere commentator, but a man who has served his country far longer and with far more distinction than Spiro Agnew. Mr. Agnew's dismissal of his patient service at the Paris peace conference is gratuitously insulting, especially since Mr. Harriman's successor at Paris, Henry Cabot Lodge, has had the same frustrating experience.

Should Mr. Harriman be consigned to silence because he did not achieve success in the Paris negotiations? We think his testimony is rather useful. It would be useful, after any presidential address on Vietnam, to hear from Mr. Harriman, or a George Kennan, or a Senator Fulbright. The comment need not be taken as the whole truth, but it helps to balance the kind of one-sided report the President is prone to give in justifying his position.

No less is under attack from Vice President Agnew than the role of criticism in a democratic society. He would shut off the commentators' right to criticize a presidential address, and he would dismiss the televised comments of an experienced diplomat such as Averell Harriman. Who, then, is qualified to question the President?

Vice President Agnew's performance becomes daily more incredible. He has set out on a concerted—and it would appear cynical—attempt to discredit dissent, despite his lip service to that right. He is ready, by his own testimony, to polarize American opinion.

It is a strange performance from a member of an administration pledged to "bring us together" and to persuading us to "lower our voices." Now, the watchword, at least according to the vice president, seems to be "sit down and shut up."

WHO SPEAKS FOR THE SILENT MINORITY IN VIETNAM?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HAWKINS. Mr. Speaker, many speak for what they want to believe is the silent majority but few speak for the very real silent minority, our black fighting men in Vietnam.

They bleed, they die, and hunger for home but their voices are not really heard. They ask such questions as these: How fair was the draft board that tapped me on the shoulder and sent me away?

Am I in Vietnam only because I am black and poor?

Is there no sound of my voice in high places where policy is made and destiny determined, in the President's Cabinet or at the Pentagon?

He hardly had an opportunity to raise such questions in unfamiliar and often unfriendly induction centers nor would the answers have satisfied him.

The statistics, had he known them, would have revealed: Had he come from Mississippi, the odds he would face a Negro member on his draft board was one in 300. In any one of three other States—Alabama, Arkansas, and Louisiana—not a single black face would have participated in the judgment to draft him, although in these States, Negroes constitute almost a third of the total population.

And the same 100 percent exclusion of blacks from draft boards would have been true in 20 other States. As a matter of fact, in only three States would the percentage of Negroes on draft boards have been higher than 3 percent. Even in California it adds up to a mere 1.6 percent.

What of the Pentagon where policy is made and the military conducts the war?

Only three Negroes are included in the 523 supergrade positions and this silent black trio is like prisoners "inside the walls" but not a part of "the establishment."

So the black fighting silent minority serviceman in Vietnam fights on—a little weary perhaps but with still other unanswered questions on his mind.

Why does not the President speak out against the injustice against him?

When will the Congress get around to real draft reform and making things better back home? And if he is really fighting for self-determination for others in far away places, why not for himself?

And so our brave fighting man goes on without the answers, in jungles whose names he had never heard in the all-black schools he attended—silently fighting for a freedom he himself never enjoyed.

THE PEACE QUESTION

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. GROVER. Mr. Speaker, I am pleased to bring to the attention of my colleagues the following recent editorial in the weekly newspaper of the Diocese of Rockville Centre, the Long Island Catholic which analyzes the frustrating problem of Vietnam and supports the peace efforts of President Richard M. Nixon:

[From the Long Island Catholic, Nov. 13, 1969]

ON THE PEACE QUESTION

Up until 10 days ago, when President Nixon revealed his plan for ending direct U.S. involvement, the war in Vietnam seemed to most Americans to be a veritable treadmill—

and once we were on it, it was impossible to get off.

Those opting for total victory viewed the U.S. policy of de-escalation as suicidal, resulting eventually in humiliating defeat. At the other end of the spectrum were those who deplored our presence in Vietnam and called for immediate, total and unilateral withdrawal of all American forces, and appeared to show little or at the most only perfunctory concern over the consequences involving the people of South Vietnam.

In between were those who also deplored the death and destruction wrought by the war, but who wanted neither an all-out war with North Vietnam and eventually Red China, yet at the same time did not want to abandon the South Vietnamese to fate.

For many Americans it was not even a question of "saving face" but of trying to save what has been accomplished in South Vietnam, consisting primarily of the establishment of a democratic form of government, even if only in its rudimentary stages and often accused of being highly corrupt.

But the war in Vietnam had begun to look like it would never end. A victory here, a loss there. More and more U.S. troops being sent overseas, more and more being killed, millions of dollars being poured into a ravenous creature that could not be satiated. And here at home people starved.

More and more clamored for an answer. When will it end?

On Nov. 3, President Nixon went before the American people with what he called a plan for a just and lasting peace. Basically it called for Vietnamization of the war with a resulting reduction in the number of American soldiers involved in combat. The schedule to be followed would depend on how quickly the South Vietnamese can be trained and equipped to replace American troops in the field. It also depends on how the North Vietnamese react. Any stepped up action on the part of Hanoi would slow down the process.

There is, in Mr. Nixon's view, little hope of any negotiated peace at the Paris talks. Not ruling out the possibility of a negotiated settlement, he favors withdrawing American troops "on a schedule in accordance with our program, as the South Vietnamese become strong enough to defend their own freedom."

Critics of the war look on the President's plan not so much as an effort toward peace but merely a shifting of the burden of the war from the U.S. forces to South Vietnamese forces. They also note that the program is heavily contingent on the actions of Hanoi, and therefore means little as far as ending the war is concerned.

Others, however, particularly those who feel the U.S. has gone far enough in our concessions to the North Vietnamese, believe the President's plan is workable, if the American people and our friends around the world give it wholehearted support. They believe anything else would jeopardize American lives and the lives of thousands of South Vietnamese.

In the firm belief that it is the only realistic proposal for possible peace in Asia, they say let's give it a try. Or, let someone come up with a better plan.

Our analysis of the present situation in Vietnam tends to support this view. We agree that meaningful negotiations between Saigon and the National Liberation Front are difficult as long as there is a mammoth U.S. presence in South Vietnam. But the predicted consequences of a unilateral withdrawal are too awesome for us to support such a move. We also feel the South Vietnamese government should be able to bargain from a position of strength and not weakness. Taking all this into consideration, we too say let's give President Nixon's plan a try.

ELUSIVE TRUTH IN PACKAGING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ROSENTHAL. Mr. Speaker, one of the constant concerns of students of government is the question of how much organization affects policy.

President Theodore Roosevelt discovered, for example, that it was impossible to change land use policy from homesteading to conservation until he first established the Interior Department. Before that Department existed, no one in Government spoke for the conservationist to balance the views of those who championed more and more exploitation of land.

Similarly, with consumer protection, we in Congress are discovering slowly that unless organization of consumer interests improve, even good consumer laws lack efficacy.

I include below a striking report on how little has been accomplished by the 1966 truth in packaging law. The failure is due, to an important extent, to flaccid administration of the law. The article, from the November 6, 1969, Wall Street Journal, follows:

KING-SIZED HEADACHE—CONSUMER FORCES SAY PACKAGING LAW FAILS TO CLEAR UP CONFUSION—RULES FOR TERMS LIKE "GIANT" STILL LACKING; MULTIPLICITY OF PACKAGE SIZES REMAINS—TOUGHER RULES IN NEW YORK
(By Ronald G. Shafer)

WASHINGTON.—Question for consumers: Which contains more toothpaste—a "medium" tube of Colgate, a "large" size of Crest or "giant" tube of Pepsodent?

Answer: They're all the same. Each tube weighs 3.25 ounces.

That's a small example of why consumer spokesmen say the "truth in packaging" law enacted in 1966 hasn't been a roaring success in stemming confusion at the grocery shelves. Even now, no regulations have been drawn up to define such terms as "medium," "large" and "giant."

The packaging act is three years old this week, and just about everybody familiar with the law agrees its impact has been minimal so far. It's true some labeling has improved; the wording on a pudding package may now specifically say "six half-cup servings" instead of only a vague "six servings." But, for the most part, "shopping is just as confusing as ever," complains Erma Angevine, executive director of the Consumer Federation of America, a coalition of 140 consumer organizations.

In the view of Mrs. Angevine and other critics, there still are too many inadequately labeled packages in too many confusing sizes; despite reductions, there still are 56 sizes of cookies and crackers and 16 sizes of dry cereal. And packages often come labeled with fractionalized weights, such as 1½ pounds, that make value comparisons difficult.

HIGH HOPES

Industry and Government officials concede that progress has been slow, but some argue that the critics expected too much too soon. "It's premature to make a judgment yet because the law hasn't been fully implemented; the results are just beginning to become apparent," says a spokesman for the Grocery Manufacturers of America, a trade group.

Whatever the reasons, discontent about packaging is mounting. A Senate Commerce subcommittee headed by Democrat Frank Moss of Utah plans hearings on the law next January, and it could propose new legislation. Already there are efforts in Congress to require unit-pricing to show, for instance, how many cents per ounce a package of detergent costs. Such a regulation is slated to take effect Nov. 20 in New York City.

The prime complaint is that, after three years, the major "truth in packaging" requirements are only now taking effect. The law basically requires the weight or volume of consumer items to be clearly and prominently labeled in simple terms, such as 21 ounces instead of 1-5/16 pounds. The Food and Drug Administration sets the requirements for foods, nonprescription drugs and cosmetics, the Federal Trade Commission for nonfood items like soap and floor polishes. In addition, the Commerce Department is required to seek voluntary agreements by industries to reduce package proliferation.

Originally, the labeling rules were to go into force July 1, 1967. But because of delays granted to let industry use up old labels, many of the FDA's food requirements didn't take effect until July of this year, and all the FTC's regulations were delayed until Sept. 10. In addition, the FTC responded to several court challenges by reducing by more than half the list of goods that its rules cover. Dropped were such items as paint products, toys and jewelry.

"TIRED OF WAITING"

Moreover, the two agencies still haven't set labeling requirements for cosmetics or handsoaps. And they haven't carried out tougher sections of the law to regulate the amount of empty space in packages, govern "cents-off" promotions and limit the use of terms like "jumbo" "king-size." The consumer is "tired of waiting," says Virginia Knauer, President Nixon's consumer adviser.

Results also have been mixed in the effort to curb package proliferation. According to the Commerce Department, the number of toothpaste sizes is being cut to five from 57, paper-towel packages to eight from 33 and certain dry-detergent packages to three from 24. But Mrs. Knauer's staff complains that this detergent count ignores at least 12 more packages it found on grocery shelves. In any case, officials have made hardly any headway with some other industries.

"The two great problem areas are analgesics (aspirin and other pain-killers) and toiletry goods," such as hairsprays, deodorants, mouthwashes and after-shave lotions, says M. W. Jensen, who heads the Commerce Department's packaging program at the National Bureau of Standards. Hairspray comes in 34 different sizes and mouthwash in 24. "The toilet-goods people tell us that people aren't interested in value-comparisons with their products, but in how they feel or smell or look," Mr. Jensen says.

CHANGING LABELS

Government officials give two major explanations for the packaging act's delays. One is money, or the lack of it. "Congress is darn good at passing legislation but darn poor at supporting it," complains one regulator. The FDA says it has enough funds for only two persons to work full-time on packaging regulations and hasn't any money to police its restrictions.

Another cause of delay has been that manufacturers needed time to make the labeling changes required and to use up products bearing old labels. Members of the Label Manufacturers National Association, which represents about 40% of the industry, have changed billions of labels in the past three years to meet the regulations, says Francis Cawley, the group's executive director. "It couldn't have been done any faster," he maintains.

Many of the law's requirements actually go little beyond the FDA's previous food-labeling authority, and some current disillusionment may reflect the fact that people looked for a more dramatic change, adds J. Kenneth Kirk, the FDA's association compliance commissioner. "Even when we get all in compliance, it doesn't do what some thought it should do—tell people the best buy," he says.

Since the packaging law doesn't dictate package sizes or end the use of fractional sizes, many shoppers find they still can't compare prices easily. "I try to get the most for my money," complains one Virginia housewife, "but not being able to carry around a computer in my pocketbook, I can't figure out the best buy."

That's why many consumer groups are calling for further packaging and labeling improvements. "The customer isn't satisfied," warns Mrs. Knauer, the consumer adviser, "and he will not be until he obtains the label or packaging he needs to enable him to make basic unit-price comparisons between the products he buys, without spending all day at it."

One bill already has been introduced in Congress to require food retailers to do the customer's arithmetic for him. The unit-pricing bill would require that a cost-per-unit be stamped on the package or displayed near the product so that consumers could compare costs easily. Democratic Rep. Benjamin Rosenthal of New York, a sponsor of the bill, also plans to propose legislation to require food makers to list the quantities of each ingredient in a product; the manufacturers will probably oppose the plan as forcing them to spill secrets to competitors.

TEST IN NEW YORK

Support for a Federal unit-pricing law is expected to depend heavily on the results of similar regulations that New York City's Consumer Affairs Office, headed by Bess Myerson Grant, plans to implement Nov. 20. About a dozen products, including meat, bread, cereals and soft drinks, will have to be labeled with the price per pound or per quart. The regulations were proposed after Mrs. Grant's office dispatched a group of housewives to supermarkets to find the best buy on 14 products; they made the wrong choice 40% of the time.

The New York State Merchants Association, which opposes the regulation, contends the unit-pricing may cost New York shoppers \$50 million a year in higher prices, because of the expense of figuring and displaying the unit prices. "We don't think it's going to cost very much at all," counters a spokesman for Mrs. Grant's office.

Meanwhile, more help for consumers may be on the way under the "truth in packaging" law. Both the FDA and the FTC say they plan to issue proposals this year for limiting the empty space (or "slack-fill") in packages and regulating "cents-off" promotions. The "slack-fill" rules basically would require packages to be filled as much as possible. The "cents-off" regulations would be aimed at making sure that such discounts advertised by manufacturers are passed on by retailers to consumers.

"BIG" IS SMALL

The agencies also plan to look at package sizes, such as jumbo and king, "to see if they really are depicting the product, or just puffing them up," says Earl Johnson, an FTC attorney. In many cases (such as toothpastes), the terms have no uniform meaning, except that "they all seem to start with 'big' and work their way up." FTC officials say. "Eventually, we may designate that packages either be large, medium and small, or define what other terms mean," Mr. Johnson says.

Despite the delays thus far, Government officials contend the packaging law has begun

to make shopping less confusing for shoppers who want to compare prices of competing products. "But it's something the consumer will have to learn to use," says one official. For example, the contents of paper-towel packages used to be listed only in linear feet, though the width varied; now the towel packages must list square feet, so that shoppers can compare the total surface area.

In some cases, however, "you begin to see a quandary among consumers" about the new labeling, an official adds. "The person who was squawking for it now has it, but doesn't understand it," he says.

UTAH BUSINESS EDUCATOR INSTALLED AS NATIONAL PRESIDENT OF USBA

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LLOYD. Mr. Speaker, on October 29, an outstanding business educator from Utah was installed as president of the United Business Schools Association during the annual convention in Washington. The new USBA president is LeRoy R. Stevens, president of Stevens Henager College in Salt Lake City.

Mr. Stevens is himself a graduate of Stevens Henager College and the University of Utah. Before being named president of the school in 1964, he served as vice president and director of Stevens Henager College in Ogden, Utah.

Mr. Stevens' father, I. W. Stevens, served as president of USBA in 1955-56.

Mr. Speaker, I insert newspaper articles from the Salt Lake Tribune and the Deseret News concerning Mr. Stevens' installation as USBA president in the RECORD, together with another article from the Salt Lake Tribune entitled, "College of Business Fights for Place in Educational Sun."

The articles follow:

[From the Salt Lake Tribune, Oct. 30, 1969]

BUSINESS SCHOOLS NAME UTAHAN AS PRESIDENT

WASHINGTON.—LeRoy R. Stevens, Salt Lake City, president of Stevens Henager College, has been named president of the United Business Schools Assn., it was announced Wednesday evening at the annual association convention here.

United Business Schools Assn. is the parent of the Accrediting Commission for Business Schools which has some 500 members in the U.S., Canada and Latin America with combined enrollment of over 250,000.

Mr. Stevens has served on the association's executive committee for seven years and has been treasurer for six years. He was president-elect during the past year.

The election of Mr. Stevens to the post was the first time the business school group has chosen a former association president's son as its leader. Mr. Stevens father, I. W. Stevens, was USBA president in 1955 and 1956.

The 62-year-old Stevens Henager College has been accredited as a junior college of business by the Accrediting Commission for Business Schools, designated by the United States Office of Education as a nationally recognized accrediting agency.

[From the Deseret News, Oct. 30, 1969]

UTAH HEADS NATIONAL UNIT

WASHINGTON.—A Utah educator was installed Wednesday as national president of the United Business Schools Association.

LeRoy R. Stevens, president of Stevens Henager College, Salt Lake City, took over the reins at the association convention at the Statler Hilton Hotel.

During the past year, Stevens has been president-elect of the organization. He also has been a member of the executive committee for seven years and has been treasurer for six years. His father, I. W. Stevens, headed the association in 1955-1956.

Stevens became president of Stevens Henager College in 1964. Previously, he was vice president and director of Stevens Henager College, Ogden. He is a graduate of Stevens Henager and of the University of Utah.

[From the Salt Lake Tribune]

COLLEGE OF BUSINESS FIGHTS FOR PLACE IN EDUCATIONAL SUN

(By Robert H. Woody)

"We cannot expect to impose all human tasks on the universities. A technical, junior, or proprietary college a few miles away can operate in the same light and do a better job with much of the population than the university professors . . ."

That assertion was made by Dr. G. Homer Durham, commissioner and executive officer of the Utah System of Higher Education at the annual Milton Bennion Memorial Foundation Lecture Oct. 28.

No one would agree more than the owners and officers of Stevens Henager College, a proprietary junior college of business within a few miles of the University of Utah.

The college was founded in 1907 and now has campuses in Salt Lake City and Ogden, and a day and night school enrollment of between 1,200 and 1,300.

"PARA-PROFESSIONAL" GOAL

Its emphasis is upon producing what the college calls "para-professionals"—or employe talent to fill a broad spectrum of middle-management openings.

And it is here there is a crying need.

For the junior colleges like the technical colleges have long suffered under a pall of presumed inferiority in the American value system.

However, the administration of Stevens Henager trots out a recent survey showing that only 20 percent of the job opportunities in Utah in 1968 required a four-year education.

And 58 percent of the job opportunities required an education of two years specialized college education.

The same survey showed only 10 percent of the graduating high school students viewing a two-year specialized college as their goal, while 54 percent con * * * themselves, they have found tough going

It has been, for such schools, as Stevens Henager, a long battle for popular acceptance and accreditation.

While the junior business colleges have set accreditation systems among themselves, they have found tough going in breaching the academic walls set up by large regional accrediting associations.

But the cracks are forming. For example a federal district judge ruled in favor of Marjorie Webster Junior College, Washington, D.C., in its efforts to get accreditation from the Middle States Association of Colleges and Secondary Schools.

FILED ANTI-TRUST SUIT

Webster Junior College brought the case under the Sherman Anti-Trust Act. The association was ordered to examine Webster Junior College on an academic basis. The case has since been appealed to the U.S. Supreme Court.

Stevens Henager makes no bones about being in business to make a profit. But it also pays income and property taxes as a business. It receives no subsidy or support except indirectly through federal aid to students.

Tuition is higher than the resident students of state colleges and universities. This quarter tuition went to \$275 from \$225.

GOOD INVESTMENT

But the college answers that because of the time saved through specialized education, the student gets into the earning stream well ahead of the four-year graduate.

In an orientation talk to students, College dean Donald E. Matthews had asked his group to come up with some ideas about the role of a secretary.

"To correct the boss' mistakes," quipped one student. A check of the course outlined indicates considerably more than correcting the boss' mistakes.

The content of the "executive secretarial course" ranges from shorthand theory to business law, payroll accounting and principles of psychology.

DIFFERENT SCHOOLS

As universities have their "colleges," Stevens Henager has its schools—secretarial science, accounting and business administration, fashion merchandising and marketing; and data processing and computer science.

The school makes no pretense at providing candidates for the executive suite—a la the Harvard Business School.

But several of its graduates have become entrepreneurs in their right, and have bypassed the Old School Tie syndrome to become top executives.

Recently named to receive a distinguished alumni award was William J. Wilson, a 1934 Stevens Henager student, who was named president of Garrett Freightlines in 1968.

SCHOOL OFFICERS

Officers and owners include LeRoy R. Stevens, president, Jack M. Stevens, executive vice president; I. Wells Stevens, vice president, and Robert V. Stevens, vice president.

They are the sons of the late Irvin W. Stevens, who bought the college in 1941. LeRoy this week became president of the United Business Schools Assn.

The first class was held in the upstairs room of a brick building at 63 S. West Temple on Nov. 11, 1907, with three students.

Sixty-two years later the Salt Lake campus is located on 7th East just south of 3rd South. And with about an 11 percent annual increase in enrollment, the school and its two dormitories are having pleasant growing pains.

The school shortly will unveil plans for an enlarged and new campus at the site.

M-DAY FOR PRAYER

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

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

M-DAY FOR PRAYER

(By David Lawrence)

WASHINGTON.—A different kind of "Moratorium" would provide a better understanding of American purpose in Vietnam as well as its relationship to peoples in other parts of the world—a "Moratorium" on bitterness and hate, on greed and selfishness, and on the activities of those small groups which are responsible for the acts of aggression which lead to wars.

The "Moratorium" could be well expressed by the American people in a day of prayer. It could encourage the peoples of other lands to do the same.

The day of prayer might include a broad list of themes, among which are the following:

One: A prayer for the helpless people in North Vietnam, who are manipulated by selfish and cruel leaders.

Two: A prayer for the peoples of Red China, who are being deprived of freedom and of a decent standard of living through the misguided attitudes of their self-chosen leaders.

Three: A prayer for the peoples of the Soviet Union, who, after having undergone in World War I and World War II enormous sacrifices involving many millions of lives, still are being subjected to the same tyranny as in the past.

Four: A prayer for the peoples of South Vietnam, Japan, Formosa, South Korea, Australia, New Zealand, the Philippines and the countries of Southeast Asia, who live under a constant threat of the nuclear power of the Red Chinese autocracy in Peking.

Five: A prayer for the peoples of all of Europe, who face today the menace of destruction by the nuclear weapons of Russia.

Six: A prayer for the peoples of the "captive nations" of Eastern Europe, who live under the yoke of their Communist oppressors.

Seven: A prayer for the peoples of the Middle East, who are frightened by the possibility of more war and need instead a spirit of reconciliation.

Eight: A prayer for the peoples of Africa, who are struggling to build economic as well as political structures that will provide a better life for an ever-increasing population.

Nine: A prayer for the peoples of this hemisphere, who have been involved in 2 World Wars and may soon be the victims of another such catastrophe unless the peoples in the Soviet Union and Red China—presided over at present by reckless and irresponsible individuals—are able to take over their own governments and join the free countries of the world.

Ten: A prayer for those uninformed Americans who believe the Vietnam war, if stopped immediately, will bring peace when there is no assurance that the Hanoi government will cooperate in attaining that objective.

Eleven: A prayer for the members of the Armed Services of the United States and those of allied countries who are in Vietnam defending a small country against aggression and manifesting to the world a remarkable example of altruism, as great sacrifices are made to uphold the principle of self-determination.

Twelve: A prayer for the release of the prisoners held by the North Vietnamese government—a humane act which could perhaps open the way for further consultations on how to end the war honorably.

Thirteen: A prayer that North Vietnam will come to a realization that the United States—by halting the bombing and limiting its military activities—has shown a sincere desire to terminate the war as soon as there is reciprocal action and a willingness to negotiate a peace agreement.

Fourteen: A prayer for the representatives in New York of all countries which are members of the United Nations so they may employ every method possible to persuade the Communist governments that the time has come for a universal peace.

Fifteen: A prayer for the president of the United States and his cabinet and members of Congress, expressing the wish that they will recognize their primary obligation to avoid partisanship and the politics of self-interest and seek instead a unified country, so that our adversaries will not expect America to surrender and will join us in a realistic formula for peace in Vietnam.

There is an opportunity for prayers of this kind to be given nationwide expression inas-

much as next Wednesday has been set aside as "National Prayer Day." In a proclamation issued by President Nixon, he said in part: "At a time in our nation's history when the power of prayer is needed more than ever, it is fitting that we publicly demonstrate our faith in the power of prayer."

ORDERLY DISENGAGEMENT FROM THE WAR IN VIETNAM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BOLAND. Mr. Speaker, I place in the RECORD a speech I gave on the October 15 moratorium day before a student audience at Mount Holyoke College in South Hadley, Mass. The speech makes clear my views on the necessity for a measured withdrawal of American forces from Vietnam—the kind of withdrawal that will help achieve a just negotiated settlement of the war. The speech follows:

ORDERLY DISENGAGEMENT FROM THE WAR IN VIETNAM

(By Hon. Edward P. Boland)

We meet here today—just as people like you are meeting all over this Nation—to give expression to the American conscience.

At a time when almost 40,000 Americans have died on the battlefields of South Vietnam—a toll surpassing the sum total of human sacrifice in the Korean war—when more than 300,000 wounded—many of them maimed for life—in a conflict that has proved as frustrating and indecisive, as it has been economically and morally debilitating.

The great majority of American people—like yourselves—aroused and informed—are reacting with the dedication and intelligence which mark a great nation.

What is the meaning of this moratorium? Its meaning can be found in the longing of every American—of plain and unchallenged patriotism—for a quick end to the grim and unhappy story of Vietnam.

It can be found in the yearning of our people for leadership with the courage and unswerving sense of purpose to lead us—and lead us now—out of the morass of futility in which we have been mired for 5 long years.

It can be found in the deep-rooted and instinctive desire of all of us to live in a crisis-free future of sanity and peace.

And your voice will be heard by those in high places—it must be heard—and because that is so—just as surely as the first rays of the morning sun kiss the waking world—historians, from the perspective of a generation or so hence, will tell how what we did and what we said had a profound effect—not only on our own lives but on the course of world history.

The toll this conflict has taken in lives and suffering is staggering.

It has literally devastated Vietnam—North and South—leaving its cities in ruins, its villages in flames, its people in poverty and terror.

The war has had an almost calamitous impact here at home. It has shaken our economic stability. It has diverted our energies, our resources, our finance, from the baffling social problems which cry out for solution—if we are to maintain our posture as a republic of, by, and for its people.

The grim spectacle of poverty remains in our city slums and countryside towns—hunger, disease, social strife, and unrest are portrayed as an integral part of the American

scene—each one of them a corollary of our abortive attempt to settle problems elsewhere.

Every right thinking American wants the war to end. Many proposals have been offered to achieve this objective—among them military escalation.

Nothing could be more unjustified—both from a practical and from a purely moral point of view.

A new military buildup would only plunge us deeper into the morass in Vietnam. The experience of the past decade makes this plain.

The bombing raids over North Vietnam are a striking example of the futility of our strategic military policy in this conflict.

These raids—raids that dropped more explosives on North Vietnam than were dropped on Germany during the whole of World War II—were calculated to bring Hanoi to its knees.

The thousands of bombing sorties, we were told, would destroy North Vietnam's war capacity and convince its leaders their cause was hopeless.

Just the opposite occurred.

A small agrarian country with few cities and even fewer big industries, North Vietnam weathered bombing strikes that might have reduced a European nation to rubble.

The bombing steeled North Vietnam's resolve to continue pressing for victory, convincing everyone, from Ho Chi Minh to the most humble North Vietnam peasant, that the survival of their culture and their national identity, hinged on continued battle.

The sound of giant B-52 stratofortresses droning overhead and the sight of buildings exploding apart—far from intimidating the North Vietnamese—instead united them behind their leaders, just as they did the English during the London blitz of World War II.

Indeed, we know now that the thousands upon thousands of bombing raids, which reduced the countryside to rubble, inspired in these people a cohesiveness, and a strength of purpose, they might have lacked otherwise.

The bombing failed—and failed almost wholly—in reaching still another goal envisioned by our military leaders in Washington.

It failed to halt—indeed, even to significantly reduce—the infiltration of North Vietnam's armed forces into the south.

But the bombing has been just one example of the failure of our military policy in Vietnam.

The staggering buildup in manpower—a buildup that placed literally half a million American troops in Vietnam—proved similarly fruitless.

This is not a war amendable to the classical principles of warfare, enunciated by Clausewitz a century ago, and still embraced by the joint chiefs of staff.

It is a sporadic guerrilla war—a war that allows the small bands of enemy forces to strike their targets with devastating suddenness and then melt away into the jungles and rice paddies.

We have learned the hard way bombing is not effective against such elusive forces. We have learned, at tremendous cost, heavy armament is not effective. We have learned that huge forces of men are not effective.

Indeed, the whole military rationale of the U.S. Government during the course of this war in Vietnam has not been effective.

A military victory in Vietnam—the illusory goal that has eluded military strategists for years—is simply inconceivable as things now stand.

President Nixon has recognized this strikingly obvious fact, pointing out that he is not seeking a military solution to the war.

I hope my words here today will not be interpreted as an attack against the President—an effort to make him shoulder the blame for this country's plight in Vietnam.

None of us in government are wholly blameless. In the past, too many of us have remained silent or tacitly acquiesced to decisions that turned out to be major blunders.

That point, however, is irrelevant now. We must speak up frankly and straightforwardly, putting before President Nixon reasoned arguments supporting our points of view rather than rancorous admonitions attacking his point of view. We must not allow past errors to taint present judgment.

I do not consider this moratorium as an exercise in the breaking of the President or as an impairment of the President's powers.

I share the view of one of the best informed columnists on Vietnam, Joseph Kraft, that this moratorium has two very specific points to press upon the administration.

The first is that the President repudiate the present policy of reducing and hanging on in Vietnam, in favor of a commitment to a total winding down.

The second is, that the present Saigon Government, be broadened in ways, that make it, at least thinkable, for the other side to negotiate.

How can we end this war?

I am convinced that the only way to break the deadlock at the Paris negotiations is to withdraw U.S. forces from Vietnam. I am not talking about a sudden overnight flight from Vietnam, leaving that country in chaos and its leaders naked before their enemies.

I am talking about a measured withdrawal; a withdrawal that would increase, step by step, with South Vietnam's growing ability to defend itself.

South Vietnam's armed forces have been trained and equipped by the United States for the past 10 years. Indeed, they have been drilled in the techniques of warfare more thoroughly than the armies of any other Asian Nation.

If South Vietnam is not ready now to defend itself, it will never be ready.

Early this year, and again last week, I introduced resolutions calling for the kind of withdrawal I just outlined—a withdrawal that should be complete, ideally—before the end of 1970.

This withdrawal, I am confident, would hasten a peace settlement in three ways:

First, and, probably, most significantly, it would end the carnage of American troops in Vietnam.

This alone would constitute a meaningful peace to most Americans.

Second, it would convince South Vietnam's leaders that we do not intend to remain yoked to their cause, in a kind of mullish allegiance to them, and their political philosophy.

One of the principal obstacles to peace, after all, is the Saigon government's stony intransigence toward any kind of political settlement that might dilute its power.

Thieu, Ky et al. adamantly refuse to accept any kind of coalition government. They reject, out of hand, and kind of election plan allowing participation to leaders they consider to have distasteful or unpalatable political views—communist views, neutralist views, nationalist views.

Saigon's leaders must be convinced that we will not play the role of pawn, in their effort to cling to power at any cost.

They must be convinced that a negotiated political settlement is the only way to end this war.

The third way a withdrawal would hasten peace, would be to put North Vietnam on notice before world opinion, that we are genuinely and honestly seeking a settlement.

Hanoi is exquisitely sensitive to world opinion. Indeed, its hopes for an eventual victory hinge on the support of peoples and governments around the world.

North Vietnam's leaders could simply not afford, to continue icily standing aloof from peace negotiations, once we have made plain our desire for peace.

They could not afford, similarly, to ignore an American ceasefire—the kind of ceasefire suggested by Senator Mike Mansfield.

Now that the celebrated lull in the fighting has almost ended hostilities, and the U.S. has virtually abandoned its search-and-destroy missions, a ceasefire might lead to a total cessation in combat.

Hanoi could only lose by ignoring a ceasefire declaration that would make banner headlines around the world.

The war in Vietnam is not a dramatic struggle between the forces of communism and the forces of democracy—an armageddon between evil and good.

It is essentially an internal war—an internal war that began as a countryside revolt against a government most Vietnamese considered cruelly repressive.

North Vietnam, to be sure, encouraged the insurrection and took more than a trivial role in its strategy. Indeed, North Vietnam wrested control of the war effort away from the Vietcong some time ago. This fact, however, does not alter the fact that the war is a limited internal struggle among the Vietnamese themselves.

It is their war—not ours!

I do not believe that an American withdrawal from Vietnam will whet the Communist's appetite for territorial gain. It can be argued quite convincingly, in fact, that a unified Vietnam under any kind of native government would prevent Chinese expansion and blunt its influence more effectively than the presence of American troops.

The Vietnamese fear the Chinese—an attitude that stems from centuries of bloody encounters between them. I do not believe, moreover, that an American withdrawal would jeopardize our national prestige nor sow doubts among our allies about our world commitments.

Indeed, a withdrawal would enhance our prestige with our principal allies—Great Britain, for example, or France. Certainly France lost no prestige in abandoning its whimsical attempt to thwart Algerian nationalism. Nor did Great Britain lose prestige in granting independence to its American colonies.

The principal motivating thrust behind the Vietcong and North Vietnamese war effort is nationalism—just as it was in the Algerian war and the American colonial war.

It is unfortunate—indeed, almost tragic—that this struggle seized upon Communist doctrine as its chief intellectual and political tool. But it remains a fact that nationalism—not grim ambitions hatched in the Kremlin or in Peking—gave rise to this war.

The strategic decisions reached in Hanoi do not hinge upon the political climate in the United States—as some of our military and civilian leaders contend.

The claim that dissent against the war encourages North Vietnam to continue the fighting is wrong—simply and utterly wrong.

American citizens, for one thing, have a right—indeed, a responsibility—to speak out against a foreign policy they consider fruitless.

And North Vietnam for another thing, does not base its bargaining position upon the term papers of American college students or the speeches of American Congressmen.

The history of this war demonstrates that Hanoi's positions rest on internal events in Vietnam and not in the United States. The long struggle for nationalism does not waver to and pro with the opinions of the American public.

Chafing for decades under foreign masters, the Vietnamese want to run their own lives and control their own fate.

Our military effort to crush this ambition is futile—quite literally futile.

In a book just published on his career in the State Department, Dean Acheson points out the folly of seeking to suppress nationalist conflicts within Asian countries.

He says of the Communist revolution in China, and I quote: (From "Present at the Creation: My Years in the State Department.")

"The unfortunate but inescapable fact is that the ominous result of the civil war in China was beyond the control of the Government of the United States. Nothing that this country did or could have done within the reasonable limits of its capabilities could have changed that result; nothing that was left undone by this country has contributed to it. It was a product of internal Chinese forces, forces which this country tried to influence but could not."

William Pitts, in the second year of the American revolution, made a similar point in a celebrated speech to the House of Lords, November 20, 1777:

"My Lords," he said, "you cannot conquer America—you may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prime that sells and sends his subjects to the shambles—your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies—if I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never!"

The Vietnamese Communists feel the same way.

You cannot make a wholly valid analogy, of course, between the American revolution and the Vietnamese war. North Vietnam—and any kind of government run by the Vietcong, for that matter—are harsh and austere autocracies.

The egalitarian visions of Thomas Jefferson are not remotely comparable to the grim political philosophy of Ho Chi Minh.

But the two wars are exactly analogous in the sense they were caused by nationalism—a consuming nationalism dedicated to independence from foreign powers.

We cannot win this war.

We can only seek a negotiated settlement—a settlement that, at its best, would guarantee free political participation to every contending political philosophy in South Vietnam.

But we must act now—not next month or next year.

More debating and wallowing in indecision will yield nothing but a higher body count and a hotter war.

We have already sacrificed too much of our future and too much of our resources.

Now is the time to do all that we can to retrieve our mistakes. The future of America, no matter what anyone said, is as limitless as the human spirit.

Yes, as a nation, we have our imperfections.

We have crime in the streets of our cities. We have our bigots whose minds have never crossed the frontiers of darkness. We have our crisis challenges and formidable problems and injustices and indecencies—but with all these, we live in a great, vibrant, bountiful, optimistic country—a country founded on the concept of human liberty with a standard of living unequalled in the history of the world—a nation that is the last great refuge of liberty on this earth.

A nation whose history has proved that its elected officials are only as good as the public opinion that sustains them.

As citizens of this great land, you have the right and even the duty to disagree with your President when you believe he is wrong.

In the exercise of that right and in the discharge of that duty, you have joined a great army of vigilant and intelligent people over all America in a common cause.

Let us pray that, a year hence, there will be no more need for a moratorium day.

Let us pray that we can end this war and the kind of foreign policy decisions that led us into Vietnam in the first place.

SOCIETY AND ITS ORGANIZATION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HANSEN of Idaho. Mr. Speaker, Mr. Robert V. Hansberger, president of the Idaho-based Boise Cascade Corp., has won a deserved reputation not only as one of America's outstanding business leaders but as one of the most effective builders of a better society. Under his leadership Boise Cascade Corp. is playing an important role in developing solutions to some of the pressing problems of our cities.

Mr. Speaker, I include as a part of my remarks, and bring to the attention of my colleagues, an address by Mr. Robert V. Hansberger presented as part of the distinguished businessman's seminar series at San Jose State College on October 23, 1969:

SOCIETY AND ITS ORGANIZATIONS

(By Robert V. Hansberger)

Why does the great American society now have so many problems? And we do have them. We have the problem of increasing pollution of our lakes, our rivers, and our ocean beaches. We have the problem of the pollution of the air we breathe. We have the problem of decay in our cities, both in downtown areas and in ghetto areas. We have the problem of riots in the streets of our cities and on our campuses. We have the problem of inflation, which tends to rob many of our citizens of the benefits of our economic gains. We have the problems of increasing use of drugs and an increasing crime rate. And yet, even with these problems our society has done some mighty fantastic things.

We can turn out literally millions of complicated, high speed automobiles each and every year and at relatively low cost. We have developed nuclear devices that could either create new ocean harbors or destroy huge metropolitan areas. We have developed supersonic aircraft that can hurtle through the air faster than the speed of a bullet. We have learned to transplant the hearts of human beings. And we have sent Man to outer space, landed him on the moon and brought him back.

Our world of yesterday was a bucolic, peaceful, rural America without telephones, television, radios, automobiles, or jet airplanes. News was created slowly and it traveled even more slowly. Our environment of yesterday was a world dominated by Mother Nature.

Today with our new, fantastic technology we live in a world dominated by machines—machines conceived by Man, built by Man, and serviced by Man. They are complex and they are expensive. To build them, to operate them, and to consume their output, we have placed them in huge industrial beehives, closely surrounded by human attendants. They dominate our life today more than the weather did twenty-five years ago. They prepare our food, they transport us, they clothe us, they heal us, and they entertain us. They even manufacture more machines. But most of all they manufacture change.

In an incredibly short period our machines have caused the redistribution of our population from the countryside into a few huge and growing metropolitan centers. They have

pulled and pushed the farmer from his country home to the urban maze and the Negro from the rural South to the northern city. One hundred years ago 72% of our population lived in the countryside. Twenty five years ago this figure had decreased to 44%. Today we have only 30% of our population still living in the country, and we have an astounding 70% jammed together on 1% of our land. This change in only two and one half decades is surely one of the most massive population shifts in the history of Man.

Today news events which may be taking place in far corners of the world are brought quickly to the attention of millions of our people through the use of radio and television. With our computers we can almost instantaneously sort out the best alternative from many, a process which in many cases could occupy the lifetimes of several persons.

These are examples of tremendous change which has taken place very recently in our American society, and this change has been created by the machinery of our technology. One philosopher took a look about him at all the whirring, clanking machinery on our farms, in our factories, in our offices, and in our kitchens and muttered, "Today things are in the saddle, and now they're riding people."

I happen to think that the existing, and indeed, increasing rate of change taking place within our society is responsible for many of the problems which are now so evident. Change has brought about a cleavage and a conflict between the individual and his social organizations, organizations which were established to serve the individual and his needs.

There seems to be a significant difference between the ability of the individual to cope with change and that of a social organization. The individual has only himself to communicate with, to convince, and to adapt. Acting as an individual his debates need only be with himself. His thinking need only relate to his own personal experience, and his actions may be taken in complete solitude. Change, therefore, is something with which the individual functioning alone can cope with relative ease.

However, as a member of one of society's organizations in which actions are taken as a group, he finds that adaptation to change seems to come much more slowly. In order to maintain the integrity of the organization, the group must have some kind of adhesive—in fact, many kinds. These adhesives seem to be common thinking, past experiences not of one individual, but the collective experiences of many, articles of incorporation, by-laws, policies, rules, regulations, and laws. These adhesives make for relative rigidity within the organization, and when change impinges upon the rigidity of the organization, the result is frustration.

And so our social organizations such as families, communities, churches, universities, and governments at many levels, including of course the federal government, find themselves increasingly buffeted and battered by the tides of change—change manufactured by the machinery of our technology and accepted much faster by individuals than by the organizations designed to serve them. Individuals react to the snail's pace adaptations of their organizations with increasing impatience, and the results are massive discontent and growing credibility gaps—too often culminating in social disruptions and even destruction of life and property. The individual is at war with his social organizations.

Today in our northern city, a city governed by rules and regulations usually designed many years ago, a young black person sits in squalor in a ghetto apartment with his eyes glued to one of our machines, the TV set. He sees the filming of a riot just now taking place a few blocks away down the

street. Reacting to the deep and bitter frustration of the difference between his actuality and the aspiration he hears proclaimed for all Americans, he joins the riot. Truly, technology and change have brought us to a point of confrontation.

But our technology is here, our machines are here, and they will not go away, for they have now become essential human needs. And we must recognize that despite their complicating effect upon American life, they have, through the process of shifting the load of supporting ourselves from our backs to our machinery, given us the highest standard of living in the history of the earth.

And so we must find a way to live with them and a way to cope with the ever increasing rates of change which they will bring about. This will impose new kinds of responsibilities on both the individuals and the organizations of our society.

What are these new responsibilities?

The individual of today needs to acknowledge that our human needs and our human problems are so many and so huge that massive efforts are absolutely essential to solve them. Their solution will require, therefore, formal organizations which bring together collective individual human effort in a common cause.

It is healthy for the individual in subordinating himself to the regulation of a social organization to be critical of it, for indeed this kind of criticism is an important factor in the process of self-renewal of the organization. But it is not enough simply for the individual to try to tear down the organization. If indeed the organization pursues a viable objective even though in an archaic manner, it is essential that the individual have available a workable, modern alternative before attempting to destroy the organization.

The individual of today is increasingly conscious of his individuality and his differences from his fellow men. However, in pursuing his individuality he must recognize the individuality of others and respect the right of others also to be different.

But perhaps the major assumption of a new-felt responsibility must come from our social organizations toward the individual. Today's individual is different. He is younger. At the present time 47% of our population is under the age of 25. Our young people almost outnumber the rest of us, and soon they will outvote us. Today's individual is better educated and better informed on the events of the nation and the world. He is less concerned with the discipline of supporting himself, since our technology has made our society so affluent. He is certainly far more intolerant of out-dated methods and objectives, and certainly more critical of pronouncements which are not accurate or are not followed up by action.

Our social organizations, which were designed to serve the individual, badly need to recognize these substantial differences in the individuals they now serve. They need to accept the individual's desire to be different, to be critical, and they need to acknowledge that they are in business to serve the individual and not their past experience or their rulebooks. They need continual self-examination, self-criticism, and more rapid response to needed modifications in their methods, their rules and regulations, and even in their objectives.

Some of our churches today appear to be suffering from a lack of adaptability. Certainly many of our colleges and universities, with the exception, of course, of San Jose State, are still clinging to archaic curricula and methods of instruction. Many of our cities are vigorously fighting against the process of urban renewal. And our federal government, which was originally designed to serve a rural society, faces with increasing frustration the mounting problems of an industrialized, urban society.

Now so far I have said nothing about our economic organizations. This is not because some of our business organizations are not encrusted with the barnacles of resistance. Some of them are. But those that are, are headed for extinction, or will soon become the victims of a tender offer. There is, however, a degree of difference between economic organizations and the other organizations of our society.

Business is one of the principal creators of new technology and new machines, and one of the principal users of these new devices. Therefore, in a sense it bears some responsibility for the rate of change which is taking place within our society. But secondly, and perhaps even more important, through the incentive of profit and loss, it retains more than most other kinds of organizations, an automatic need to accept change. This need is brought about by the great pressures of competition.

Business competes for personnel, it competes for financing, it competes for management talent, it competes in the marketplace for customers, and it competes in the investment world for stockholders. If it succeeds in these several and very tough competitions and does so continually, it will survive and prosper. If not, it fairly soon goes out of existence. Buggy whip companies, companies which once manufactured steam locomotives, and companies which produced wooden wagon wheels are no longer with us. This is as it should be.

Under the stress of competition business has developed management technology designed to cope with ever larger, ever more complex tangible and intangible problems. It has been forced to adapt to change, not only in its methods of production and distribution, and in the design of its products, but in its very organization concepts. Because it has unique capabilities both as a creator of change and as an adapter to change, I believe that business should become more of a partner in some of the social organizations of our American society. It can help in resolving the problems of air and water pollution. It can help in attacking the problems of our cities such as education, transportation, urban development, ghetto rehabilitation, and recreation. It can and should be a part of our cultural organizations, such as our art associations, our museums, and organizations of the performing arts.

It can help the federal government resolve some of the enormous problems with which it is now confronted. In so doing, I believe it would not only render a service to society, but also a better profit to its shareholders because these huge problems of our nation represent big human needs, and therefore big markets—not only for products, but for services as well. And business is well equipped to provide both.

I consider this special kind of partnership with the other organizations of our society to be a primary new responsibility of the business community. I am happy to say that some corporations are beginning to recognize this responsibility and are doing something about it. But not nearly enough, and today the problems are still outstripping in their growth our efforts to resolve them.

The company I work for, Boise Cascade, although only twelve years old is already deeply involved in the social marketplace. I thought you might be interested in some of the activities we have undertaken, and we are happy to say that some of them are already profitable.

Our hometown of Boise, Idaho, like many, many other cities across the nation, has been undergoing a progressive process of decay in its downtown core area. As a result, businesses have been moving more and more to the suburbs, leaving the downtown area to fall increasingly into disrepair. This has resulted in an ever lower tax base from which the city derives revenues to provide the in-

creasingly expensive services of a growing community whose inhabitants are living more and more outside of the city limits. To improve the environment of our headquarters city, we decided to collaborate on a dollar a year consultant basis on the redevelopment of sixty square blocks of the downtown Boise heartland.

This experience led us to create a Department of Urban Development within the corporation designed specifically to tackle the problems of cities. Today this department has underway a 700 unit housing project in a ghetto area of Indianapolis and a 332 unit urban renewal project in Pittsburgh. We have been designated the developer of a 21-acre site in downtown Long Beach, California's fourth largest city. We are developing 360 low income housing units in the heart of Boston, as well as 660 residential redevelopment units in Baltimore, Maryland. We have been designated as a special consultant to the Department of Housing and Community Development of the city of Baltimore on a project which will include several thousand units of low and moderate income housing. We are involved in a massive joint venture with several other large corporations and a regional builder in Camden, New Jersey. And our Department of Urban Development is in the planning stage on projects in six other locations.

In addition to collaborating with our city government, we have worked with the State of Idaho in helping the Legislature improve its procedures. Through the President's Committee on Urban Housing, we have worked on the problem of low and moderate income housing with representatives of the White House and the Department of Housing and Urban Development.

In the field of the arts, we helped the State of Idaho establish its first Arts and Humanities Commission. As the principal supported, we also invested over \$40,000 to bring the world famous City Center Joffrey Ballet to Idaho. During a three year period, it has now performed in five cities throughout the state.

About two and one half years ago one of the very few licensed black contractors in the city of New York came to Boise with a problem. He felt that a black construction company could be extremely successful training and utilizing black skills in doing construction work in black communities. His problem was that he did not have enough money to obtain a performance bond, and without the performance bond he could not get enough work to make money. After some discussion with him, we formed a new company called the Burnett-Boise Company, an all black corporation. We agreed to supply money and performance bonds and assist with management. Today this firm has on the books or is negotiating for a total of one hundred million dollars worth of construction work across the country. Our ownership position in the Burnett-Boise Company is that of a minority partner.

Less than a year ago we were approached by a group of black people from New York who had established a small computer software company. They had plenty of work, but they were short of working capital. We entered into an agreement with them whereby we agreed to finance their expansion and to turn over control of the company to them after a short period of time.

We have established within our personnel department a group of five individuals, not all white, to help our supervisors understand the problems of working with disadvantaged actual or potential employees.

In Chicago we established night courses using supervisors to help teach employees how to budget and to improve their English. These same supervisors have studied Spanish to increase their understanding of their employees' problems. We have a similar project under way in Los Angeles.

In Nampa, Idaho, prior to putting into operation a new container plant, we worked with fifteen itinerant laborers to upgrade their skills so that they could become industrial employees, and we wound up hiring seven of them.

In New Jersey we conducted a sensitivity training program, and our plant reports that the waste percentage has been dropping 3% per month since the program.

We are just now completing a one hundred million dollar forest products complex at DeRidder, Louisiana, a community of both black and white citizens. Prior to our arrival, these two groups were not in communication with each other over mutual community issues. Through a carefully designed program we have succeeded in bringing these groups together in discussions of the mutual problems that will result from an expanding community. We have also pre-trained a substantial number of workers, both black and white, for employment in our facility when it starts operations.

We established a company-wide affirmative action program designed to lean over backwards in trying to help train hard core unemployables. To put some teeth in this program, we have set up at the corporate level a fund of \$500,000 available to managers throughout the corporation to cover the cost of this training. We also told our managers that when the \$500,000 is gone, we will set up another fund.

We have also collaborated with a number of educational institutions. By sharing detailed information about our company over a number of years, we have become the subject of one of the largest case studies ever written about a corporation at Stanford University Graduate School of Business. At the end of the case study, our practice has been to subject about ten or twelve of our top management executives to a critique by the students, a process which occupies several days. We are questioned, probed, and criticized. Of course, we are given an opportunity to defend ourselves, but I can assure you that two hundred management consultants without an axe to grind who have studied our company and its industry for over a quarter are pretty tough to handle.

Currently we have an executive in residence at the University of Washington with the objective of trying to help relate the business campus to the business world. Next year Boise Cascade will host a visiting professor and he will be meaningfully involved in our day to day activities.

Also, at the University of Washington we have recently completed a unique program involving a select group of University of Washington Business School students. Over a period of two quarters, fifteen of the University students conducted an in-depth study of Boise Cascade's operations, visiting locations and interviewing Boise Cascade employees at many different levels of company operations. At the end of the study, individual seminars were held with our principal corporation executives. At the conclusion of these seminars, I was invited to visit the campus, and recommendations were made to me as to what the president of Boise Cascade should be worrying about. In the process, we became a living laboratory for the students, and we benefited from a number of very sound recommendations as well as the perspective they gave us about our own operations.

I don't know how much these efforts of Boise Cascade's and similar efforts of many other companies will affect the wars between our individuals and their organizations, but they are serving the purpose of making us more adaptable to change. It is my hope that the individuals in our society in expressing their individuality, their differences, and their criticisms, can also be responsible for accepting the fact that in today's society we still need the collective effort of our social

and economic organizations. And I hope that our social organizations can reach out and include the modern day individual, and with his help look introspectively into themselves, critically examine their objectives and their methods, and bring about those changes which can make them better servants of the individuals they are intended to serve. And I hope more of the business community can lend its adaptability to change and its management expertise to easing the conflict between the individual and his organizations.

Last year when Bill Batten spoke to you, he proposed a partnership with San Jose State in aiding low income areas of the San Jose community. I thought his proposal was extremely worthwhile, and I was very impressed with it. I too would like to propose today a partnership with San Jose State.

It seems to me that there is a great opportunity for your students and our company to collaborate in studying what we as a company are doing for minority groups. I would like to suggest, much as we have already done at the University of Washington, that you select a small group of well-qualified students, hopefully an ethnically mixed group, and that these students be given the assignment of studying—in the field where the action is—Boise Cascade's efforts to involve itself with minority groups. This would involve work in New York, Los Angeles, Idaho, and perhaps some other areas. I would ask that the group render to us as the management of Boise Cascade an objective, critical report at the end of their study which would be helpful to us in improving our efforts in this area. This kind of a study would not be inexpensive, but as the beneficiary of the final report and recommendations, Boise Cascade is prepared to finance the cost of the entire project. If you are interested, we will be glad to sit down with you and design an appropriate program. I think the benefits to both of us in terms of better understanding could be substantial.

Thank you.

THE DAY THE LORD CAME TO TOWN

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. COWGER. Mr. Speaker, my minister, Dr. Henry Pope Mobley, Jr., recently delivered a sermon at the Highland Presbyterian Church, Louisville, Ky., that I would like to share with my colleagues. Dr. Mobley's remarks were entitled "The Day the Lord Came to Town," and is one of the finest sermons that I have ever heard.

The sermon follows:

THE DAY THE LORD CAME TO TOWN

(By Dr. Henry Pope Mobley, Jr.)

No one was quite sure just how the news arrived, but suddenly it became common knowledge that the Lord Jesus would visit Louisville, Kentucky on such and such a date, and while the meaning of such an event took a while to sink in, excitement began to mount and it soon became evident that some considerable planning and organization would be necessary or this thing would get out of hand.

The city administration sagely took the initiative, had a private meeting with all the available advisors, and promptly ran into trouble about how to stage such a celebration which would be appropriate and yet would not offend or irritate anyone. It being an election year, the administration decided

to offer any help and financing necessary, but that it might be better to turn the planning over to the Louisville Area Council of Churches.

The Council was delighted, of course, but soon recognized that these little plans would not have smooth sailing. The Roman Catholic hierarchy did not particularly object to the Council of Churches, but did not belong, and had begun plans of its own, assuming, when they heard that Jesus was coming, that He was coming to see them. The Baptists had also started plans of their own with the reasonable assumption that the occasion would provide an unprecedented opportunity for a revival.

Fortunately, all parties concerned quickly comprehended the problems involved in trying to run three celebrations with only one guest of honor, and agreed to coordinate all their plans. The truth of the matter was that each group harbored a tiny doubt, and felt a little afraid that the Lord might possibly choose one group as representative of the true Church which did not happen to be theirs.

So, a great ecumenical committee was formed. The Churches had never had cooperation like this since before Martin Luther began the Reformation by nailing his 95 theses on the door of the Church at Wittenberg.

The next big question had to do with the place for the anticipated mass meeting. Freedom Hall and the ball park came up first because of the parking facilities, and the Fairgrounds Board made an excellent presentation, but it soon became apparent that the anticipated crowd could not be accommodated there either indoors or out of doors. Inevitably someone mentioned Churchill Downs, and of course, this was the logical spot, although some expressed reservations about how the Lord might react to the paramutual boards as a background to a gloriously spiritual gathering. When it was determined that Churchill Downs would be available since the Fall meeting would not have started, a large volunteer ecumenical committee of women was appointed to decorate the paramutual boards with some sort of hanging with a Christian motif. The tent and awning companies agreed to cooperate. A sub-committee was given the responsibility of disguising the betting and pay-off windows with crepe paper hangings.

This was not the end of the problems by any means, because it was soon discovered that Christians can be mighty sensitive about relatively minor things, and in fact, the cardinal sin of pride had considerable influence on the decisions. For example, it was assumed that the mass meeting would be opened with prayer. Who would do the praying? After several hours of polite discussion it was decided that perhaps several prayers should be offered up for so great an occasion, and a decision was reached—not entirely satisfactory to anyone—that any group that really insisted on participating in prayer would name a representative. Just where to put so many prayers was turned over to another sub-committee on program.

This agreed upon, a well-known theological liberal threw a monkey wrench in the machinery by inquiring whether a rabbi should be invited to participate on the grounds that Jesus had been born of the Hebrew faith. The ensuing discussion—with great theological undertones—lasted quite a while and though I have forgotten the exact disposition of the matter, I believe it was turned over to a sub-committee appointed by the chairman.

Time will not permit any further cataloging of the difficulties and problems of preparation; suffice it to say there were quite a few, some of which never got settled.

In the meantime, the Board of Aldermen on its own initiative decided to remove temporarily the statute of the Bride in Guthrie

Green and replace it with a large wooden cross neatly covered with gold foil.

It should be mentioned that the sub-committee on Itinerary selected certain fine examples of Church architecture in the City—from various denominations, of course—as places our Lord might want to visit. It may have been a coincidence that each of the Churches selected suddenly decided it was time to do some necessary repairs, redecorating and painting. Also a vast paint-up, clean-up crusade was started in all parts of the City so Louisville might put its best face forward for the distinguished visitor no matter where He might want to go. The people were so cleanliness-conscious that one young man who threw an empty milkshake carton out of his car onto Bardstown Road had his automobile license reported and was fined \$50 for littering.

Finally the great day arrived and the people and the dignitaries gathered at Churchill Downs. An extra helicopter had been lent by Indianapolis to help out with the anticipated influx of automobiles, but did little to relieve the greatest traffic jam in all of history. People came from everywhere. The stands of Churchill Downs were filled by nine in the morning and by noon the infield was overflowing, and the track was covered with the massing faithful. The dignitaries arrived by one o'clock and completely filled the platform built over the tulip garden at the winner's circle.

Then it was discovered that no one knew just when or how Jesus would arrive. They had thought of everything but this. Delegations were quickly dispatched to the airport, the bus station, even the train station. There were some mighty anxious moments for a while, but then suddenly everyone knew He was there. No one even knew how he looked, but when He came everyone knew who He was. And a mighty roar, which began as an exclamation of surprise and delight by those who saw Him first, and turned into a growing thunder of joy, went up, which must have shaken the windows in Bowling Green.

Just as suddenly the crowd became quiet in anticipation. The Mayor made a lovely speech of welcome, expressing the humility that all of the people felt that their Lord had so honored them by visiting their City.

Then the program chairman called the people to stand for the invocation, which was followed by the people singing "The Church's One Foundation Is Jesus Christ Her Lord", accompanied by a band made up of selected members of the various high school and college bands. There was some considerable lag between the time when the band finished the hymn and when the last segment of the crowd finished the hymn, but this was anticipated, so the program chairman waited a minute or so before calling on the denominational representatives for the prayers. As mentioned before, quite a few were scheduled, but somewhere between the time that the Methodists had finished and the Pentecostal Holiness had begun, Jesus stood up without any introduction and began to speak quietly to the people. He did not say anything they had not heard before, and I shall not repeat it all here, but He concluded with a familiar passage, "You are the salt of the earth; but if salt has lost its taste, how shall its saltiness be restored? It is no longer good for anything except to be thrown out and trodden under foot by men. You are the light of the world. A city set on a hill cannot be hid. Nor do men light a lamp and put it under a bushel, but on a stand, and it gives light to all in the house. Let your light so shine before men, that they may see your good works and give glory to your Father who is in heaven."

He had not talked very long, and when He finished those words, He started down the platform steps. The chairman of the meeting quickly caught up with Him and men-

tioned that there was quite a bit more to the program. But Jesus answered him gently that He did not come for the righteous, but to save sinners. And He left, making His way through the crowds.

Well, as you can imagine, the platform people were stunned. Nobody knew what to do except perhaps have the benediction by the Archbishop. But in the meantime, a good many people followed the Master, just as the crowds had done during His Galilean ministry.

It was reported later that He appeared at Greenwood and 28th Streets and quite a group made up of those who followed Him, local residents, including some young militants. They all listened respectfully and intently, we were told later. Among other things He said was this: "You have heard that it was said to the men of old, 'You shall not kill, and whoever kills shall be liable to judgment'. But I say to you that every one who is angry with his brother shall be liable to judgment. You have heard that it was said, 'An eye for an eye and a tooth for a tooth'. But I say to you, Do not resist one who is evil. You have heard that it was said, 'You shall love your neighbor and hate your enemy'. But I say to you, love your enemies and pray for those who persecute you, so that you may be sons of your father who is in heaven."

Then He left and went His way. It was not until He had disappeared that the anger at what He said began to show. First some muttering, then some rather inflamed oratory. As one speaker said, "This is nothing but a plea for appeasement; we know from long experience that we cannot get what we rightfully deserve without force, without impressing our wrongs." A good bit of discontent began to spread, and quite a bit of anger. But some took to heart what He said.

On His way down-town—so we heard later—He was stopped and loudly cheered by a group who carried signs indicating that they demanded more for the poor. They had intended to picket Churchill Downs during the mass meeting, but had been frustrated by the size of the crowd. He spoke gently to them, and blessed them, but did not seem to sympathize with their demands—or at least they interpreted His manner in that way—"The Son of Man has not a place to lay his head," He said. "But my Father which is in heaven takes care of me. Even as he watches over the fallen sparrow, and provides for the beasts of the field, even so will he care for you. Happy are the poor in spirit, for theirs is the kingdom of heaven." "Do not lay for yourselves treasures on earth, but lay up for yourselves treasures in heaven."

And many of them were humbled by this, but some were furiously angry, and threw down their signs, and spoke of betrayal. They did not show their anger until after He was out of sight, however.

The next thing we heard, He had made His way to the East End of town. By this time the Itinerary Committee had caught up with Him, and suggested timidly that He might possibly like to see some of the Churches which had been built in His honor and for His worship. He thanked them kindly, but went His way visiting every bar He came to, talking with His winsome way to the people there, speaking to them in a way they never heard. Some followed Him.

The Itinerary Committee insisted that He give them some little time, so He did. He listened for a moment or two as they pointed out that after all, He was spending His time with those who had not been faithful to Him, while those who had all these years put their efforts into the Church of Jesus Christ deserved a little attention. And He said to them, as He went His way, "Not everyone who says to me, 'Lord, Lord', shall enter the kingdom of heaven, but he who does the will of my Father. On that day many will say to me, 'Lord, Lord, did we not prophesy

in your name, and cast out demons in your name, and do many mighty works in your name?' And then will I declare to them, I never knew you; depart from me, you evil-doers."

This did not endear Him to the Itinerary Committee or to many of the people who were proud of their church architecture, and who had worked so hard to make things pretty and presentable.

The next thing we knew He was talking to the jailers in the county jail, and had gathered in some mysterious way all the officials of the Churches, the city government, and the judges of the courts. "Tell me," He asked, "Do you open all your churches to anyone who wishes to come for worship? Do you have one system of justice for the rich and another for the poor? Do you treat all men as children of God, or do you discriminate because of race or condition in society? Are the people here judged on the basis of their ability, and given equal opportunity on the basis of their qualifications? I will tell you the answer: You live in a place of beauty, but there is ugliness in your hearts. You give lip service to my way, but you seek only that which will bring you profit. You say you are concerned, but your concern goes no further than your own selfish interest. You have heard that I am the way, but you go your own way. You have denied the power of the Father's spirit, and sought to live by your own power. You claim you are virtuous, but you are whited sepulchres. You have a place here which is heavenly for some and hell for others. You see the needs, and you seek to hide from them."

He said quite a bit more, and the people were first ashamed, and then angry. They began to mutter, and some of them felt that the whole visit had been a disaster. And finally, one of the church leaders said what some were thinking, that it would be a good thing when Jesus left.

But then, someone noticed that He was already gone. And then the news came quickly somehow or other He had made His way to Guthrie Green and was hanging on the cross the city had erected in His honor. However, it was later noted that some who had seen Him were different.

END OF THE ROAD

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, the people of the Milwaukee area have been patient with the Vietnam dissenters, but that patience has been rewarded with greater boldness and greater effrontery on the part of the demonstrators.

Last week, Students for a Democratic Society displayed a Vietcong flag at the University of Wisconsin—Milwaukee. Another was displayed at a moratorium rally at Milwaukee Technical College.

When reports of these disgraceful episodes reached Jack Krueger of WTMJ, that patient man had "had it." Like the war veterans and ROTC students who struck back at the Vietcong flag displayers, Jack Krueger struck back, too. The result was the following editorial which was aired on WTMJ stations on November 13:

END OF THE ROAD

(By Jack Krueger)

The present trend by Vietnam war veterans and ROTC students to strike back was

long in coming. But the incidents of the last several days should give the campus revolutionaries something to think about. They have had their own way for so long that it must have come as a shock to them when their Vietcong flags were snatched away and burned because the patience of others had run out.

The Students for a Democratic Society, and if ever an organization was misnamed this was it, had the gall to display a Vietcong flag in a state-owned building at the University of Wisconsin—Milwaukee. How could university officials aware of this despicable action allow such a thing to happen? This is carrying freedom of expression beyond anything intended. Displaying an enemy flag would be a treasonable act if our nation were in a declared war in Vietnam. Declared or not, the men fighting under its banner are killing American sons and fathers. When veterans of the war come home they should not have to be exposed to such insults by a cult of misfits hiding their frustrations under the guise of dirty clothes, dirty actions and dirty language. You should have heard the obscenities uttered by the young girl whose Vietcong flag was taken from her at the Technical College moratorium rally by Tech war veterans.

Now that the radicals are no longer the big attraction and ROTC students and war veterans are standing up to them and upholding American ideals, perhaps they'll realize they're coming to the end of the road of lawlessness, disrespect and revolution. It's about time.

SERIOUS THOUGHTS ON THE POST OFFICE OPERATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to call to the attention of my colleagues some comments I received from an employee of the postal service.

Letters from postal employees are certainly not a rarity these days as there is much interest on the part of employees with respect to the Post Office. However, the comments which I wish to call to your attention today are comprehensive and apparently reflect the thoughts, feelings, et cetera, of a conscientious postal carrier who has given serious thought to much of the Post Office's operations as he has personally observed them.

The comments of this postal employee follow:

OCTOBER 15, 1969.

Mr. ANDERSON: I have just received a magazine called the Postal Life. It is published by the Post Office Department for the postal employees. In my estimation any information contained in this magazine is strictly for the birds. There is nothing in it except what the Postmaster General wishes to put in it. It is labeled "Official Business" and it would seem that the postal employees are the only ones who get it. It is published by funds given to the Post Office and yet it seems to me that postal employees already have this knowledge or can obtain it without expense to the public.

Another thing, I have read in papers where the publishers of magazines would be willing to pay more for better service. I wonder if they know that the following is the practice for the Post Office, at least in the Greater Los Angeles area.

Weekly magazines, such as Newsweek and World News are printed in the East. They are flown to LA at the cost of the public and must be delivered by the local postal carrier right away if they reach his desk before he goes to the street to make deliveries. All that this costs the publisher is approximately 12¢ per copy. Whereas a letter mailed by the general public, air mail, costs 10¢ per ounce. Magazines and newspapers cost 5¢ for the first 2 ounces and 3¢ for each additional ounce. Say that 1000 letters weighing approximately 1 ounce each are flown from any point in the States—this is a revenue of \$100. But say a letter weighing 9 ounces would cost 90¢, which would be \$900. Now the publishers are paying approximately 12¢ per unit by shipping 1000 copies by mail. They are getting the same service, for \$120. If a person would sit down and figure it out, it is the public who is financing big business. If I write a letter, the cost of the stamp is not deductible at the end of the year, but big business can deduct it as a business expense which cuts into the taxpayer again.

Now, take bulk mailing. I am enclosing a sample of one flown from New at the cost of 3.6¢—weight about 2 ounces—and required by the Post Office to receive a 24-hour delivery. In other words, if received by the carrier one day, he is required to effect delivery by the next day.

I would estimate that our local post office gets approximately 10,000 of these per month. The bulk mailer pays approximately \$360.00. If they would have paid first-class rates at 2 ounces per unit, it would have cost them approximately \$2,000 for 10,000 units. Who pays the difference? The public, but yet the amount it costs the mailer will still be deducted at the end of the year as business expense.

Even if a local grocer wants to advertise by mail and have a bulk mailing, it still costs 3.6¢ per unit or \$36.00 per thousand. If first class rates were applied and the ad weighed 1 ounce, it would cost \$60.00 per 1000. I would estimate that 85 percent of mail delivered by carriers daily is bulk or second-class mail.

Another thing is catalogs; on a 3-pound catalog, they pay approximately 24¢ to effect delivery. How much would it cost if it were being sent first class? It would be \$2.64 per 3 pounds.

Now, if all mail, regardless of the material—be it an airmail letter from me to you or a magazine or a catalog—would cost 10¢ per ounce, the Post Office would show a profit. Because everyone would be paying their share even though big business could deduct their expenses at the end of the year under the Internal Revenue laws, but the public cannot do this. The rates were set by Congress and held by Congress because of big business. As I say, if all postage were equal, the mails could be delivered and the Post Office could show a profit even if the first-class mail costs 6¢ per ounce.

I would estimate that 75% of the public has no need for this bulk mail nor desire it. I know they even ask me why I deliver it. I just tell them that it is required by the Post Office. Even then, some of them tell me to take it back because they refuse it. That means I have to return it to the Post Office "to kill it" and place it in the dead mail for further operation.

I have been asked about this on routes that I have worked, and many of the people told me that they would write to Congress to make the postal rate equal for everyone. I know that if the general public knew all of this, they would really flood the mails to their Congressmen to adjust it so they could get better services. Then the Post Office would be put on a paying basis.

Sure, we might lose a lot of this bulk and special rate mail, but then we could say we are a public service and not an ad or selling

service for big business. If you would get a list of all special rates and approximate units handled by the Post Office, you would see why the Post Office is a nonprofit unit. And if all rates were equal, you would not have to consider making the Post Office a corporation because I believe then it would help the economy. You would be able to put tax money aside for operation of the Post Office, because it would show a profit.

In other words, why should the general public be hogwashed into the idea that it is the postal employees making it tougher in all ways to receive mail on time. Before a Postal Corporation is considered, I think that Congress should establish equal rates for all, public and big business, and then if it is necessary to form a corporation it should only handle first-class mail and nothing else. There would be exceptions, such as mailing privileges for government—Congress, Army, Navy, personnel in combat zones, etc. But this could be offset by the buying of stamps or special envelopes from the Post Office and adding the amount to the cost of operation of the Department.

I wish you would consider this suggestion. Please bring this to the light of the public and make it an issue by getting all the different rates. Show the overall picture to the public and lay it on the line. Show them who is paying the money for the operation of the Post Office. This corporation deal is another means, by big business, to take over another part of our government.

It has been said that the public must be advised of the problems of the Post Office. In the first place, I do not think that the postal union has the money or the right to bring this out into the light, because it would be interpreted as undermining the Congress. I know that the people in Congress are not that dense not to see this. I am an employee of the government and with my Army service, I have been working for the government for many years. I do everything I can to give better service to the public, but as I have said in a previous letter to you, whenever any of the public ask me about this subject, I give them my opinion. However, to make a mass approach to the public by any group or any one person could lead to repercussions. I believe it is up to the lawmakers of our country to bring it to light.

I know that neither the Post Office Department nor the Postmaster General would allow an employee to make this information known to the public, and the Postmaster General would lay a heavy hand on anyone or any groups who did and would classify them as troublemakers. Nevertheless, only about one percent of the public really knows of this condition and other than postal employees they are the lawmakers and big business. Do you think that they would allow anyone or any group to publicly announce it and get public support? But since it is in the interest of public service, Congress could get away with it and get the support of the people. I feel that if most people were told about it, they would think that the Congress was really looking out for their interests and would really appreciate it.

And I believe that each Member of Congress would get the full support of postal employees. Also, let the public know the working conditions and pay of their servants. Even a driver for the rich gets more pay and benefits than the government employees.

I thank you for the time of this letter and would appreciate your views on the subject. At your service.

A POSTAL EMPLOYEE CONSTITUENT.

P.S.—Did you know that all mail was sent on a space available basis, regardless of rate? Of course, air mail rates have priority. But 6¢ and second-class, even third and fourth class mail can be sent by air if space is available.

PROFESSOR EMERITUS EMANUEL FRITZ

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, Professor Emeritus Emanuel Fritz, of California, served for 35 years on the staff of the University of California School of Forestry before retiring in 1954. He enjoyed two distinctions recently—he received the first Col. William B. Greeley Award presented by the American Forest Institute on October 27, and he enjoyed his 83d birthday on October 29.

The Greeley Award was presented at the annual meeting of the American Forest Institute, the communication and education arm of the forest industries. The award is named in honor the late Colonel Greeley who was the chief of the U.S. Forest Service from 1920 to 1928.

I would like to offer here the comments of Mr. B. L. Orell, vice president of the Weyerhaeuser Co., in explanation of the award:

Mr. ORELL. It seems most appropriate in this age of major change that the American Forest Institute should present a new award honoring a man who was most associated with controversy—the late Col. William B. Greeley. I am proud, as many others of you must be, to have known Col. Greeley personally and to have worked with him. He brought to the American Forest Products Industries, Inc., as its first chairman of the board of trustees, a wealth of knowledge of forestry, an infectious spirit of yankee independence, and a boundless supply of energy. We, today, still enjoy the fruits of Col. Greeley's unshakable belief that the Federal Government must arrive at a working partnership with the forest industries. To the extent that his beliefs sometimes shattered the calm of the Government, he is remembered by some people as being controversial. However, the years which have passed have had their effect and I believe it is a measure of the Forest Service's recognition in his greatness that its official biography of Col. Greeley states:

"He realized the necessity for practical, profitable justifications for good management practices on private forest lands. This experience led him to take a cautious position on the regulation of timber cutting on private land and forced him to oppose his former mentor, Gifford Pinchot, who was the first Chief of the Forest Service, during the great debate on this topic in the early 1920's, much of which took place within the professional Society of American Foresters and in Congressional hearings. Pinchot demanded stringent, detailed Federal regulations of private lumbering, with a license required for every logging operation. Greeley realized this was impractical to administer, of questionable legality, would never be passed by Congress, and would only antagonize the industry and delay effective action."

It was this inherent trust in the forest industries which brought about the cooperative development of the country's vast timberlands. Upon his recommendation, Congress enacted legislation providing for Federal assistance to private landowners for tree planting. Cooperative agreements between the Federal Government, the states and private land owners set in motion the first organized fire protection plan for the forests.

His administration as chief of the Forest Service from 1920 to 1928 is one that will be

long remembered. He left his mark on the organization which grew into the AFI at a time when the nation was in need of bold leadership to meet the timber crisis following World War II. We are happy to honor his memory in establishing this award. We do this because his beliefs in the proper management of private lands are still important to us today, and also because of the tribute it extends from us to the recipient.

Mr. J. V. Sutton, chairman of the AFI Board of Trustees had the pleasure of presenting this first award to Professor Fritz. I believe my colleagues would enjoy sharing his comments which follow:

Prof. Fritz was a long-time associate and friend of Col. Greeley, and perhaps it was typical of the times in which they effectively worked, he, too, is a fighter. Our award winner also served in World War One, and being somewhat younger than Greeley, emerged as a captain in the fledgling U.S. Air Force.

His practical background in the woods was similarly helpful in producing the leadership the timber industry sorely needed in earlier times. He worked for the New Hampshire State Forestry Department and the U.S. Forest Service. He holds a master's degree in forestry from Yale University.

These are some of the lesser-known aspects of the career of our honoree, and while I was hopeful of keeping you all in suspense for a few minutes longer. I find that this is impossible. Our man of the day is too well known. All I would have to say next is redwoods and the University of California, and you would know that I am referring to Professor Emeritus Emanuel Fritz, the dean of western forestry educators. His list of honors and accomplishments is a long one, and I shall mention only a few.

In 1936, he founded the Redwood Region Logging Conference and served as its executive secretary and a director for more than a decade.

During his 35-year tenure with the U.S. School of Forestry, Professor Fritz found time to serve as a consultant on forestry matters to the U.S. Department of the Interior, the National Recovery Administration and the California Joint Legislative Committee on Forestry, which produced the state's model Forest Practice Act. He has consulted for individual companies and the California Redwood Association for many years.

He has been elected a fellow of the Forest History Society and the Society of American Foresters, serving the latter group as editor of the Journal of Forestry. Professor Fritz has also been editor of the California Forester. He is president of the Foundation for American Resource Management.

Among his honors is the Distinguished Achievement Award of the Western Forestry and Conservation Association and the Contribution of the Year Award of the SAF. He is a member of Sigma Xi Phi Sigma and Xi Sigma Pi honor societies.

The list goes on. But each achievement is only a milepost along a road that leads to the truthful conclusion: this man, like Greeley, has been a giant influence for better forestry. There's no possible way it can be measured in words.

This courageous, sometimes controversial, but always fair authority has written more than 270 technical and popular articles and monographs, largely about the redwoods. He compiled the valuable annotated bibliography on the California Coast Redwood. His students have gone on to become leaders in the timber products industry themselves, and to his credit, many of them still consult with the man they call Mr. Redwood.

I like the way author Kramer Adams describes the Fritz charisma in his new book, *The Redwoods*. Says Kramer: "With soft-spoken logic or fiery-eyed invective that

could terrorize his students, the respected professor had the rare ability to persuade tough loggers or tough company presidents to do the right thing. Today in his eighties, he still does."

It is a further measure of the man to note here briefly that his influence is felt on what we have been in the habit of calling "the other side of the fence." For Professor Fritz is also a councillor of the Save-the-Redwoods League and a co-organizer and long-time director of the Regional Parks Association.

Only a lack of time has made it necessary to forgo listing his very real achievements in the field of fire protection, reforestation and improved logging practices. They are considerable, and it is tempting to think that Colonel Greeley himself would have trod the same path had he chosen to stick to his original field, education, rather than the practice of forestry.

"POLITICAL PERSPECTIVE: WOMEN IN POLITICS"

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHWENGEL. Mr. Speaker, although the League of Women Voters is a nonpartisan organization its members are encouraged to engage in political activity as individuals. Many of them do and quite a number hold elective and appointive office. The taped program "Political Perspective: Women in Politics" features nine women party workers who tell what women can accomplish through political activity and encourage others to participate.

A transcription of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: WOMEN IN POLITICS

Participants in the program in the order they are heard:

Torrey Baker, former broadcaster, Voice of America;

Billie Farnum, Democratic National Headquarters;

Dr. John Hunger, Republican National Headquarters;

Dorothy Vredenberg Bush, Secretary of the Democratic National Committee;

Mary Brooks, former Vice Chairman, Republican National Committee;

Kathryn Stone, former First Vice President, League of Women Voters of the United States; former member of the Virginia General Assembly;

Mrs. Robert Kintner, Women's Speakers Bureau, Democratic National Committee;

Miss Ethel Payne, volunteer worker, and Spencer Oliver, President, Young Democrats.

BAKER. The League of Women Voters brings you Political Perspective—Women in Politics.

This is Torrey Baker speaking to you in behalf of the League of Women Voters.

In an election year there are few things on which Republicans and Democrats agree, but this year both Democrats and Republicans say with one voice, "The essential work of the party could not go forward without the efforts of women." Take, for example, Billie Farnum in Democratic National Headquarters:

FARNUM. I would rather have one woman than five men working for me, and I don't care what political activity it is because they produce so much more.

BAKER. And Dr. John Hunger speaking from his office at the Republican National Committee says:

HUNGER. . . . Women have a very strong position across the board, not just the menial volunteer tasks but the issue making. . . . There is no limit to the role women can play.

BAKER. The women in the two parties are more modest but they too feel that the role of women in politics is growing in size and in importance. I asked Dorothy Vredenberg Bush, Secretary of Democratic National Committee, what women Democrats are doing for the party.

BUSH. Well; all the way from the menial things . . . from folding material, and stamping, and just things of that kind clear on up to helping plan policy. Women do all sorts of work, let's face it. You know, fund-raising, organizing, precinct work, just everything. Getting people to the polls on election day, getting them registered.

BAKER. Mary Brooks, Vice Chairman of the Republican National Committee agrees that women are doing a tremendous job.

BROOKS. Women are workhorses, truly, and my job is always to get the men to recognize this and thank the women and encourage them. Women are so anxious to help, especially this year. I have never seen anything like the people that come in and offer their services. But the door-to-door, the bellringing is the natural thing for a woman. It's a neighborly thing. She makes new friends; we are encouraging it on the national level, this "Hi neighbor!" program we are promoting, to make sure that everyone who moves into a new suburb is contacted by a Republican woman and made to feel a part of the community. . . . It is interesting, the Chairman puts out the statistics that only eight or nine percent of the people in the country have ever had a person of either party knock on their door. Now this is amazing, isn't it? It's a frightening figure, but this is true. But the women can do a tremendous job on the precinct work. Well, there are all kinds of work in the precinct. Your registration drives, getting your canvass, contacting your people in between canvasses, and of course, money-raising drives. We have a number of states and a number of countries where the women will get out and knock on every door in the city or county, and ask for a dollar or more to support the party. This has been tremendously successful but it takes a great deal of organization and that's what the chairman and I have been working so hard at these last two years, is to try and build from the ground up a firm foundation for the party apparatus.

BAKER. Mrs. Brooks is not only Vice Chairman of the Republican National Committee but has also successfully run for office herself and is serving as a State Senator in the Idaho legislature. We asked her about the satisfactions of running for office.

BROOKS. Oh, there are so many. Involvement in other people, interest in all of your neighbors, problems that come up in your community that you wouldn't be aware of before. If you have the time as I do, and as many, many women do when they reach mature age, you need this sort of activity to project yourself and to help other people. I never have felt anything as rewarding as my service in the State Senate out there.

BAKER. On the Democratic side we talked to Kathryn Stone who has also served as a state legislator—for 12 years in the Virginia General Assembly. And we asked about her satisfactions in serving.

STONE. Well, I wanted to contribute to my state, the Commonwealth of Virginia. I admired its traditions in government very much indeed; even though I wasn't a member of the conservative part of the Democratic party I admired many of their accomplishments and was able to work with them.

I was able to achieve very concrete improvements in youth services, mental health, and I am particularly proud of being copatron of the new state system that established two-year colleges. It is now thriving. We have a fine one in Northern Virginia; there will be 16 in the state, many of them underway right now. So I have some very practical achievements to look back on and then I also was a plaintiff on the Supreme Court case that brought fair apportionment to Virginia; that wasn't through the Legislature, but it came about because of my concern.

BAKER. Both these women politicians found there were frustrations in service as well.

STONE. Well, of course to be a member of the minority part of the Byrd organization at that period of history was not sometimes comfortable because we faced the "massive resistance" and I was part of the "Save the Public Schools" movement. However, it turned out pretty well in the end and then a major frustration is the lack of staff services. This is almost universally true in state legislatures. . . . We simply need more research service, more staff service, secretarial service, and so on.

BAKER. Mrs. Brooks also finds some frustrations in serving.

BROOKS. There are other frustrations such as the long hours, the fact that you are away from your family a great deal. It's—but it is so much more rewarding than it is frustrating. I couldn't possibly be more enthused about asking women to get into running for office themselves.

BAKER. All the women we talked to who have served in public life stressed the opportunity politics gives you to get done those things you see that need doing. Dorothy Vredenberg Bush feels that unless we have participated in government—at least to the extent of voting—that we have little right to criticize what our public servants do.

BUSH. By the same token, if you do have close to your heart some school problem, then why not become active. Get elected if possible to the school board and in doing so, then you will have some power to be heard. Now whether or not you will get it all done right away is another thing, but unless you have actually done something about trying to get in there and fight for what you think is right, you—there is no way—you can't just sit back and do nothing and expect what you want or what you think to be done.

BAKER. Mrs. Bush also has some advice to the women wishing to run for office.

BUSH. Well, first she better do a little bit of leg work and get herself known and do a good job and then let it be known that she is available, and would like to—you know you have to have a burning desire to do a job well. The same is true to do a real good campaign or get on the ticket, so to speak. You must really want it, so unless you had an audience to tell this to, nobody is going to come and pick you out of a hat and say "please run," you know. So you must do some leg work, and do it well, and then when the times comes you will be chosen.

BAKER. Mrs. Stone stressed that a knowledge of the community was a necessary prerequisite for running for office and advocated—

STONE. A wide-range of voluntary experience; if possible some appointive positions such as on a school board, or a library board or a planning commission. This shows you—begins to show you—how the wheels go around and you develop some know-how from within; but some leadership role and certainly some Board experience, having been a president of the local organization, having had some experience as a Board member is very good preparation for membership in the legislature. And then of course I would have to give the League of Women Voters a great deal of credit for my practical education.

BAKER. Although the League is nonpartisan and as an organization does not support or oppose candidates for public office, we are proud of the League members in both parties who have gone into politics and have run for public office. We agree with Mrs. Brooks when she says—

BROOKS. I believe women make excellent public servants.

BAKER. Both parties carry on a constant campaign to get more women active, more interested in lending a hand and more involved in the issues. Mrs. Robert Kintner heads the Women's Speakers Bureau for the Democratic party. We asked her what sort of things her speakers are asked to discuss.

KINTER. Well, we have a variety of subjects. Arts and culture; beautification; the status of women; the wise consumer; urban affairs; crime in the streets; air and water pollution;—quote, "To fulfill these rights,"—end quote; equal opportunity; America through the ages; education; Head Start to adult; mental health; transportation; and auto safety; food, drugs, cosmetics; and of course we are expanding all the time.

We have one subject that operates under the overall title of "Politics, Pure and Simple," or the mechanics of what a local organization can do, how to assemble a meeting, get a group together, set up a luncheon, request a speaker . . . making your vote count. The Pen is Mightier, meaning that you can write about politics as well as speak about them. How the grass roots grow.

BAKER. And Mrs. Brooks described the workshops Republican women are holding.

BROOKS. We are trying to train our women in campaign management technique, in public relations technique as well as precinct work, and new ideas that have developed. You know, the political problems have changed so with the advent of television, we are in a completely new era, and we are trying to train our party, and we are trying to develop people who can help candidates, and we are hoping that we'll find women coming out of these campaign management workshops that will get into the active campaign management for local candidates. For instance, when you are setting up you are working in your campaign; you wonder how to set up your campaign headquarters. You wonder where to locate, how to open it, how to handle your secretary, what to do with your hostesses, your telephones, your work schedules, literature, giveaways, storage and all those practical aspects. We will be hitting on this as a training for the information to help people get out and set up campaign headquarters in the smallest village in the United States, you see.

Then we have a very detailed explanation and materials showing you how to work precincts. We have a beautiful movie showing how you do the whole precinct bit.

The other thing is what to do with volunteers. You have so many people who come and tell you, "I want to help. Mercy I want to help this year, what can I do?" We are going to get our material and we are going to talk about what you do with your volunteers. I know that we are going to use many, many hundreds of thousands of them in the "Hi Neighbor!" drive.

Then, of course, the absentee ballot is a separate activity. We are going to explain the importance of that and how you handle that. In the Armed Services, in the nursing homes, in the colleges, wherever there are absentee people who would be unaware of the mechanics of casting their ballot, but would if they were urged to.

BAKER. Both parties are interested in attracting voters from the inner city. Mrs. Brooks explains a little of what the Republicans are doing. She spoke of a program called the "Involvement Program."

BROOKS. It's an idea of starting an action center in the slums, in the underprivileged area of the town, and giving these poor souls

who are so lost in this bureaucratic maze of where they can go for their social security check, where do they get a rat exterminator—all of the thousands of questions that bother people—having an answering service. . . . We call it "Community Involvement"—from there they have kindergartens for the children. In Chicago for instance, they started a music school, a ballet school, the women in the clubs out in the outlying areas would come in and help and it has grown into a tremendous movement. Then from there it went into Detroit and after the riots in Detroit, the Action Center there brought in I think it was a 160,000 dozen diapers, food by the truckload, the neighborliness of it, the community involvement; and we're trying to get our county and state committees to use the women in this fashion. It takes a bit of organization, but it has tremendous implications, that you were interested in the other person's problem.

BAKER. Mrs. Brooks stressed that Republican women are working not only for, but with Negro women. So, too, are the Democrats. Miss Ethel Payne, Washington Correspondent for the Sengstache publications and a volunteer at Democratic National Headquarters explained why she feels that there has been apathy among Negro voters but how she thinks the picture is changing.

PAYNE. Well, I think it is all part of the great social changes in our country. I think it is all part of the pattern of shall we call "revolutionary" changes going on, and in that there has become more perceptiveness about the things that make changes and even the person in the ghetto begins to understand now that one of the instruments of power is the ballot. For example, let me give you an example. The recent election of two Negro mayors is something which most people—the people in the inner city can relate to. This becomes a part of a personal thing to them. So they become a little more aware and then when they are approached they begin to have a little different feeling about this because they see that two of the members of their race have made it into the "Big League," so to speak, and this offers some hope to them.

BAKER. On the campus too the parties are looking for women interested in politics. And both parties seem to be finding them. We talked to Spencer Oliver, President of the Young Democrats, and asked him if women are welcome in councils of his organization.

OLIVER. Oh yes, very much so. As a matter of fact, we find that female students participate to a greater extent probably than—than their male counterparts. I am not sure why this is, but I think that anyone that—anyone who has been involved in politics will tell you that if you get a young energetic woman involved in politics, that she will outwork any man that you have ever seen. . . . I know today, out—probably our most outstanding Young Democratic organization is in the State of Texas and the President of that State organization is a young girl, who is 24 years old, who is one of the most accomplished and effective politicians that I have ever seen. In addition to her role as President of the Young Democrats, she just recently completed a job as Vice Chairman of a Texas Voter Education project, which was a voter registration program. She was probably the most active member of that organization, and extremely talented and she's not only extremely talented in that area, but she is well-informed, and can hold her own with any—any young man in the Young Democrats that I have ever seen when it comes to debating issues or winning conventions, or winning elections, or anything. When you have attractive young women who are in politics, they always attract young men in the political process too.

BAKER. John Hunger of the Republicans said:

HUNGER. We have held "Opportunities Unlimited" conferences on college campuses

across the country. Our "Opportunities Unlimited" Conferences are day-long programs. . . . We invite college student leaders from every campus in the state. . . . We specifically say in our instructions to all of our state coordinators and state central committees that they must not, under any circumstances, overlook women on their panels in their program. . . .

BAKER: Thus from the city to the suburbs and the college campus women are stepping up their role in politics. But there is plenty of room for more workers.

FARNUM: We never have enough volunteers.

HUNGER: We have many, many, many county chairmen who are women. There is tremendous opportunities for them.

BAKER: Is politics a job for women? The overwhelming response from the parties seems to be yes.

This is Torrey Baker speaking to you for the League of Women Voters and bringing you Political Perspective—Women in Politics.

SUPPORT FOR THE YATES AMENDMENT

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. COHELAN. Mr. Speaker, I was in my district on Thursday fulfilling a previous commitment. Had I been present during the debate on the military construction bill, I would have supported Mr. YATES' amendment to restrict funds available to the Safeguard program by providing that no funds "may be used for construction associated with the operational deployment of the Safeguard anti-ballistic-missile system."

I was the earliest opponent of the ABM system. I still retained my serious doubts about the technical feasibility of this project. As has been pointed out on numerous occasions, there is grave concern whether the ABM can accomplish its task. First, can it intercept incoming missiles of a total first-strike effort; and second, if it can intercept these missiles, will it pollute the atmosphere to such a degree that we have, in effect, just temporarily delayed the effects of an all-out nuclear exchange? Also there is grave question of the basic assumption of the need for ABM, the first-strike capability of the U.S.S.R. is or will be present.

I do not intend to go through a lengthy discourse on the ABM. I have done that on numerous occasions, but I wish to say that the amendment offered by Mr. YATES is a constructive effort to put some rationality into our defense spending. The Yates amendment would allow research and development on the ABM system and I feel this is valid, but I do not feel that this emphasis on research and development means the full-scale construction of ABM facilities in the continental United States. This could be more effectively done by utilizing the facilities on Kwajalein Island. Indeed, there is \$14.1 million available in this bill for that exact purpose.

Mr. Speaker, we must realize that this initial commitment is but a small portion of the total price tag of this questionable project. The most conservative estimate

is that it will cost \$10 billion. This figure represents about \$1 billion more than is available under this year's budget constraints for our cities, open spaces, education, and welfare. This is a glaring example of our mistaken priorities and some small effort can be made to alter these priorities by confining the ABM to a research and development effort, confined to Kwajalein Island. I support the Yates amendment.

SPEED OR NEED? NBC'S SECOND SUNDAY EXAMINES THE SST

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. REUSS. Mr. Speaker, NBC News, in its radio documentary series Second Sunday, recently examined the supersonic transport—SST. The program, titled "The Flying Dilemma: Speed or Need" was produced by Kenneth Bell and narrated by Peter Hackes.

I feel the show, in which I was privileged to participate, presented a meaningful analysis of the problems and questions surrounding what I consider President Nixon's unfortunate decision to assign high priority to developing the SST.

The transcript of the program follows:

PETER HACKES. The Air Force calls it the "sound of security." A leading airplane manufacturer hopefully calls it the "sound of the 20th century." It's a sonic boom, of course, a shock wave produced by an airplane breaking the so-called sound-barrier, flying faster than the speed of sound. The shock and reverberation of sonic booms have startled people out of bed, have shattered windows and cracked plaster walls.

The sonic boom is one reason why many people are against the government-sponsored development of a commercial supersonic transport plane, the SST.

This broadcast will question the wisdom of this multi-million-dollar proposal, examining arguments for and against the SST.

Flying has always intrigued man. It is adventurous and romantic to overcome earthly bonds. In this country, from the Wright Brothers at Kitty Hawk to Armstrong and Aldrin on the moon, man has progressed rapidly, taking advantage of each new aeronautical theory and mechanical invention. Whether each new step in financially sound or sociologically rewarding is another matter. The newest commercial aviation idea is a supersonic airliner to fly passengers faster than the speed of sound, faster than 700 miles an hour. It is called the SST, which stands for "supersonic transport." But the cost is so great that no private companies want to develop it themselves. The noise is so great that no one on the ground will like it. Nevertheless, three Presidents have endorsed the idea. And now President Nixon has given it a final go-ahead. He recently announced an all-out government-sponsored SST program.

PRESIDENT NIXON. The supersonic transport is going to be built. The question is whether in the years ahead the people of the world will be flying in American supersonic transports or in the transports of other nations. This has been a very difficult decision, in terms of a very spirited debate within the Administration and also within the Congress as to the proper priority for funds. I have made the decision that we should go ahead.

I have made it first because I want the United States to continue to lead the world in air transport. And it is essential to build this plane if we are to maintain that leadership.

I have made this decision also because, in another sense, this means that, through this plane, we are going to be able to bring the world closer together in a true physical and time sense.

HACKES. Since 1961, Congress has appropriated 623 million dollars for research, development and design competition for producing an SST.

Boeing Aircraft and General Electric won the contract. President Nixon has asked for another 662 million dollars over the next five years to get to the actual production stage. But, as prices go up, that total of 1.3 billion dollars will very likely not be enough.

The cost of each plane to an airline company is uncertain. Estimates range from 40 to 60 million dollars. The government would recover its development outlay, the taxpayers' investment, after the sale of 300 SST's, at so much per plane, then would make money on further sales royalties.

The Russians and the British and French are far ahead of the U.S. program. They have prototypes that are already flying. The Soviet story from NBC News Correspondent Angus Corley in Moscow.

CORLEY. The Soviet airline, Aeroflot, claims to be the world's busiest, and very likely is. For one thing, it has a monopoly here at home, a huge country in which airlines are the quickest and easiest and sometimes the only way to get around. For another, its overseas operations are not inconsiderable, reaching into 50 countries or more, including the United States.

The Soviet Union has reason to believe that it enjoys a preeminent position in air travel, and it intends to keep it. Its first supersonic plane, the TU-144, has flown successfully and has been indicated ready for service next year, a service which could reduce the flight time from Moscow to London or Paris to 90 minutes.

The test model had 120 seats, but the Russians now are talking of giants, giants that would lift 500 and even 1,000 passengers on long flights.

HACKES. As we have heard, the Soviets hope to begin production of their SST in 1970. A United States version would not be ready until about 1978.

Britain and France hope to be selling their jointly-produced Concorde SST to the airlines in 1973.

NBC News Correspondent George Montgomery reports from London.

MONTGOMERY: The British and the French decided to club together on Concorde because, fueled by patriotism and the profit motive, they wanted to beat the Yanks and the Soviets to the supersonic pot of gold and didn't have the money to do it separately. Also, the British Concorde would fly them past Mount DeGaulle and into the Common Market. Well, they crashed on that one.

But the Concorde project has flown on and on, with costs rising, which makes some people wonder whether the plane can make as good a profit as originally expected when it supposedly comes into service in 1973.

Also the possible advent of Boeing's SST is darkening the sky for some skeptics. While they aren't particularly worried about Russian competition, the skeptics note that Boeing has received more option for its supersonic planes than have been filed for Concorde. However, Concorde's supporters argue that, with Concorde due to go into service five years ahead of the American plane, this should give the European plane enough time to establish itself as a useful aircraft.

There's a lot of talk about how the bigger, faster American plane will complement the Concorde, not compete with it, and that

there's room enough upstairs for both of them, all of which doesn't satisfy people on the ground agitating against sonic boom.

The Concorde advocates argue that booms aren't much of a problem, partly because many longhaul routes are over water or low population areas. This, like a lot of other things about Concorde, remains to be seen, and heard.

HACKES. The sonic boom is one of the most common objections to supersonic planes. We talked with a Harvard University physicist, Dr. William Shurcliff, who gave this explanation of how the noise is produced.

SHURCLIFF. Well, a sonic boom is an explosion-like sound that's produced when any airplane flies faster than the speed of sound. The air has trouble getting out of the way of a plane when it goes faster than sound can travel. So the air has to get out of the way very, very quickly, in a few millionths of a second, which creates tremendous pressure and heat, turbulence. And the energy spreads out in a huge wave, called the shock wave. And then you hear it. When it strikes you, it's called the sonic boom.

HACKES. Dr. Shurcliff is director of the Citizens League Against the Sonic Boom, which he says has 3500 members in six countries. Even though President Nixon and Transportation Secretary Volpe have said the SST will not fly at supersonic speeds overland, Dr. Shurcliff's group is disturbed that it might.

SHURCLIFF. We hate to think of one SST flying across this country bothering ten million people on a single flight. The boom hits with absolutely no warning. It comes instantly. And it is very startling. It tends to make you jump, it makes your heart beat faster. It makes you jerk. And if you are asleep, it would wake you up. It's a real harassment to living. They've made long tests over many different cities, using military supersonic planes. And the results have been uniformly bad. The biggest test was at Oklahoma City in 1964, where they kept booming these people every hour for five months. The people hated it, and there were something like 15,000 complaints registered, and there were 4,900 claims for damage. And the lawsuits are still going on for damage done to their windows, the plaster, brick walls, and so on.

HACKES. The proposed American plane will fly at 1800 miles an hour, three times as fast as the new jumbo jet airliners which will be in service next year. The Soviet and the British-French versions will fly at 1400 miles an hour. Because of the apparently assured foreign competition, it appears likely that Congress will appropriate more money for the SST. House and Senate committees are at work on it now.

One of the more forceful opponents of U.S. Government investment in a supersonic airliner is Senator William Proxmire of Wisconsin. He gave me several objections.

PROXMIRE. I think it has a very, very low priority. Of course it's helpful for all people who fly overseas to be able to fly in two or two and a half hours instead of take six to go from here to Europe, for example. But it isn't essential. And those people who would pay the premium rate which I am convinced a SST would command for many years would be very affluent people who are to be going over, at least in many cases, to gamble, to play, to enjoy Paris, to fly from Monaco to Las Vegas, and that kind of thing. I just don't think that you can establish the fact that this is the way that most people would fly, when we have the jumbo jets, which are just coming along now, will seat many, many more people, provide a much more economical flight, will fly at a lower cost; and I am convinced that the overwhelming majority of people who fly overseas would prefer, even if they have to take six or seven hours to do it, to pay, say 250 or 300 dollars instead of the two or three times as much that they would have to pay if they took the SST.

But the main point I'd make here is that, if this were a safe investment, if this were going to be paid back, there'd be no reason in the world why the government should have to finance it. Then it could be financed privately. But to have the federal government underwrite this, in face of the fact that the only studies that have been made of the SST, economic analyses made, show that it cannot be economically successful unless it can fly overland, I think under these circumstances it's clear that the airline companies don't finance it completely is because they recognize the very, very high degree of risk. And the taxpayer is going to have to pick up the loss.

And what particularly concerns me is that we have just decided this year that the Federal Government will finance the advanced manned strategic aircraft, which is a supersonic bomber, which will develop all of the technological research and go into all of the technological work that would be necessary from a military standpoint. Now, if we're going to do that in the military area, I can't see any reason why the Federal Government should duplicate that kind of research in the commercial area.

HACKES. Senator Proxmire also said he's suspicious that some influential proponents of the SST wouldn't mind lifting the restriction against cracking the sound barrier overland.

PROXMIRE. I think that there has been a series of actions by the people who favor the SST to kind of condition us for this sort of thing. Obviously, if you look at the commercial payoff on airline operation, you find that the really important flights, from the standpoint of repaying investment, are not the flights over to Europe or over to Asia. They're the glamor flights. The important flights are the flights from coast to coast, from New York to Los Angeles, Seattle to Philadelphia, and so forth. If these planes cannot make these flights at supersonic speeds, then it's very clear, on the basis of every economic analysis I have seen, and there have been a number of them, that they can't come near to paying their bill.

So that I think that the airlines that have put in ten per cent are gambling that they can persuade the country to accept the sound pollution we'd suffer with supersonic flight. This carpet of devastating sound, 75 miles wide, right across the continent. Because they think that eventually the public will just be inured to all the disturbances they're suffering and they'll accept it and the FAA will go through with it and permit it.

HACKES. If the SST is not flown faster than the speed of sound overland, there remains the question of where it could fly over water and still not disturb someone. Most flight paths would be above shipping routes, and the sonic boom is no easier to like on an oceanliner than it is in our homes.

Perhaps there is some hope eventually. A California engineering firm, Vehicle Research Corporation, claims that a redesign of the SST could greatly reduce the sonic boom it produces. Dr. Scott Rethorst explains the idea.

RETHORST. The system essentially employs an internal-flow aircraft, as contrasted to the usual external-flow airplane. As you know, the sonic boom is caused by the air going around the outside of the aircraft, and by proper internal flow, the major portion of the boom can be eliminated.

You have an aircraft that has an aperture along the entire leading edge of the wing and has a large air-scoop in the front end of the fuselage. The passengers and cargo are then shielded behind the forward fuselage air-scoop. The air that is taken in by both the air-scoop and the wing aperture is emitted underneath the wing, where it spreads out the pressure, therefore having a less intense boom.

The work at the present time indicates

that about 70 per cent of the boom can be eliminated, perhaps more with further work.

This idea was submitted to the National Academy of Sciences initially about three years ago, who endorsed it in principle and referred it to the Air Force, which developed a general theory, which was then confirmed by 30 days of wind-tunnel testing in an Air Force tunnel at Tullahoma, Tennessee.

HACKES. Early this year, President Nixon appointed a committee to study the feasibility of continuing the supersonic transport program. The group included officials of several Cabinet departments and other special advisers. Their report to the President was kept classified until only a few days ago, when Wisconsin Representative Henry Reuss finally succeeded in forcing its release. He gave me this summary of the study.

REUSS. The basic tone was one of the condemnation of the SST as a real fiasco. The Department of Health, Education, and Welfare said that it would create intolerable noises, not just the sonic boom, but sideline noise. People living within 13 miles of the airport would find it intolerable, they say. They couldn't go on. And there would be damage claims and great illness.

Then the Treasury, also some honest men, pointed out that this would be a real debacle for our balance of payments, that it would induce American businessmen to make more trips to Europe, where they spend hard-earned foreign exchange, and that this would hurt our balance of payments, not help it.

Then the Council of Economic Advisers came along and said that it was a real dog as far as the American taxpayers are concerned. The actual word they used was "white elephant." "Don't do it, this is a white elephant."

Yet, incredibly, after reading all of these negative reports, the White House ordered the taxpayers of the United States to pony up ultimately with more than a billion dollars to finance this white elephant.

HACKES. Is it possible, do you think, that the President did not have the benefit of having seen this report before he decided to go ahead?

REUSS. I think it's not only possible but I think it's highly probable. As I read this report, the—a summary that was sent to the President was wholly misleading and didn't report at all what the Cabinet officers and others had to say. And it could well be that in innocence the President, confronted with a thick set of papers, picked up a document called "Report of the Ad Hoc Committee," read it and concluded that everything was rosy, whereas if he had seen the material submitted by the Treasury, the HEW Department, the Interior Department, the Council of Economic Advisers, he would have thrown the thing in the wastebasket then and there, which is where it should be thrown even now.

HACKES. Congressman Reuss, what difficulty did you have in ferreting out this report?

REUSS. I had great difficulty. I first got wind that there was such a report about a month ago, and I thought that the taxpayers of this country had a right to look at it. So I wrote the Administration, "May I, sir, have copy of this report?" And I got back a letter from the Department of Transportation saying, "This is privileged. You can't see it. You're just a Congressman."

Well, I took this up with our Freedom of Information subcommittee and they pointed out that this squarely violates an agreement the President made, which is that only the President can claim privilege, not the Department of Transportation, or anybody else. And with that, their house of cards collapsed and I got the report. And I now see why they didn't want to give it to me, because it completely contradicts everything they said and renders this one of the worst fiascoes in our sorry history of waste.

HACKES. The Department of Transportation said when it released the report to Congressman Reuss that the special Presidential committee was only one of many sources of advice and that the committee had been working with old information, that, for example, prospects did not look good at the time of the study for successful development of the Soviet and British-French supersonic planes.

Nine major United States airline companies have put up 51 million dollars in risk money toward development of the SST's they hope to buy. And in letters sent to the Transportation Department early this year, they indicated they are unwilling to put any more dollars into the development program.

Most airlines are not making the money they'd like to these days. They haven't fully recovered from the financial burden of buying the first generation of jet airliners. And now many of them are buying fleets of the new jumbo jets. Yet major companies are still enthusiastic at the prospect of the SST.

Here is Trans World Airlines Vice President John Harrington.

HARRINGTON. History has demonstrated that when feasible breakthroughs in aircraft design have proved possible they have been demanded by the public, so to speak. They have been converted into commercial vehicles and the public has flocked to them.

Second, we face the hard fact that the French-British combine, on the one hand, and the Russians, on the other hand, are going to produce and fly a supersonic airplane. And this means that United States' airlines will have to have supersonic airplanes to compete with them.

In view of the fact that the United States has a better and a faster and a more productive design, are we going to put it on the shelf or are we going to come forth and take the market that should rightly be ours by virtue of the product that we have?

HACKES. The chief executive of Pan American, Najeeb Halaby, agrees that super-speed will sell and says competition demands action.

HALABY. Now, I can't sit here, as president of Pan Am, and watch the Soviet supersonics go by. Therefore, I hope, as President Nixon has wisely recommended, we charge ahead with our own supersonic transport. It's not whether we're going to have an SST; it's whether there'll be an American SST flying in the skies with the British-French and Soviet models.

We're merchants of mobility, if you will. We're really selling speed or time. In the SST, we'll be able to make another major compression of time. The world will shrink from about a 24-hour-wide world to about an eight or ten-hour-wide world. And there we'll be selling probably mostly to the business and government and emergency traveler at first, at a higher fare.

I think you've got to think of the SST as the time premium class. However, by, let's say 1990, which is only 20 years away, at least 20 to 30 percent of the world's travel will be on supersonic transports.

HACKES. The National Aeronautics and Space Administration, NASA, has been given the task of researching the feasibility of the SST and of assisting its development as technical adviser to the FAA.

I asked Albert J. Evans, NASA's director of Aeronautical Vehicles, for his view of why an SST is necessary.

EVANS. I think it's needed because the British and the French are developing an SST. The Russians are developing an SST. And I don't think this country can stand to be second in any area of technology.

HACKES. Well, why is it necessary for any segment of our population or any piece of air freight, for that matter, to fly, say New York to Europe, in three and a half hours, rather than six and a half hours?

EVANS. If we go back in history a little bit, we might have asked the question, "Why did we want to go to Europe in six and a half hours rather than five days by ship?" I think the jet transport has brought the world closer together. I think it's played a very important role in communications between nations. It's stimulated new industry. The supersonic transport simply carries this a step further.

And to my mind, anything that improves communications, the transfer of cargo, transfer of people for people-to-people conversations, and so forth, is a good force in this world.

HACKES. Senator Proxmire is among the opponents of U.S. Government investment in the supersonic transport plane who say the real price of development is likely to be six billion dollars or more, not the 1.3 billion figure that's being used. And the Senator has other ideas of how so much money should be spent.

PROXMIRE. If you're going to spend this kind of money in aviation, I'd like to see it spent in getting your baggage on time when you are at the airport flying a regular flight that most people would fly. I'd like to see it spent on more and better—in improvement in our airports. I'd also like to see it spent, if we're going to spend it, on getting people from the cities to the airport. You know, this is what most people are concerned about, rather than the super-doooper, supersonic flight.

But I might also point out that when the President makes a decision, if the Congress follows his lead, it means we will not spend the kind of money that we should improve our mass transportation. We can't do everything in this country. And I think we have to recognize that we just have to establish priorities. And this should take a low priority, far below other transportation needs, not to speak of the fact that education is more important, the struggle against poverty is more important, the improvement of housing in our cities and throughout our country is far more important.

HACKES. On the House side of the Capitol, Representative Reuss ridicules any motivation of U.S. prestige through developing an SST and says it's a case of mixed-up values.

REUSS. Prestige? It's really a joke that those who support this billion-dollar giveaway to Boeing Aircraft and General Electric drag out the prestige argument. In any event, the Russians, the French and the British are going to have supersonic transport planes flying before we do, so there is no prestige in being fourth. If the United States really wants prestige in the world, as a country made up of sensible people, let us junk the SST promptly and put that money into finding new ways of clearing up our air and cleaning up our water. That's what the people of this country really need. They don't want to pay a billion dollars or more so that a handful of executives can flatter their vanity by flying to Paris in three hours instead of six hours.

HACKES. The proposed SST could fly 4,000 miles at 1800 miles an hour, with 280 passengers on board. Within a few months, the airlines will begin taking delivery of the jumbo jets, a new generation of airplanes that will not break the sound barrier. Every major aircraft manufacturer is working on its version of the jumbo jet. The first at the airport will be the Boeing 747. It flies at 625 miles an hour, with a range of 6,000 miles. It's a mammoth plane, a block long and five stories high. Perhaps the most impressive statistic is that it can carry up to 490 passengers. The jumbos will also carry more than twice as much commercial cargo as today's jets, which pleases the airlines.

Boeing's director of engineering for the 747, Joseph Sutter, says the passenger may not believe at first that he's on an airplane.

SUTTER. The airplane is the first airplane

that does not look like a tube. It's been commented that it looks more like you're walking into a living room. And the reason for this is that the airplane is 20 feet wide. It has two aisles instead of one. It has cross-aisles. And it's split up into five compartments or sections. We have, on this airplane, put five large doors on each side of the airplane. And therefore the various passengers can walk right into their own section.

The engine on the 747 is an engine developed specifically for the airplane and one of the rigid design requirements was that the engine would have improvements in the area of noise and improvements in the area of smoke emission. And with the improvement in the state of the art, we feel that there has been real advancement in both of these areas. For instance, if you observe the 747 flying, if the engine is putting out any smoke you really have to look for it; it's practically smokeless.

In the area of noise, we have quoted that it's roughly six to ten PNDB quieter than our present longrange airplanes. Now, those are technical terms, but if you actually consider noise power, it's roughly half the noise. The people that have observed the airplane around the many airports that we've flown all observe that the 747 is truly a quiet airplane.

HACKES. A giant airliner poses many problems, however, because it is unlike any other plane. Special ground facilities are needed. At Kennedy Airport in New York, for example, several airlines are changing their terminals or building new ones to accommodate the 747, and other large planes of the future. And changes must be made at every airport serviced by the jumbos.

TWA's John Harrington told us that nearly everything has to be enlarged.

HARRINGTON. There have been several problems with which we have had to grapple, all of them related to the larger size of this airplane—problems involving the size and capacity of the passenger-handling buildings, the gatehold rooms, ticket counters, passenger circulation space. We've had to develop special equipment for handling the cargo and baggage containers on and off the airplanes, containers that can weigh two or three thousand pounds a piece fully loaded. Also the fact that the passenger deck of the airplane is five feet higher off of the ramp than the passenger deck of the 707.

Most of it would have come about anyway due to the natural growth in passenger travel. As a matter of fact, the existence of a 747, with its increased capacity, is in one sense an alleviating influence in the factor of congestion, because one airplane carrying 350 passengers will occupy no more airspace or runway time than today's airplane carrying 145 passengers.

HACKES. Pan Am's Najeeb Halaby points out that there are many other expenses that go along with the new airplanes, many of which must be paid by the public.

HALABY. In its early introductory phases, there will be some serious problems on the ground as the public facilities provided by states and authorities and municipalities catch up with the airplane which is provided by private, regulated free enterprise. So there are going to be times of delay and irritation and frustration, particularly during the first months of the airplane at the crowded terminals. There will be times when it will actually clog the access road to the airport as a surge of 360 people enplane or deplane. And you will have to go all the way back into the highways, to enlarge and facilitate them. Then the parking lots, then the passenger lounges in the terminals, and the ramp space. We have to have more taxiways and airport runways. Even if we don't have the 747, we're running out of cement, you might say, in the whole world of air travel and air shipment.

HACKES. Imagine the scene at a large airport one day in the not-too-distant future, when half a dozen jumbo jets, each with 350 to 400 passengers, arrive at about the same time. Aside from hard-pressing the terminal facilities, baggage for example, what happens when the passengers all try to leave for the downtown area? It's a real worry for New York City Traffic Commissioner Theodore Karagheuzoff.

KARAGHEUZOFF. It's a problem that has to be faced by the City, the state to some extent, and the federal government. By that I mean there are highway construction projects which will provide the extra facilities that will be absolutely needed in order to handle this problem in any sort of efficient manner. Of course, the parking problem in the airport is very important. There I know the Port Authority is working on double-decking some of their parking lots and creating other parking lots, both east and west on the airport facilities. There's going to be a tremendous amount of activity then, not only the passengers but cargo. Now, the air cargo is going to be increased substantially simply because you're going to have jumbo jets transporting cargo, and some of those jets will have dual use, passengers and cargo. So we're going to have a tremendous amount of traffic and circulation within the airport, circulation back and forth from these cargo areas, outside of the airport into the airport. So it's very important that the—at least that the highway facilities that are planned be constructed speedily.

I think the Federal Government now finally is realizing that they have to spend money from the highway user tax, the same—highway trust fund, the same money that's used to build expressways and parkways, use that same money for improvements to the streets, improvement to traffic control and improvement to the existing expressway system, other than construction.

HACKES. Outside and inside the airport, many burgeoning problems await public financial help. A tremendous strain is put on the various air-traffic control centers. Air traffic is handled in stages by an airport control tower for planes at or close to the airport, by a separate control facility for planes a few miles away, and at regional centers. The volume of flights in the United States last year came to more than 55 million. It will be more this year.

Two air-traffic controllers stationed in the New York area, Robert Lamb and Joel Papish, told us they need better equipment to continue keeping aircraft safe and separated.

LAMB. The equipment, in my opinion, is still not as good as what the military has. I think we should have better equipment than we do, although the equipment we do have is adequate, but there are times where we have certain restrictions that cause delays in traffic. There are days when we have weather; it's a big factor on our equipment. I mean we can't completely cut out all the weather we get. It's not so bad at this time of the year because we don't have the thunderstorm activity that we have during the summer months. During the summer months when we have a lot of thunderstorms in the area, why, there are times where we just have to hold everything on the ground and hold in their holding patterns. And it's quite a problem because we just don't get the target return.

PAPISH. The actual designs of the airport sometimes is a hindrance to the operation. Aircraft traffic increases each year. The airport has a problem handling it. And also some of the equipment is old or not up to par. So we have a problem with that sometimes. But we're getting some new equipment. The new equipment, of course, seems to be the best. I think the prime thing that annoys the controller is equipment that isn't reliable and it doesn't stay up to the same

standards day after day. And for instance you might have two or three days where the radar is operating at a high level and there is no problem, and then just as you get busy you have a drop in the quality of the equipment.

HACKES. Every air traveler might reflect that there, in the traffic control rooms, is a good place for the Federal Government to spend aviation money. And it's not just the equipment. More good men are needed. Today the load on each man is too heavy. Examples of that are given by Dr. W. Wayne Sands, a Des Moines psychiatrist who has made studies of air-traffic controllers at several large airports.

SANDS. They perform at top, at peak, performance for long hours, and at the end of the day, for example, they get tired and they can't hold the picture of the number of airplanes, such as 20 or 25, that are on the screen. So they lose one and then the whole string becomes unscrambled, and they have to identify all of them. And this is a sheer moment of panic. Even computers have blowout times, as we found on the moon landing, in which they get overloading. Humans become tired, the blood sugar goes down. They have stress phenomena. And they can't work at a peak performance, which is the problem of the air-traffic controller of today.

HACKES. Dr. Sands says it's not a case of a man becoming more adjusted to the job because, the more experienced the man, the more he may fear the dangers.

SANDS. The FAA studies I think are very good. I have enjoyed going over them, and some of their confidential and unclassified material have been excellent. They have put it very kindly. They say that symptoms increase with "too much experience." Not with age particularly, although there is a division among the researchers about this.

I find that it's true that they become—they become more bothered, more symptoms, as the experience and the age goes along. Now, there is a reason for this. Hesitation is the mark of experience and wisdom. You know, when you were young and you could boom planes in, one after another, it was a great and glorious thing. You know, you were a controller of the skies. When you get older and you've had a lot of near-misses, and I mean a lot of them, because no one goes through this without them, it isn't so easy to do that. And you start hesitating a split second here and a split second there. You want to be sure. You check. This is all fatiguing and tiring. And also you tend to get planes more snarled up because remember the traffic pattern has been more loaded since you began in the control business.

HACKES. The FAA says it's optimistic about getting funds to hire more controllers. But Congressional appropriations have lagged for several years. And you can't just go out and hire a controller. It takes long training.

I talked about other air safety problems and hopes with the FAA's director of Air Traffic Service, William Flener.

FLENER. The Federal Government is in a position today, and has been for several years, of trying to do two things at once. We're trying to maintain an in-place system and at the same time we're moving as rapidly as we can into a new automated system. So you're trying to keep the in-place system going while you, at the same time, on the same location, bring aboard new automated equipment.

Let me make a simile. Many years ago, we converted from the low-frequency navigational system to the very high-frequency, or VOR. We had two navigational systems operating, one on top of the other, at the same time. I was a controller during that period. And it made it rather difficult until you could phase one out.

So the system that exists today isn't anti-

quoted, but we would like to have and need, in some locations at least, more sophisticated equipment than we have, because the traffic has escalated a tremendous amount over the last four or five years.

HACKES. Let's go beyond the turn of the century or as far as you'd like. What will the air-traffic control picture be, assuming we have enough money to spend and enough personnel, and so on?

FLENER. There was a study that has just been completed in rough draft. Their basic tenet is that the automated system that we're putting in today, in its very, very early stages, will be the good basic groundwork for a future automated air-traffic control system. We do anticipate, as we move down the line, that we will go into the automated in-route systems, we'll get into satellites, the use of satellites for navigation, the use of satellites for communications.

HACKES. Will you use satellites for traffic control?

FLENER. Yes, very definitely. Rather than a pilot going from A to a navigational aid at B, to a navigational aid at C, he'll go direct from A to C, over no navigational aid at all. His aircraft will be equipped with computers. It will automatically read out several navigational aids, cross-checking and giving him the best route to get there.

Our biggest problem is not the terminal or the in-route system, it's not the pilot and it's not the controller. It's the hard runway. Our most difficult thing that we see in the future is the lack of capability in the airport system. Our difficulty is that all our traffic feeds down to a funnel, the funnel being the runway. And until we get more runways, more airports, and more capability on the ground, we're going to continue to have a very serious delay problem throughout the aviation system today.

HACKES. And there is a good blueprint for the Congress to look at, if anyone wonders where aviation dollars are most needed. There seem to be more urgent needs than a commercial supersonic transport plane.

We must have new equipment, more personnel, expanded airports, new airports. All require more money than Congress has allocated, while Congress meantime considers spending millions after millions of dollars to back the private development of a faster airliner. It's called an investment, and it will be, if the development program is successful, if enough airlines decide to buy enough SST's, if the airlines can keep up their installment payments, and if enough passengers are willing to pay a premium fare to get to Paris three hours quicker.

But each Boeing SST will cost about 50 million dollars. And 300 SST's must be sold before the government, that is you and I, can break even. It's not that anyone wants to hold back aviation progress. But, as Senator Proxmire noted, if the SST is a safe investment, why can't it be financed privately? The coming generation of jumbo jets, not faster than sound, but fast, big, comfortable and no more expensive for the passenger than present jets, appears to offer a better solution for expanding air travel.

This is Peter Hackes, NBC News.

MRS. MEIR'S MESSAGE TO PRESIDENT NIXON ON HIS POLICY IN VIETNAM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, of the many letters and telegrams that the President has received

since his November 3 address to the Nation on the war in Vietnam, one of the most supportive messages is one that has come from Premier Golda Meir of Israel.

As leader of a small and vital nation, Mrs. Meir's message should merit the close attention of Americans. She wrote that the President's speech contained "much that encourages and strengthens freedom-loving small nations the world over."

For the information of my colleagues I am pleased to insert in the RECORD the full text of Mrs. Meir's message, as she relayed it through the U.S. Ambassador to Israel.

PRIME MINISTER GOLDA MEIR'S LETTER TO
PRESIDENT NIXON

The Prime Minister wishes to congratulate the President on his meaningful speech and expresses her hope that he will speedily succeed in bringing about peace in Vietnam.

The President's speech contains much that encourages and strengthens freedom-loving small nations the world over which, striving to maintain their independent existence, look to that great democracy, the United States of America.

A COMEBACK FOR COAL

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WOLD. Mr. Speaker, periodic power blackouts continue to indicate the growing demands of the United States for electrical energy. Indeed one of the prime problems this Nation will face during the coming decades is keeping the supply of electrical power adequate with the demand.

Fortunately, the Nation has the resources which can be developed to fill the future demand. Many people, in speaking of these resources, speak of nuclear powerplants. Nonetheless, there is a growing body of knowledge which indicates fossil fuels hold a great potential to complement nuclear electric power generation. Indeed, these studies show that generation of electric power by fossil fuels may well be more practical in certain instances than generation of electric power by nuclear plants.

Wyoming, with its great reserves of lignites and coal, is a natural for the type of development outlined in an article entitled "A Comeback for Coal" in the October 4, 1969, issue of Chemical Week. For the benefit of my colleagues I insert the article in the RECORD:

A COMEBACK FOR COAL?

The way to solve tomorrow's problems in energy conversion is to think big—and also to think small.

Enough electricity to meet U.S. needs—now doubling every 10 years—might be generated by a huge national energy network fueled by Western coal, rather than nuclear materials. And to keep ailing hearts beating smoothly, improved miniature batteries are being developed.

Engineers at the U.S. Atomic Energy Commission's Brookhaven National Laboratory (Upton, N.Y.) have been studying the economics of generating ever greater quantities of electricity. They have, of course, reviewed the various projections for growing use of fast-breeder and other nuclear reac-

tors. By some predictions, nuclear plants will be generating 30% of all U.S. electricity by the early '80s; and by the year 2000, the nation's generating capacity could be divided like this: nuclear, 50%; coal, 32%; oil and gas, 10%; and hydroelectric, 8%.

Looking to Lignite: However, Meyer Steinberg and two colleagues in Brookhaven's Applied Science Dept. propose a completely different approach. Steinberg outlined their plan last week at the fourth annual Inter-society Energy Conversion Engineering Conference, which attracted 700 engineers to the Statler Hilton Hotel in Washington, D.C.

It's possible, he warned, that the U.S. may not discover sufficient low-cost uranium reserves. Developing an economic breeder reactor may take much longer than expected. Onerous restrictions may limit the use of nuclear power in urban areas.

Therefore, Steinberg suggests, serious consideration should be given to unlocking the vast reserves of subbituminous coal and lignite in Montana, North Dakota, Wyoming and Alaska. His gambit: in those coal fields erect 10 big power plants, each of 5,000-megawatt capacity, to be supplied by open-strip mining.

The plan calls for fluidized-bed gasification of the coal to make producer gas (carbon monoxide and hydrogen), which could be burned with compressed air to activate a giant magnetohydrodynamic generator. This would produce high-voltage (500,000 v.) direct current to be wheeled through long-distance, cryogenically cooled transmission lines to the big power-consuming areas on both coasts.

CHEAP POWER SECRET: HUGE PLANTS, LONG LINES, WESTERN COAL

Powerplant investment,¹ \$4,600,000,000; 1,000-mile transmission line, \$2,460,000,000

	Power cost ²	
	At 8 percent fixed charges	At 16 percent fixed charges
Power production.....	2.1	3.1
Power transmission.....	.5	1.0
Total delivered cost, 1,000 miles.....	2.6	4.1
Byproduct credits:		
Uranium.....	.2	.2
Hydrogen.....	.1	.1
Net delivered cost.....	2.3	3.8

¹ Capacity: 50,000 megawatts, produced in ten 5,000-megawatt stations in Montana, North Dakota, Wyoming, or Alaska. Source: Brookhaven National Laboratory.

² Mills per kilowatt-hour of electricity.

Composition Costs: Steinberg calculates that delivered, pollution-free power could be priced at 2-4 mills/kwh. (table, above). The lower level is for publicly owned utilities with fixed charges of 8%; investor-owned utilities, with fixed charges of 16% would have to charge higher rates.

No such cryogenic transmission lines have been built yet, so the construction cost estimates are based on experience with conventional underground power cables and gas pipelines. The figure arrived at—\$1 million/mile—is consistent with installation costs of several hundred thousand dollars/mile for gas pipelines.

The insulated conductors and the cryogenic coolant would be contained in a steel pipe, of 30-in. inside diameter; it would be buried in an 8-ft. ditch and covered with at least a 4-ft. layer of earth. The conductors could be aluminum, at \$3/lb., or sodium metal, at \$2/lb.

Valuable By-Products: Uranium oxide might be recovered from the coal ash, this would hinge on whether a water or sulfuric acid leach is feasible. If so, it might cost no more than \$2-3/ton to recover U₃O₈, which could then be sold for about \$10/ton.

Hydrogen, produced from coal and water, would be liquefied and used as the coolant (at about 18-20 K). It could also be a salable by-product, transported through the transmission line to customers along the way.

He suggests that the hydrogen could be used for cooling transformers and other electrical equipment, as fuel in gas turbines to generate additional electricity for peak-shaving, and for making pollution-free fuels for autos and hypersonic transport systems.

Chemical Outlets: The hydrogen could also be used as a chemical feedstock, Steinberg points out. If all of the available hydrogen were converted into ammonia, output (22,000 tons/day) would equal the nation's current total production of this commodity. It could be produced along the transmission line, and at lower costs than in existing facilities, he adds.

Still another possible by-product that could help improve the over-all economics of the Brookhaven scheme: Steinberg predicts that the cost of extracting deuterium from the liquid hydrogen should be very low.

Thinking Small: At the opposite end of the power-supply scale, President Morris Eisenberg of Electrochimica Corp. (Menlo Park, Calif.) described a new, rechargeable alkaline battery system that would be small enough and reliable enough to be implanted as a heart pacemaker. It has a mercuric oxide cathode and a cadmium (rather than previously used zinc) anode, with an open-circuit potential of 0.93 v.

Its energy density per unit volume is slightly lower than that of the HgO-Zn couple. But the developer claims a wet-stand shelf life of five years or more, and performance that is not impaired by deep charge-discharge cycles.

EVELYN F. EPPLEY

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mrs. REID of Illinois. Mr. Speaker, I would like to call to your attention what I consider to be another important step in the recognition of the capabilities of women to perform important responsibilities in high places in the Government.

At the same time, I would like to commend Mr. Robert L. Kunzig, Administrator of General Services, for naming Evelyn F. Eppley as Chief Judge of the GSA Board of Contract Appeals.

Miss Eppley, a native of Riverside, N.J., will be the first woman to serve as the Chief Judge of this important Board and will be the only woman serving in such a capacity with any agency or department in the Federal Government.

Miss Eppley attended the University of Pennsylvania where she received bachelor and master degrees in education. She later attended night law classes at Temple University where she earned her bachelor of law in 1948.

Miss Eppley presently is serving as Chief of the Renewal Branch at the Federal Communications Commission. She has been with the Commission for 16 years as an attorney adviser and for 5 years she was a senior attorney in the Rules and Standards Division.

I am sure this dedicated public servant will be of great help to the Nixon administration as chief judge of GSA's

Board of Contract Appeals. This Board plays a vital role at GSA where Administrator Kunzig contracts for literally billions of dollars in service, supplies, and construction annually.

O'HARA-MOSS CONSUMER FULL WARRANTY PROTECTION ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, the monthly publication of the United Auto Workers, *Solidarity*, carried an article in its October edition by our colleague, the distinguished gentleman from Michigan (Mr. O'HARA) devoted to a bill he and the distinguished gentleman from California (Mr. Moss) are cosponsoring. The legislation is the proposed Consumer Full Warranty Protection Act, and it is designed to deal with one of the most vexatious problems facing the American consumer in the marketplace—the warranty which fails to protect.

Unfortunately, as untold thousands of consumers in this country have learned through sad experience, many warranties are worth very little more than the paper they are written on. The title of the article in *Solidarity* is all too true in far too many cases—"The Nightmare of Warranties." The O'Hara-Moss bill is designed to make warranties meaningful and to provide the consumer an opportunity for redress of his grievances in cases where they are not. It is a bill which deserves to be enacted by Congress.

Mr. Speaker, I found the article in *Solidarity* by the gentleman from Michigan very interesting. With the thought in mind that some of my colleagues may also want to read it, I insert it as part of my remarks at this point in the Record:

THE NIGHTMARE OF WARRANTIES

(By Hon. James G. O'Hara)

The files of the Federal Trade Commission are full of warranty horror stories.

A freezer was delivered with a faulty drain hose and water flooded the interior. The customer complained. After six weeks, repairs were made. Then the door fell off. The dealer ordered new hinges from the factory. The hinges arrived—four months later.

In another case, a relatively new television set developed picture trouble. The local retailer tried to fix it but couldn't. The manufacturer refused to replace the set but did offer the disgruntled customer a \$10 trade-in allowance for the set which he had owned for less than a year.

In both cases, the buyers had in their possession warranty certificates which they thought protected them against defects in the products they had purchased.

They had learned the hard way, in the words of the Consumer's Union, that "a manufacturer's guarantee is no better than his willingness and ability to fulfill it."

The two cases cited here were just two of many reported in a recent study by a task force on appliance warranties, appointed by President Johnson last year in response to buyer indignation over warranty inadequacies.

The appliance study, which succeeded an earlier one by the FTC of automobile warranties, documented what thousands of con-

sumers know from bitter experience: it is extremely difficult, if not impossible, to get a car or household appliance repaired or replaced if it is defective.

Long concerned about the warranty problem, Congressman John Moss (D-Calif.) and I were prompted by the FTC report to write legislation which offers comprehensive protection to the consumer.

While it has been nicknamed the "truth-in-warranty" bill, the measure goes far beyond simple disclosure provisions associated with other "truth-in" consumer bills, such as those affecting interest rates and product packaging.

Our objective was to give the consumer the legal weapons to require the manufacturer to repair or, if repairs fail, replace a defective product quickly and with minimum inconvenience to the buyer.

Americans spend billions of dollars each year on machinery and appliances ranging from automobiles and television sets to blenders, toasters and electric razors.

Manufacturers go to a great deal of trouble and expense to assure quality control of their products but no matter how good quality control may be, there will always be some products sold which do not work the way they should.

If the consumer had doubts about a product's reliability at the time he bought it, the dealer may have quieted his fears by showing him an impressively embossed warranty certificate and assuring the potential buyer, in soothing tones, that it provides for any problem that might arise.

But does it?

These consumers also had warranties, but listen to their stories, as reported by the appliance warranty task force and the FTC:

The owner of a new car complained of 22 defects, including a spare tire with a plug patch in it. He took it to his dealer for repairs. After four days in the garage, no repairs had been made—but the car had been driven 28 miles.

A new refrigerator failed after six months, with six months remaining on the guarantee. The service company assured the worried buyer that it would replace the defective compressor and there would be no charge for parts. There would be a charge for service, however. The bill came to \$65.

When her refrigerator failed, also within the year's warranty period, the housewife called the manufacturer. "Sure we'll fix it," she was told, "just send it to the nearest authorized service center." The nearest authorized service center (where it had to be sent at the customer's expense under the terms of the warranty) was 150 miles away!

There are scores of such cases in the FTC files, but I think these demonstrate the scope of the problem.

What can be done to correct this sad state of affairs?

Clearly, it appears that even with voluntary action on the part of industry, Federal legislation will be necessary to guarantee full and fair warranty protection for the consumer.

This could be done by enactment of the O'Hara-Moss "Consumer Full Warranty Protection Act."

It combines warranty disclosure with a requirement for speedy repair or replacement, plus penalties which may be levied against manufacturers who fail to do as the law requires.

Under the terms of the bill, the buyer of any product costing more than \$10 would receive a one-year warranty guaranteeing prompt repair or replacement if defective.

But it goes further than that.

Let's say you buy a new \$84 lawnmower.

Under the provisions of the Warranty Protection Act, a tag carrying a summary of the warranty, in clear, non-legal language, instructions for using the mower and the name of the repairman authorized to service it, must be attached to the lawnmower.

If the mower breaks down during the warranty period, the manufacturer must see to it that it is either repaired or replaced quickly and without undue inconvenience to you.

If you cannot get the mower repaired within 60 days, you may recover from the manufacturer for the purchase price of the merchandise, plus damages, court costs and attorney's fees.

If the court finds that by failing to repair the mower the manufacturer was guilty of violating the warranty act, you may also recover a penalty from the manufacturer ranging from \$100 up to a maximum of \$5,000. The manufacturer may also face criminal penalties of up to \$10,000 fine and five years in prison.

Admittedly, this is a tough bill. But I don't believe that it goes any further than the problem requires.

For the first time, the FTC will have the authority to see to it that every customer is protected by a meaningful warranty backed up by adequate service facilities.

I anticipate that manufacturers will cry that it will place heavy new costs on them, and that small business will be driven into bankruptcy.

I do not believe this would be the case.

If our industries manufacture high quality products, as they assure us they do, then they have nothing to fear from this bill's requirement of greater warranty protection against inferior products.

In fact, the manufacturers of good merchandise have a great deal to gain from the enactment of this proposal.

REPRESENTATIVE TAFT CITES FOOTBALL'S SILENT MAJORITY—SAYS ALL SUPPORT SENDING OHIO STATE UNIVERSITY TO ROSE BOWL

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TAFT. Mr. Speaker, I knew Ohio State had a great football team. But I never realized how powerful it was until I had the pleasure of watching the Buckeyes tromp Purdue, 42-14, last Saturday, in Columbus.

Coach Woody Hayes can take tremendous satisfaction in the job his boys turned in against a highly touted Purdue squad.

It is unfortunate that we will be deprived of viewing the Buckeyes in one of the annual bowl games.

For the information of my colleagues, I call their attention to the following WTVN radio editorial:

FOOTBALL'S SILENT MAJORITY

The fans want it. . . . The coach wants it. . . . The team wants it. . . . And the students want it. Everybody seems to want the Number One Buckeyes to play in a post season game, but the Big Ten.

Conference Commissioner Bill Reed says there is absolutely no chance that Ohio State can play in any post season game. He says that the Conference Faculty Representatives are backing him up. They are comprised of one faculty member from each of the ten universities.

This is a sad state of affairs. It's even more disappointing when you realize that Ohio State is the only team in the Big Ten which does not play ten games each season, although ten games have been authorized by

the Athletic Committee and by the all-powerful, all-knowledgeable Big Ten Conference.

Maybe what the supporters of a post season game need is a better organized, more aggressive, "Silent Majority".

OUT OF THE STREETS?

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHADEBERG. Mr. Speaker, much has been said and written concerning the recent mass demonstrations that took place in Washington this past weekend. Many editorials and many comments have been made on the subject, some rational and some emotional, but few as low keyed and responsible as the lead editorial in today's Wall Street Journal.

Hopefully it will be read and understood by the many who sanctioned a taking to the streets to prove their opposition to the President's course in Vietnam. It is time for those who engage in these forms of dissent to learn the meaning behind responsibility to themselves and to the developed processes of democratic dissent that have enabled a viable and responsive democracy to function in the United States.

The editorial from the Wall Street Journal follows:

OUT OF THE STREETS?

The Vietnam moratorium demonstrators have made the point that there's a lot of deeply felt opposition to the war. The question arises whether there's anything further to be proved by continuing to take to the streets.

If, indeed, there was anything to be proved in the first place. Opposition to the war comes as no surprise to anyone, least of all the Administration. The demonstrations have been notably empty on the level of specific policy—do the demonstrators want immediate withdrawal or don't they?

It is by now pretty evident, also, that the demonstrations are not going to topple the Nixon Administration. In fact, it seems to us their upshot has been to leave President Nixon in firmer command than ever before. The Administration was forced to get a grip on its self-assurance, and its mobilization of support has been impressive.

Not even the anti-war movement leaders are any longer talking about the quarrel in terms of The American People versus a recalcitrant President. Quite clearly, the disputants are a faction of the people versus opposing factions and their elected representatives. Now that this is clear, we doubt that the peace crusade will ever be quite the same.

That the anti-war people are merely a faction sharply reflects on the morality of their appeal from the electoral process to the streets. Yes, we fully understand about the necessity of structuring legal rights to protect free speech and dissent. That does not mean there is a moral right to sanction every form of dissent, and throughout history the appeal to the streets has been an attack on democracy itself.

The latest moratorium, after all, resulted in two nights of rioting in the streets of the capital. The fashionable circles have decided more or less to ignore this inconvenient fact. We have not asked the FCC to collect us any transcripts, but we would swear we heard Chet Huntley say the other night that while troops were on standby, "There was no violence to suppress." Perhaps he had not

watched the filmclips he showed a little later in his program.

The violence was wrought by only a few thousand of the demonstrators, of course, and was not the dominant mood of the event. The demonstration leaders deserve a measure of praise for their successful efforts to prevent violence during the Saturday march itself. But they are trying to tell the nation: We collected 300,000 people and kept them peaceful for a few hours Saturday afternoon and the violence the night before and the night after is none of our responsibility. Imagine the reaction of the fashionable circles if the Administration offered such an infantilism.

The danger of the appeal to the streets is precisely that you cannot control the chain of events you start. The mob you assemble will always have its uncontrollable elements, and that they did not dominate the event one time is no guarantee they will not the next time. The inherent danger is compounded by the anti-war organizers' refusal to cleanse their ranks, where columnists Evans and Novak report pro-violence elements, pro-Hanoi elements, functionaries from the various Communist parties and the like.

Pro-Administration groups are also starting to appear, and as they gain organizational and logistical experience a clash in the streets will become more likely. We hope the Administration will lay a restraining hand on street action by its supporters, and that anti-war Senators will do the same on their side of the debate. We are encouraged that some who sympathize with protest are suggesting that political action in next year's elections is more appropriate than continued demonstrations. It is in electoral battles, not in the streets, that real policy alternatives can be articulated and real national sentiment measured.

Street demonstrations are a heady sport; their chief success seems to be intoxicating the participants with their own virtue. We only hope they sober up enough to realize they are toying with fire, that the success of democracy depends on keeping arguments in the political process and out of the streets.

A PROJECT FOR INTER-AMERICAN UNDERSTANDING

HON. JORGE L. CORDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CORDOVA. Mr. Speaker, Governor Luis A. Ferré of Puerto Rico is dedicated to the principle of better understanding between all of the Americas through continuing and improved dialog.

In his message to the Inter-American Press Association in Washington, D.C. on October 31, 1969, Governor Ferré describes how the establishment of a North-South Center operated by an Inter-American Institute of Technology in San Juan, Puerto Rico, could contribute to this worthy goal.

Because the subject matter of Governor Ferré's message is of interest to many of our colleagues, I offer its text for inclusion in the RECORD:

A PROJECT FOR INTER-AMERICAN UNDERSTANDING

I would like to take this opportunity to congratulate the delegates to the XXV General Assembly of the Inter American Press Association. You are providing an excellent opportunity for journalists in this hemisphere to get together to discuss common problems.

At the same time, I would like to send

this message to you on a subject which is close to my heart and which I know must concern you deeply as disseminators of information and moulders of public opinion in this hemisphere.

I am deeply concerned about promoting better understanding between the two continents of this hemisphere. The technical media of communications between the United States and the nations of Latin America are fairly well developed. Elaborate systems of radio, telephone, telegraph and even satellite communications have been set up. But while the mechanics of communication have improved, the ability to understand the message has diminished. The peoples of the United States and Latin America should be engaged in a continuing dialogue, but they are not.

Argument, polemics and vituperation fill the air. Much of what is said is colored by emotion and ideology and sometimes violence is threatened. There is need for a continuing dialogue between our peoples in an atmosphere of calm and reason, with the purpose in mind of eliminating passion and prejudice.

It is not unreasonable to aspire to better understanding among our peoples. True, we have different languages and cultures, different economic and educational systems and are in differing stages of development. But it is also true that most of us stem from the same European Christian culture, share the same love for freedom and democratic heritage; and experience common economic interdependence. The similarities among the peoples of this hemisphere are greater than the differences.

Under these circumstances, I think we can legitimately aspire to closer and warmer relations among our peoples. And in this task, I believe Puerto Rico can play a significant role. Puerto Rico is a peaceful blend between Latin American and North American cultures. Geographically, economically, politically, ideologically and in every other way, Puerto Rico is mid-way between the United States and Latin America. It is a living example of how Latin Americans, working together with North Americans, can make economic and political progress without sacrificing any basic cultural and spiritual values.

I should like to offer Puerto Rico for use as a bridge between North and Latin America, as a meeting place between representatives of the two cultures, as a half-way house where people of North and South America can come together in many walks of life to exchange information and learn from one another's experiences. This must be a genuine two-way exchange in an atmosphere of cultural empathy. As I said in my speech before the First Interamerican Conference of Accounting in 1949:

"Who knows if our people are destined to serve as a window which will offer a view of Latin America sensibilities to the Anglo Saxon peoples of North America, and which, at the same time, be the interpreter and ambassador to the Latin American people so that they can develop their economies under the powerful shelter of the North American economy, thereby bringing about true hemispheric prosperity?"

"If, by virtue of the special position we occupy, familiar with both cultures of the Americas and speaking both major languages, we can serve the supreme goal of helping to fortify the peace and increasing the prosperity of the three Americas, which tonight, are represented by patriotic and loyal representatives, we will serve a noble task with the greatest heartfelt sincerity."

Specifically, I should like to request the moral and editorial support of the representatives of the media represented at this XXV General Assembly of the Inter American Press Association in my efforts to create an Inter American Institute of solid technology in San Juan, Puerto Rico. This Institute, which would grant degrees, would be staffed by a faculty borrowed from uni-

versities throughout the Americas. A principal function would be to operate a North-South Center to promote understanding between the Americas.

The North-South Center would sponsor visits, exchanges, seminars, conferences, technical training and other activities designed to bring persons from North America into contact with their opposite numbers from Latin America, and vice versa. North American students at the Institute would major in Latin American studies and Latin American students at the Institute would major in North American studies. The Institute and Center would be governed by an international board representing a consortium of participating universities.

The Inter American Institute and North South Center would be located on the grounds and in the buildings surrounding the famous El Morro fortress in Old San Juan. This is a quiet setting, overlooking both the Atlantic Ocean and San Juan Harbor. The atmosphere is ideal to accomplish the purposes of this endeavor.

Funds and assistance would come from the public and private sectors both from within and outside of Puerto Rico.

I would be pleased if the IAPA would pass a resolution in support of this concept and project, which could start a movement of understanding and rapprochement between all the people of the Americas as a forward step toward peace and progress in the Western Hemisphere.

PRESSING PROBLEMS OF URBAN AMERICA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SEBELIUS. Mr. Speaker, for the past several years there has been an understandable concentration on the part of this body, and the Government as a whole, on the pressing problems of urban America. These problems are certainly of great concern and magnitude but in our headlong rush to save urban America we have, in fact, ignored the plight of our fellow citizens who live in small town and rural America.

It seems as if we are looking at our Nation's problems through city-colored glasses. When the farmer or the small-town businessman looks to Washington for help, he, in turn, finds Washington preoccupied with the problems of his city cousin. A good example of this preoccupation and certainly one of the most pressing problems of rural and small-town America is the basic need of adequate medical service—the need for good doctors who are willing to locate and practice in rural areas. Now, it is not unusual to find many counties in rural areas with no doctor at all.

This problem has existed for some time and continues to grow more severe. Little, if any, real help has come from the Federal Government and our rural communities have either suffered in bewildering and confused silence or made an attempt to solve the problem themselves. In this light, we in Kansas are especially proud of the citizens of La Crosse, a community in my district with a population of almost 2,000. La Crosse has waged a successful self-help campaign that serves as a model example for others throughout rural America.

The La Crosse Chamber of Commerce appointed a five-man committee to insure the 6,000 people the community serves of adequate medical service. The committee contacted medical schools, wrote, called, visited, and literally recruited doctors. They recruited general practitioners much in the same fashion a major university recruits athletes—only the stakes in this game were much higher, the welfare and future of the community.

Their hard work and dedication paid off; two doctors are now practicing in a community which came very close to having none. The citizens of La Crosse have proven once again that self-help is best help. Once again we see what a community can do once the citizens work together to achieve a common goal. To use medical terms, La Crosse knew it had a medical problem, diagnosed it and cured it through a home remedy; no high-cost specialist from Washington was needed.

Mr. Speaker, I insert two newspaper articles, from the Hutchinson Daily News and the Wichita Eagle, in the RECORD: [From the Hutchinson (Kans.) Daily News, June 13, 1969]

UNLIKE OTHER SMALL TOWNS, LA CROSSE BEATS DOCTOR SHORTAGE (By Kevin LaGree)

LA CROSSE.—Suffering from severe doctor deficiency six months ago, La Crosse is well on its way to recovery while other Southwest Kansas towns are sinking fast.

The Chamber of Commerce diagnosed the problem early and directed a five-man committee to seek the cure.

The case needed immediate attention. Dr. J. H. Baker, one of the state's pioneer doctors who founded the Rush County Hospital, had to cut back his practice. That left the county with the full-time services of one physician, Dr. Robert McCorkle.

The symptom could lead to the most dreaded disease in rural Kansas—city rigor mortis—and this city knew it.

So the committee got busy. Chairman Clarence Wilson and secretary S. T. Merrill barraged between 250 and 300 promising doctors with letters inviting them to La Crosse.

ROYAL TREATMENT

Those who answered got royal attention. Many came to visit the town.

Not satisfied with one treatment, the committee also started others.

For example, John Pokorny, who operates the town's pharmacy, has taken his days off to travel to see physicians in the Western Kansas area. Pokorny used to cover that area for a large drug firm.

"I'd find out which doctors might be thinking of moving for one reason or another, search down leads any way I could," Pokorny said.

He also used his telephone to contact prospects for the medical openings in La Crosse.

PHONE BILL \$100

"I don't know how many phone calls I've made," he said, "but my phone bill's running around \$100 a month."

"But it isn't the cost that's important, it's the results," he is quick to add.

Most of the funds for the committee came from the city's industrial fund. The fund has been financed by contributions until this year's industrial levy proposal was passed.

"We decided we needed adequate doctor services before we could go after industry," Wilson explained.

A new doctor will join the community in July: Dr. Larry Ward, an osteopathic physician. But Dr. McCorkle leaves La Crosse at

the end of June to start residency in internal medicine in California.

The biggest hurdle to clear continues to be the wives of doctors. Pokorny said some are hesitant about journeying to a town that lacks the social and cultural opportunities of a larger city.

The other drawback confronting the committee has been the desire of doctors to have more physicians in the area to hold their hours down.

WANT ONE OTHER DOCTOR

"We've had quite a few say they would come if we could guarantee another full-time physician," Wilson said.

The roadblocks haven't halted La Crosse's hard driving committee. One additional physician is thinking seriously of settling in La Crosse, Pokorny said, and a second has shown interest in visiting the city. In fact, one physician toured the city and its facilities Thursday with Wilson and Pokorny.

"It's gone a lot better than I had expected," Pokorny admitted Thursday. "I am confident we will reach our goal if we keep working as we have."

"This sort of thing really pulls a community together," Pokorny said. "We have a tendency to work for ourselves and get channeled in our thinking. We take all things for granted."

"This has gotten me out of the groove of my own interests," he explained.

PLENTY OF SUPPORT

"The whole community has supported us, and I've had a real good committee to work with," said Wilson, who Pokorny called "the backbone of the thing—a good community worker."

Now that the doctor dilemma looks like it will be solved, the sights of the residents are turning higher. One of the community's next goals will be a clinic, Wilson said.

"I don't know how we'll fund it," he said. "We'll probably incorporate and go from there."

With all the work toward the future, the residents still won't let the past be forgotten. For his years of service, the city will honor Dr. McCorkle with a going-away picnic at the city auditorium the afternoon of Father's Day.

"He's done a great job. He even helped us get this new doctor," Pokorny said. "We are going to miss him."

[From the Wichita (Kans.) Eagle & Beacon, July 19, 1969]

DIAGNOSING CRISIS, TOWN SELLS SELF TO DOCTORS

(By Forrest Hintz)

LA CROSSE, KANS.—People do things differently in La Crosse.

In most towns, the Chamber of Commerce hunts new industry in the belief that this will end their problems. In La Crosse, the chamber decided to hunt another doctor. They found two at a time when entire counties have none.

Banker Clarence Wilson was the chief magician in performing this bit of legerdemain. He denies it, but other committee members dispute the point.

La Crosse, a town of 1,900 persons, halfway between Hays and Great Bend, wants to attract new industry. Blessed with a small industrial levy, it has the wherewithal but the chamber's industrial committee decided to put first things first.

"We felt that if we didn't retain our medical facilities, our industrial committee was absolutely worthless," Wilson said. "No one is going to locate in a town or a county without medical facilities."

"Here's the situation we faced: We have a 26-bed hospital plus a 26-bed extended care unit. These employ more than 50 people. We have a private rest home and there's another in Nekoma."

"We had two doctors, Dr. Baker, past 80, would like to retire while he's still active.

Last June, Dr. McCorkle left for California to specialize. That left us with one M.D. to care for approximately 6,000 people in our area. It would be catastrophic to be without medical service."

The search, rivaling Henry Stanley's celebrated hunt for Dr. Livingstone, got underway. Nearly everyone in the area helped. Medical schools were contacted, but the results were less than spectacular. Any doctor who inadvertently batted an eyelash was certain to get a call or a visit from one of the committee members.

"Locating them was the first problem," Wilson said. "The next hurdle was getting them to come out here and look at the town."

"We made it clear we weren't trying to 'buy' a doctor. We want to supply their needs, of course, but we feel this area has much to offer. It's a good place to live and raise kids and a doctor can enjoy life here. It's country living."

"The most important point in a small town is that doctors and patients develop a personal feeling for each other. A patient here is not just another slab of meat and the doctor is his friend."

Dr. Larry Ward was the first to accept the offer, following shortly by Dr. Steve Polland. Both were in town by July 1.

Dr. Polland, who recently completed his internship in Kansas City, explained why he came to La Crosse.

"I talked with Clarence Wilson for several months," he said. "Frankly, I was interested in a medical residency in the Air Force, but doctors can't enlist now."

"I'm small town myself, and La Crosse is a small town in which a doctor can wear many hats, and a doctor has a responsibility to serve his community."

"You have to work together and you can develop a personal touch with your patients."

Dr. Polland cited several reasons few doctors choose small towns.

"First, only about 2 per cent of medical graduates go into general practice, yet this is exactly what is needed in the small towns," he said.

"But perhaps the biggest reason is a lack of the intellectual stimulation a physician needs. I'm not talking about concerts, plays and so forth. A doctor has to continually learn, and there generally are few places near the small towns where he can."

"Here, we're close to medical centers at Hays and Great Bend. Any time we might need a specialist, they're available there. What we want to do here is make this hospital, in effect, an extension of those medical centers, and the potential is tremendous."

"This whole approach is going to help all of us," Wilson said. "The first concern has to be better medical service for our people, but it's also going to be a spur to industrial development. It's an inducement to people to live and trade here and to bring in new people."

"It may be a somewhat different approach to industrial development, but we think it will work."

THE GLOOMY TRAIN WHISTLE

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HASTINGS. Mr. Speaker, the Subcommittee on Transportation and Aeronautics has been holding hearings on proposed legislation dealing with the very serious problem of dwindling passenger train service.

If we are to have an effective, well-balanced transit system serving the ever-growing needs of the public, the passenger train must be preserved and diverted

from its present course which is taking it along the track to extinction.

Two excellent editorials in the Buffalo Evening News state the case with compelling eloquence and understanding. Therefore, I am submitting them for inclusion in the RECORD:

NO HAND AT RAIL SWITCH

At a time when inter-city passenger trains have dwindled to about a third of the number operating only ten years ago, it is obviously very late for Congress to be seeking some way of saving the remainder from extinction. But better late than never, as some impatient congressmen are saying, if there is to be any train left to catch.

Rep. James F. Hastings (R. Allegany), for example, urges the adoption of tougher federal regulations to hold the line against continuing suspensions, while Congress takes the necessary time to find proper long-range remedies for the revenue losses sustained on passenger service.

Since the Interstate Commerce Commission claims it lacks the power to regulate the quality of passenger service, Congress has little choice but to grant it the authority it seeks. This regulatory vacuum has left the government—and railroad patrons—helpless in checking calculated downgrading of service by some railroads intent upon discouraging patronage and then using unprofitable runs as an excuse for ultimate abandonment.

Granting the ICC the power to suspend discontinuance applications, however, is at best a stopgap moratorium measure. That body's past record of timidity hardly inspires public confidence. As one member of the House Commerce subcommittee observes, the ICC "has tired blood. The august body moves as feebly as though it were in the December of its life-span."

The House has before it at least six different approaches for salvaging intercity passenger service. Several of these are complex, far-reaching, and costly, involving such ideas as outright federal subsidies for keeping deficit operations going as a public convenience, government leasing of equipment to the railroads, and government-industry regional commissions for inter-urban service.

There may, in the end, be no alternative to some form of government assistance if the country is to preserve a minimum of reliable ground service. Stacked-up airports and clogged highways underscore the need for a master ground transportation plan for the development of high speed inter-city rail systems. And the railroads can make a plausible case for some measure of the generous federal assistance which air and motor travel have enjoyed.

But sorting out the solutions will be an imposing task requiring time and careful study of priority transportation needs and the proper role of the carriers and government. In the meantime, Rep. Hastings and his colleagues, are right in warning that there will be precious little passenger business to save unless prompt steps are taken to flag down the dreary routine of abandonments.

GLOOMY TRAIN WHISTLE

The alarm signal sounded by the Interstate Commerce Commission about the survival of the nation's remaining long-haul rail passenger service could just as well have been pushed five years or a full decade ago.

Even so, the ICC's dire warning of an extinction dead ahead should surely be enough to jolt both the appropriate congressional committees and the administration's transportation officialdom into an urgent where-are-we-going evaluation before it is too late.

Neither long nor medium-distance passenger service, declares the ICC, can survive "the next few years without a major change in federal and carrier policies." In a period when intercity travel has more than doubled, rail service has shrunk to less than half.

Under present law, the ICC chairman reminds the Senate Interstate & Foreign Commerce Committee, railroads "cannot be required" to continue the operation of trains that constitute "unreasonable financial burdens." Certainly railroad managements themselves must shoulder a part of the blame for the fact that much of the traveling public has all but given up on the passenger business as a lost cause. It has been all too easy for the railroads to rationalize their downgrading of service as a money-losing proposition in an era when the public has turned to the federally subsidized interstate highways and jet airliners.

Yet the fact remains that, except for some high-density travel corridors, the passenger business does represent overall a money drain on the carriers. An ICC study of eight major lines shows that for every dollar they would have lost last year in not operating their passenger trains, they would have saved \$1.83 in expenses. What is even more sobering is the ICC's report that, with only about 500 regular intercity trains still operating in the nation, it already has applications for the abandonment of most of these.

Thus, with all but a few of the name trains already relegated to the transportation museum, it is very late indeed for any massive rescue effort. Yet it would be a serious blunder, we believe, for the government to permit the writing-off of even a minimum of reliable inter-city service. Current warnings that aviation growth has severely overstrained airports and airways safety facilities should be illustration enough of the danger in too exclusive a reliance on one form of mass transportation.

The question that can be deferred no longer is whether it is in the national interest to insure the preservation of at least as much of the remaining passenger service as economic and public needs dictate. Before inter-city rail service joins the stagecoach, we had better determine whether its salvation is vital enough to warrant a measure of the federal assistance given the airlines and highways, along with a review of what ingenuity and innovative concepts could do to lure back the traveling public.

IS MECHANIC LICENSING BILL LIKE THE PEARL HARBOR ATTACK?

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HALPERN. Mr. Speaker, I have been greatly encouraged by the response to the introduction of my bill, H.R. 13824, to license motor vehicle mechanics, especially within the industry itself.

Many of the industry spokesmen have written to me expressing support and numerous specialized trade periodicals have carried favorable stories.

However, a recent series in Motor Age magazine was particularly striking to me since it apparently analogized the investigations by Senator HART, myself, and others in Congress into the auto repair business to the startling attack on Pearl Harbor. The point, apparently, is that our investigations may have the positive effect of galvanizing and unifying the diverse members of the auto service industry into unified action. If this were the case, I would gladly see myself likened to the pilot of a bomber plane embossed with the symbol of the rising sun.

My proposal is based fundamentally on the cooperation and action of industry, labor, and the States, and by no means is it intended to engender an overbearing Federal Government agency to dictate the lines of action in the auto repair field.

I am heartened to see that some industry people understand this thrust of my proposal.

I commend the response of industry and I would ask my colleagues, and especially those individuals most concerned and uncertain about the mechanics licensing bill, to examine carefully the sound thinking involved in Mr. Kushnerick's editorials in Motor Age and his recognition of the vital importance of credentials to make the profession honorable and attractive:

[From Motor Age, January 1969]

UNITY NOW—OR NEVER

(By John Kushnerick)

The attack on Pearl Harbor was a brilliant tactical exercise. But its overall strategic significance for the attacker was a negative one. It failed because it had exactly the opposite effect from what had been expected. It did not demoralize the victim.

Pearl Harbor united the American nation. To a man. The country gave full support to a major war. That was something which had never been achieved up to that time. It has not been achieved since. And, it will not be achieved again—easily.

It is questionable whether Americans could have been convinced to subject themselves to the sacrifices required of a nation involved in a major war in the absence of action as scurrilous as Pearl Harbor. The Vietnam Conflict and the fate of Lyndon Johnson stand as living examples of what can happen when a nation of independent thinkers is not totally committed to a cause.

As calamitous as they may appear at first, the present assault on automotive repair practices by Senate investigators could be the greatest thing that ever happened to the independent automotive service industry. The Democratic Senator from Michigan, Phillip A. Hart, may yet galvanize the army of independents, garagemen who comprise part of the auto service industry, into unified action. Association leaders, manufacturers and magazine editors have not been able to achieve this in 70 years. Industry unity remains an elusive hope.

The great competitiveness and total independence within the automotive service industry creates many rivalries. The investigators tried to capitalize on the frustrations that these rivalries have tended to create in some quarters. And, there was more than a little success.

The men who own or manage the service stations, independent repair shops, and car dealer service bays have a great deal in common. A lot more than some people would like them to know. Their own business drive and mechanical expertise keep the world's greatest personalized and commercial transportation system rolling safely. The industry was built on 70 years of busted knuckles and sheer guts. It would be a shame for those who built this industry to lose it by default.

The service dealers of America have problems in common too. The principal problem is lack of trained—certified—manpower. It is one of the root problems from which much of the present turmoil springs.

This magazine, in 1966, called for a "Meeting at the Summit" to set up an Industry-Wide Automotive Training Council. Motor/Age again calls for IGOA, NCPN, ABAA, ATRA NADA, etc., to join hands, now. Object: to launch a mechanic training and certification program. And, we urge that

manufacturer and distributor associations be invited to participate.

This could be the last chance for the independents. If the Washington attack does not motivate the industry to unify, nothing will. Why the present hour is so important is obvious. The result of inaction now ultimately will be federal control. Government licenses for mechanics, government licenses for shops, government regulated practices and prices through federal flat rate manuals. The stakes are high.

Is there no one who can see the importance of self-certification of mechanical competence? If not, Motor/Age will undertake a program to certify its subscriber shops and offer means for shop proprietors to train and certify the men who are employed in these shops.

[From Motor Age, January 1967]

AMERICA'S MOST MISTRUSTED MEN

(By John Kushnerick)

The most mistrusted man in America is guess who? You! That is the malicious message spilled across the nation by a king-sized ad in the Wall Street Journal. But, you've got company. The TV repairman, and a lot of other "fixers who can't fix."

So, you've got yourself a reputation. A notorious reputation. Do you deserve it? Probably not. You'd never send a half-done job out of your shop and you'd never overcharge a motorist. It's those other 135,000 shops scattered down your street and across the roadways of America who pull those capers. But you're stuck with the tab. And the question is, what are you going to do about it?

The first thing you're not going to do is run to the government, federal or state, to control the licensing of mechanics. The second thing you're not going to do is deny that a problem exists.

Your image, and the image of your industry is besmirched by the fact that anyone who wishes to call himself a mechanic may do so. The degree of Automotive Technician is the only one that can be self granted. This allows individuals of untested ethics and unproven competency to operate or work in garages and other service outlets. The industry is hurt in three ways: (1) Public distrust is generated when unqualified people charge for, but fail to correct malfunctions; (2) The industry fails to attract and hold bright young men who can perpetuate the independent automotive service industry; (3) The image of the qualified and ethical service dealers is dragged down to the lowest denominator.

So, the industry must act. You must act. And the first thing you do is join the association which best suits your specialized or general interests. Then you should ask your association leader to meet with all of the other leaders in a meeting at the summit. Purpose? Establish an Automotive Training Council, and pick a leader for the Certified Automotive Repairman's Society (CARS).

There is great strength within the vertical associations of the automotive aftermarket. More strength than most people realize. Enough strength to solve the certification program and allow automotive technicians to display meaningful credentials to the motoring public. Credentials which attest to business ethics and mechanical proficiency of the shop, and every individual employed in that shop.

A professional structure resembling the following could result:

Businessman/Technician (Proprietor).
Automotive Technician (Mechanic).
Apprentice Automotive Technician (Mechanic).

Qualifications for each "degree" would be a combination of experience and proof of academic attainment—tests. And through the efforts of the vertical associations it would be no great task to set categories of

technical competence, i.e. body, brakes, transmissions, tuneup, etc.

[From Motor Age, February 1967]

THE STEPS TO CERTIFICATION

(By John Kushnerick)

There is a notion rampant in the land that the federal government has a lot of money. From this it follows that the feds can solve all of the social, business and labor problems of the nation. Both are false notions. The federal government has no money of its own. It has only what it takes from the people. And most federal programs keep getting more and more expensive, as it becomes apparent that they are doing less and less toward really solving the problem. Social Security is a good example. It was a great concept. But, like a lot of good concepts it is loaded with holes. They are now being patched up with baling wire and Scotch tape techniques unfitting of such an expensive machine.

The same thing would happen if this industry ran to the government to set up certification standards and administrative procedures for the certification of automotive technicians (mechanics).

Most sane people agree that certification of professional competence among the men who service cars is needed. It would do two things: make the profession honorable; contribute to assuring that only safe cars are driven on the nation's highways.

The first step to certification is to begin. You must be convinced that it can be done by the industry itself. That's the hard part.

What follows that first step has been outlined on these pages in the past three months. In brief this is what could happen:

Draw up qualifications for each level, based on a combination of experience and academic attainment (tests). Both the standards and the tests already exist. It's just a matter of having all of the vertical groups come to agreement on specialist requirements, i.e., body technician, transmission technician, brake and front end technician, etc.

Reward successful completion of requirements with proper credentials and certificates. Membership in a professional society such as Certified Automotive Repairman's Society (CARS) would be appropriate. It would be the equivalent of Society of Automotive Engineers (SAE) at the service level.

We visualize the day, not too far off, when post high schools and vocational schools turn out certified technicians. Apprenticeship will be tied into formal education so that the young man enters the industry with both credentials and competence. That will leave the existing technicians in an inferior position if a move is not made to certify the nucleus of competent, honest businessmen who already exist.

But to stem the tide of a rush to "specialization" let us close this page and series with the word of caution: "A specialist is a technician who knows more and more about less and less until he knows all there is to know about nothing."

OEO'S LEGAL SERVICES PROGRAM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CORMAN, Mr. Speaker, there will soon be before the House consideration of legislation to authorize the continuation of programs under the Economic Opportunity Act. Senate action on this legislation included the controversial Murphy amendment, giving the Governor of each State the privilege to exercise an

absolute veto over the funding of any of OEO's legal services programs within his State.

Strong opposition to the Murphy amendment has been heard from many sources, including the board of governors of the American Bar Association. In my own State, the board of trustees of the Los Angeles County Bar Association at its November 5 meeting voted to adopt a resolution opposing the Murphy amendment.

I wish to bring this resolution to the attention of the Members of the House, so that the voice of the Los Angeles County Bar Association's board can be added to the growing opposition to the Murphy amendment:

RESOLUTION ADOPTED NOVEMBER 5, 1969,
REGARDING MURPHY AMENDMENT

Resolved, that the Board of Trustees of the Los Angeles County Bar Association declare its position in opposition to the so-called "Murphy Amendment" to Senate Bill 3016, whereby the Governors of the various states would be given a veto power over the activities of the legal services programs funded by the Office of Economic Opportunity; and

Resolved further, that this opposition be placed on the basis that enlarging the scope and effectiveness of the power of the various state Governors to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients and to discourage actions which are politically unpopular or adverse to the views of the majority; and

Resolved further, that the President of the Association advise all of the United States Congressmen from Los Angeles County of the position of the Board of Trustees of the Bar Association and

Resolved further, that the position of the Board of Trustees of the County Bar Association be released to the press in such manner as shall be deemed appropriate by the four Officers of the Association.

DEFENSE PROCUREMENT—WEST-
INGHOUSE COST REDUCTION
AWARD

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. GUBSER. Mr. Speaker, we have heard a great deal about cost "overruns" and alleged profiteering on defense contracts. Whether substantiated or not, such charges frequently make headlines. This is true primarily because each of us as a taxpayer is properly concerned that the Government gets its money's worth from the enormous expenditures necessary for our security. Rarely, if ever, do we see headlines about the painstaking efforts made to reduce costs on extremely complex military procurement. An example is the cost reduction program of Westinghouse Electric Corp. facility at Sunnyvale, Calif., which produces Poseidon missile launching and handling equipment for the U.S. Navy and marine propulsion and auxiliary apparatus for the Navy and merchant marine.

The successful effort by Westinghouse was recognized August 29 with the award in Sunnyvale of the Defense Department's Contractor Cost Reduction Achievement Award. Although it was awarded several months ago, it has just come to my attention. Following is the announcement by the Defense Supply Agency of the award presented to Sunnyvale's general manager, A. L. Bethel, by Col. W. K. Ashby, USAF:

ANNOUNCEMENT OF AWARD

Westinghouse Electric Corp.'s Marine Division at Sunnyvale Friday (August 27, 1969) will receive the Department of Defense's new Contractor Cost Reduction Achievement Award for its significant program to save taxpayer money.

The award is based on a positive cost reduction system such as Westinghouse organized in July 1964, and covers four consecutive six-month reporting periods of 1967 and 1968.

The latest honor follows award of the DoD Zero Defects Certificate of Achievement, the second highest, which was presented to Westinghouse employees on July 3 for their sustained error-free production efforts. They produce Poseidon missile launching and handling equipment for the U.S. Navy and marine propulsion and auxiliary apparatus for the Navy and Merchant Marine.

Col. W. K. Ashby, USAF, Commander of the nine-state San Francisco Defense Contract Administration Services Region which monitors cost reduction and Zero Defects programs, will present the Contractor Cost Reduction Achievement Award to General Manager A. L. Bethel at Westinghouse.

AID TO OUR COUNTRY'S DENTAL
AND MEDICAL SCHOOLS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. REID of New York. Mr. Speaker, I am introducing today legislation to relieve the acute financial distress of our country's medical and dental schools.

This bill, which is also being sponsored in the Senate by the distinguished senior Senator from New York, Mr. JAVITS, is an emergency measure to alleviate the particularly severe financial difficulties in which the Nation's 100 medical schools now find themselves.

There are three major reasons for this crisis:

First. These medical schools are affiliated with teaching hospitals, often some of the best in the Nation, and, especially in New York, cuts in the State's Medicaid reimbursement, resulting from Federal cuts in Medicare payments, have deeply affected hospital operations. Federal payments were frozen on June 1 at the 1968 level, but costs have gone up some 15 to 20 percent in the last year.

Second. Rules governing reimbursement to hospitals for patient costs have been tightened.

Third. Federal funds for the various National Health Institutes have been reduced, thereby reducing the research moneys available to these hospitals, and ultimately affecting the training of good medical teachers.

In New York City, three medical schools of the State's 17—the New York Medical College, which operates Flower and Fifth Avenue Hospitals, the New York University School of Medicine, and the Albert Einstein College of Medicine of Yeshiva University—are particularly hard hit. Dr. J. Frederick Eagle, dean of the New York Medical College, pointed out recently that his hospital receives \$40 less than actual cost per patient-day from Medicaid reimbursement.

I think there is no doubt that the need for well-trained physicians, well-equipped hospitals, and well-staffed laboratories is greater today than ever before. New programs of financial assistance to the medical indigent have brought to light conditions which in some cases have needed treatment for years, and more and more citizens are now aware that their right to decent medical care can be realized. Whatever else our Nation does, the health of our citizens must be the first concern, and to fail to fulfill that promise by cutting back funds is a national disgrace.

In fact, the Congress has recognized this responsibility by establishing Medicaid and Medicare programs and by encouraging, through various incentives, increased enrollments in medical schools. But, as in so many other programs, we have failed to deliver the funds that will make these things possible commensurate with the need.

Thus, the legislation I am introducing today would make \$100 million available in the current fiscal year for grants by the Secretary of Health, Education, and Welfare to medical and dental schools which are in financial distress as a result of the school's affirmative response to national health policy, which is defined to include expansion of enrollment, improvement of research facilities, establishment of improved health care delivery services to the urban and rural disadvantaged, participation in Medicaid, and inability to maintain the level of enrollment and quality of training in the face of costs rising more rapidly than income.

A medical school would have to show that its financial situation, unless relieved by a grant under this legislation, would force it to curtail one or more of these activities. The school would be required to submit a plan indicating how it proposes to use the emergency funds to prevent such a cutback.

Mr. Speaker, the gentleman from Indiana (Mr. BRADEMANS) and I have introduced the medical education bill of rights, H.R. 6536, which would make available increased financial support to medical schools and medical students on a more permanent basis. The support for this legislation from the medical community has been strong and clear, and it is partially because there has been no action on our kind of proposal that the emergency legislation I am introducing is now necessary.

Thus, I would hope that hearings will be held on this measure without further delay, and that this emergency authorization and subsequent appropriation will be acted upon promptly by the full House.

CONGRESSMAN WEICKER'S URBAN RENEWAL AMENDMENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RIEGLE. Mr. Speaker, recently our colleague from Connecticut (Mr. WEICKER) led a floor fight to amend the HUD bill to provide that when urban renewal projects tear down tenement buildings, the buildings which are redeveloped must provide substitute housing on a unit-for-unit basis. I fully supported this important amendment because I think our urban renewal programs have continued to displace our poorer citizens—and I do not think that that was the original intention of the program.

The Detroit News carried a most thoughtful article on Mr. WEICKER's leadership that noted the important effect his amendment will have nationally. I would like to insert this article into the RECORD so that all concerned citizens will learn about this needed breakthrough:

[From the Detroit (Mich.) News, Nov. 6, 1969]

HOW A FRESHMAN CHALLENGED THE FEDERAL BULLDOZERS

(By John Chamberlain)

Ideas do have consequences.

In the golden days of John F. Kennedy and Lyndon B. Johnson, it was more than your life was worth to criticize urban renewal. Nobody in power paid any attention to the charge, thoroughly documented by Prof. Martin Anderson, of Columbia University, that two decades of urban renewal actually had decreased the number of housing units available to the poor.

It was considered an insincere part of the "white backlash" to suggest that urban renewal was, indeed, Negro removal.

Among the few legislators who came, in due time, to take Anderson's figures seriously was Lowell P. Weicker, Jr., a freshman Republican congressman from the 4th Connecticut District.

Weicker had noticed that mayors in his home state supported the bulldozing of slum property for strictly financial reasons; if you could replace tenements with high-rise, middle-class apartment houses, the resulting increase in assessments brought more taxes into the city hall coffers.

Lacking any particular political clout, the Negroes who were forced to double up in the remaining slums as they were bulldozed out of their rookeries had to take it and like it.

Weicker also noticed that the mayors habitually tried to put the blame for urban congestion on the suburbs, which were chastised by many a self-righteous urbanologist for not providing housing for the poor who had been thrown out of their central-city homes. The critical swipes at the suburbs seemed to Weicker to consist of one part bad conscience and one part sour grapes.

Even in unzoned suburban areas, land prices were too high to accommodate the poorer refugees from the federal bulldozer. Moreover, moving the poor to the suburbs would have been the final straw for the near-bankrupt passenger railroads, which even now cannot provide the service needed to get the existing commuter population into town.

Putting everything together, Weicker offered an amendment to the housing and urban development bill, which was about to reach the floor of the House of Representa-

tives. The Weicker amendment stipulated that if existing housing in an urban renewal area is to be demolished, the redevelopment plan must include provisions to provide substitute housing on a unit-for-unit basis.

Surprised by Weicker's freshman temerity and lacking any word from the White House, the opposition rallied to kill the amendment by a 50-48 vote. It looked as though Weicker's attempt to prove to the urban poor that cities are for people had been sidetracked for the duration of the 91st Congress.

Then a strange thing happened. After the House had recessed upon completion of the adverse vote on the "one-for-one" idea, some of the Democrats came up to Republican Weicker to say that they had second thoughts about his amendment. The news seeped through to Republican Minority Leader Gerald Ford and a move to recommit the bill followed.

The powerful committee leadership which had killed Weicker's idea the first time around suddenly discovered it didn't have the votes to sidetrack it a second time. In a new vote, Weicker was upheld, 116-92.

In Weicker's home state, the victory had swift impact. No Connecticut freshman within memory ever had such an effect on Congress in his first year in office.

The result is that Weicker is being acclaimed in some quarters as a possible candidate for governor or U.S. senator.

A sometime maverick when it comes to following the "party line," Weicker has opposed the White House on a couple of things. He voted against extension of the 10 percent surtax and he has been against the anti-ballistic missile.

But the White House has not tried to discipline him. Possibly, with Prof. Anderson, the original critic of the federal bulldozer, sitting in on White House urban renewal discussions, the administration is happy to see Weicker performing as his own man.

THE PRESIDENT'S TALK

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LIPSCOMB. Mr. Speaker, on this Tuesday following a weekend which found thousands of dissenters in our Nation's Capital to protest the President's policy on Vietnam, I would like to commend to my fellow legislators an editorial which appeared in the Daily Report, an Ontario, Calif., newspaper which has a large readership in the 24th Congressional District which I am privileged to represent.

I think this editorial is significant in that it is helpful in appraising President Nixon's Vietnam policy and in appraising the value, if any, of the recent demonstrations which took place in Washington and other cities across the Nation. In my opinion, the thoughts expressed by Mr. Jopes as editor of the Daily Report exemplify the view of the great majority of the American public on the issue of Vietnam.

Under leave to extend my remarks, I would, therefore, like to take this opportunity to insert the editorial in the CONGRESSIONAL RECORD as one of but many evidences which have been brought to my attention of the broad support of the American public for the President's position on Vietnam:

THE PRESIDENT'S TALK

Finding fault with President Nixon's plan for easing the U.S. out of the struggle in Vietnam leaves but one alternative: That is to subscribe to the theory that it is best to quit now, quit totally and quit without condition.

The "in between" possibilities have been tested—we have agreed to sit down and talk peace, we have stopped bombing the north, we have agreed to bilateral cease fire and troop pullout, and have commenced a cut-back in combat forces.

All to little avail.

Those who would have the U.S. quit now must be prepared to abandon hundreds of thousands of South Vietnamese, and condemn them to the iron heel of international communism. Too, they must be prepared to betray the freedom that exists in Laos and Thailand.

And most important, they must be willing to assume that the brothers and sons of those Americans fighting now will be called upon to die in another crazy war some day.

The President means business. Three quarters through his speech he said: "We have adopted a plan . . . for the complete withdrawal of all ground combat forces . . ."

He did not announce a precise timetable for the pullout, and it is rather ridiculous that anyone would expect him to.

Mr. Nixon sought the support of the great "silent majority" of Americans who share his view that the war should be ended as quickly and safely as possible. The thinking people of this nation surely will respond in one way or another.

As one caller to The Daily Report said this morning, "I'm sick and tired of those who condemn the one man who's trying so sincerely to get us out of this stupid war. It's time for people in this country to wake up."

It is reasonable, really, to support a President who has rejected immediate withdrawal of U.S. troops from South Vietnam, but who has pledged to end the war in such a way that others will not have to die "in some future Vietnam someplace in the world."

He has solicited our help.

We should extend it to him.

"SILENT MINORITY" LETTER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LONG of Maryland. Mr. Speaker, the moratorium has served as a vehicle of expression for those who disagree with the President's policy in Vietnam. At the same time, President Nixon's appeal to the "Silent Majority" has rallied those who support him. For once, let us listen to the "Silent Minority" fighting the war for us—the Americans in Vietnam. I would like to share with my colleagues today a letter I received from one of my constituents who is now fighting in Nui Ba Den:

DEAR MR. LONG: I don't know if you remember me, but I'm the boy who wrote you from Fort Benning, Georgia. Also, you were a great deal of help in getting me 15 extra days leave to be reunited with my brother before coming to Vietnam. I know it's been quite a long time, but I've been very busy over here and now have the time to express my grateful thanks. I'm not writing because of any problems I have this time. I'm writing mainly to tell you I would like to thank you for all the help you have given me.

I was on the line with the Infantry approximately the first 90 days when I got here. Now I am stationed on the top of Nui Ba Den—a 3,000 foot mountain—the only one in the Tay Ninh Province. I'm doing fine over here and I'm very satisfied with the way the Americans are handling the war. I've worked with the South Vietnamese Army and the airborne troops are very good fighters. I just hope to see more of them fighting soon. I just can't understand the people who are against the war over here. But I guess they haven't seen how most of the people live and what they have to go through with the war. I'm only glad I'm here doing a little to help. I'm also very much in support of Mr. Nixon and I'm sure most of the men on line fighting the actual war are also.

I'm also proud to be in the Army and even more proud to be a citizen of the United States.

Well, I better go now. I have a lot of work to do. Thank you again for your help in the past.

Sincerely,

MICHAEL W. McGRANE.

LINDA G. PETTEY GETS SPECIAL ACT AWARD

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BUCHANAN. Mr. Speaker, it was my pleasure yesterday to attend the presentation ceremony in the office of Assistant Secretary Carl L. Klein of the Department of the Interior honoring Miss Linda G. Pettey, a special assistant in Mr. Klein's office. Miss Pettey was the youngest person ever to receive the Department's Special Act Award. I share the pride of her family and her many friends in the Birmingham area for this significant achievement on the part of a very lovely young lady who is a credit to her native State. Enclosed herewith is the Department's news release concerning this honor:

LINDA G. PETTEY HONORED BY DEPARTMENT OF THE INTERIOR

Linda G. Pettey, formerly of Bessemer, Alabama, today received the Department of the Interior's Special Act Award from Assistant Secretary Carl L. Klein. Miss Pettey, 23, has been a special assistant in Klein's office for the past four months. She is the youngest person ever to receive the award, which was approved by the Department's Incentive Awards Committee. She also is the employee with the shortest time in Interior Department service to be so honored.

The award, which includes a scroll, a flag and a cash payment, was presented by the Assistant Secretary in his office. He said it was being given in recognition of Miss Pettey's role in organizing a large national conference on water pollution abatement in Washington late in October.

Assistant Secretary Klein said Miss Pettey became involved in preparations for the conference only a few weeks before it was to take place, and at a time when it appeared to be in danger of failing to achieve its purpose and goal. He credited her efforts with helping to produce capacity attendance at the two-day meeting, which attracted more than 750 industrialists and water pollution control specialists from this country and abroad.

"Linda worked very long hours on this project," Klein said, "and her persistence and charm made every phase of the conference a complete success. Secretary Hickel was especially appreciative of the work that went into this effort, and he asked me to pass along his personal thanks."

Miss Pettey is a graduate of Brooke Hill High School and of Vanderbilt University. In June, 1969, she received a Master of Arts degree from Yale University. She is the daughter of Mr. & Mrs. W. G. Pettey of Lakewood Estates, Bessemer.

DEMONSTRATIONS IN WASHINGTON: LOTS OF "MOUTH" BUT NO "MONEY"—TIME TO REDRESS THE BALANCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BRAY. Mr. Speaker, just how long should the American taxpayer be expected to underwrite the costs of these demonstrations that seethe periodically into Washington?

Is it fair to the vast majority of our citizens, to saddle them with the costs of a quarter million people—or less, depending on demonstration size—who are getting some sort of political-intellectual kicks out of parading around the city?

That is what happens. Overtime for public authorities and officials charged with peace-keeping, maintenance, and sanitation; extra equipment; extra help; troop movement into and out of the city—all for the very real benefit and convenience of whatever crowd decides to parade its moral superiority before the rest of the country and chooses the Nation's Capital as a stage on which to do it.

In addition, what of the local merchants whose places of business are damaged? Two nights of street fighting, last weekend, meant at least 75 and probably twice that number of stores damaged. This was primarily, it seems, in smashed windows, expensive to replace and repair. What of the merchant whose insurance does not cover malicious damage? Are not these innocent bystanders entitled to compensation?

The first and ultimate responsibility for meeting all of these costs lies with the backers and organizers of the demonstrations. I do not care one bit for all the pious protestations about how these gatherings are intended to be peaceful. As the irrepressible Dr. Samuel Johnson once snapped:

Sir, Hell is paved with good intentions!

It is simply a matter of fact and record that every major demonstration in this city over the past 3 years has had violence as a sideline. "Lie down with dogs, get up with fleas," as the rather harsh but true saying goes. Come to think of it, some flea powder might have been in order here in Washington last weekend. Peaceful intentions notwithstanding, there have been, and always will be, radical, violent elements attracted to these demonstrations to stir up what trouble they can.

I, for one, think the American taxpayer is getting pretty sick and tired of paying for all of this. The October 1967 March on Washington cost \$1 million—"tribute," is what I called it at the time. I never did see final figures on the cost to the country of the "Poor People's March" in 1968 but it is known that that group welshed on its obligations to the

Federal Government to the tune of thousands of dollars—some estimated several hundred thousand dollars.

All paid for by the taxpayers; sort of a system where you pay, they play—or riot, as the case may be. The first estimated cost for last weekend's demonstration is between \$800,000 and \$1 million and if losses to merchants are counted it will run higher still.

Since the responsibility for the trouble and the cost lies with the demonstrators, then I maintain they should bear the expense. Yes, for moving troops in, too; the troops are there in case the crowd gets out of hand, but since this still is a country where everyone's rights are protected, the troops would be on the streets just as quickly if some other element tried to bother the marchers. And they would be out to protect the demonstrators, remember. There are some countries I could name—much favored by the demonstrators, too—where there would also be troops: to mow down every marcher in sight.

It is high time the taxpayer stopped paying for all of this. So, I recommend requiring a cash bond, to be posted by the organizers and backers of any future demonstration, with the Federal and District of Columbia Government. Some formula for the amount could be worked out: Organizers usually have a pretty close idea how many will show up, and the city of Washington has certainly had experience enough in the past 3 years to serve as a guideline in setting up an equitable method to insure enough money on hand to take care of extra expenses, plus any damages.

Post mortems on the demonstration last weekend, by its organizers, were full of sentimental drool about how "beautiful" and "meaningful" it was. I wish they would get the opium pipe out of their teeth long enough, just for a moment, and realize it was a lot of expense and inconvenience, as well, and all for their benefit.

"Put your money where your mouth is" is a good old American saying. Well, we have had plenty of "mouth" around this city in the past 3 years. I think it is now time to turn our attention to getting some money to pay for it, as well.

SERIES OF DISCUSSIONS ABOUT THE WAR

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LOWENSTEIN. Mr. Speaker, today our distinguished colleague from Montana (Mr. OLSEN) begins the series of discussions about the war that will continue here every day until our troops are home. It is right that this first discussion should occur soon after the enormous outpouring of dedicated Americans who gathered this weekend to protest the President's policy in Vietnam.

There is much to say about that policy. But for the moment I just want to pay tribute to all those remarkable people who, with unflinching good spirit and dignity and at considerable inconvenience, availed themselves of their first amend-

ment rights to petition their Government for redress of grievances. It made me proud to be among so many Americans who rejected alike the importuning of those who sought to disrupt and the name-calling of those who sought to intimidate—to be among so many Americans who decided simply to stand their ground for peace, justice, Constitution, and country.

The small band of ruffians who tried to discredit the new mobilization by defying the spirit and the plans of this remarkable weekend were no more successful in their efforts than were those whose spewing of invective from high places simply brought discredit to high officials. But there were also, thank goodness, other high officials, including the Mayor and the Chief of Police of this city, whose behavior brought credit to the public service.

I have participated in no event more poignant or more memorable than the long cold trek from Arlington to the Capitol. Through the anonymity of the biting darkness moved countless thousands of our citizens, guarding their candles in unbroken sequence, past the great historic shrines of this torn land and on to its centers of political power. I cannot believe that their message will be unheard in those centers, for it has already made its mark in the farthest corners of America.

HAWAII SERGEANT DISPLAYS LEADERSHIP UNDER FIRE—"JUST LIKE IN THE MOVIES"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. MATSUNAGA. Mr. Speaker, we have been so emotionally involved in the debate over the future course of the Vietnam war that we have almost neglected to show our appreciation and respect to our veterans and servicemen who have borne and continue to bear the heaviest burden of the most difficult war in our Nation's history.

The courage of these men who daily face death in the grassy marshlands of Vietnam is exemplified in the coolness and bravery under fire of a young Army sergeant from Hawaii, Rodney K. Namauu, affectionately called "Kimo" by his men.

An AP news report from Cuchi described a recent battle 25 miles northwest of Saigon in which, under the leadership of Sergeant Namauu, the Vietcong were routed in what may be described as a small battle in the larger battle to bring peace to that war-torn country.

I am privileged to be a cosponsor of House Resolution 663, a resolution commending the American serviceman in Vietnam for his bravery and sacrifices.

I wish to submit for inclusion in the CONGRESSIONAL RECORD the full text of this resolution, as well as the news report which describes so vividly the Americans we wish to honor by the adoption of House Resolution 663.

The resolution, and the news article

from the Tuesday, November 4, 1969 issue of the Honolulu Star-Bulletin, entitled "Sarge Must Think This is the Movies," follow for the RECORD:

RESOLUTION

Whereas the efforts and sacrifices of the American serviceman in Vietnam have been overshadowed by the emotional debate over our future course in Vietnam; and

Whereas he is involved in a dangerous and bloody conflict being fought under the worst possible conditions; and

Whereas the American people, regardless of their opinions about the overall conflict, should take note of the bravery and dedication which he has exhibited and the sacrifices which he has made: Now, therefore, be it

Resolved, That the House of Representatives pays the highest tribute to the American serviceman who has given his life or has been wounded in the Vietnam conflict; and be it further

Resolved, That the House of Representatives commends each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative, and devotion to duty; and be it further

Resolved, That the House of Representatives will do all in its power to lift from his shoulders the heavy burden he has carried for so long.

SARGE MUST THINK THIS IS THE MOVIES

CUCHI, VIETNAM.—"I see gooks," screamed a radio operator, wildly firing his M-16 into a clump of bushes less than 15 yards away.

Every man in the platoon hit the dirt, and suddenly an eerie silence enveloped the area. Nobody was doing anything they were trained to do, nobody except platoon Sgt. Rodney K. Namauu, 29, of Hilo, Hawaii.

"Let's get some security set up in the rear," roared the man respected by all and called Kimo.

Just seconds earlier, Kimo and his men had leaped from helicopters into the grassy marshlands 25 miles northwest of Saigon.

They were acting on intelligence that increased enemy activity could be expected in the area, but they never intended to land in the middle of an enemy bunker complex.

Quickly, Kimo wired a Claymore mine, a deadly package that spews hundreds of sharp pellets in a 180-degree swatch. Grabbing his rifle, he raced to a spot where he had seen movement moments before. He plunged the mine down 10 feet in front of a hedgerow and dashed back to his men as they covered him with automatic weapons fire.

The mine blasted away the concealing undergrowth and circling helicopter gunships pounced on four armed Viet Cong running from the area, firing rockets and miniguns at the enemy.

"Come on," Kimo said as he moved forward with a grenade in one hand and his rifle in the other. Ushering his men forward, he encouraged them saying "We can't afford to let them set up for us. I think we surprised them so let's keep the pressure on."

Kimo and his buddies had heard about the slaughter of their fellow 25th Infantry Division soldiers two days before when they let a handful of North Vietnamese regulars take the initiative. Ten Americans were killed and 12 were wounded in two or three minutes of fighting.

"We can't hack any of that stuff here," he said.

One of his men, a nervous machine-gunner, shook his head, muttering, "Sarge must think this is the movies."

Men who moments before clung to the security of the watery marsh now moved forward.

"After watching him, we'd be embarrassed not to put out," admitted a sweat-soaked soldier. "Besides, somehow he gives me a sense of safety. If he isn't afraid, why should we be?"

Said one officer who has seen Kimo work:

"The essential quality for successful leadership in this war is quick and sure reaction. The first few minutes are all that count. After that, American firepower is going to prevent the loss of nearly all your potential friendly casualties."

The day's toll was 14 enemy soldiers killed and 2 Americans wounded.

"What they say in Washington and Paris is fine for politicians," said Kimo, "but out here in the boonies it's still kill or be killed. The first one off the blocks is going to win these small battles."

Sgt. Namauu is son of Mr. and Mrs. George Namauu II of 386 King St., Hilo. His father is a construction foreman.

He started serving his second hitch in Vietnam in August. He was wounded two years ago when he stepped on a mine.

He joined the Army about nine years ago, his mother said.

BANNING CBW WEAPONS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CONTE. Mr. Speaker. On July 1 of this year, the Secretary General of the United Nations, U Thant, released his report on chemical and biological weapons. In that report, Secretary General Thant urged that members of the United Nations ratify the Geneva Protocol of 1925 banning first-use of chemical and biological warfare.

The United States has not yet done this. Earlier this year, I joined my distinguished colleague from New York (Mr. McCARTHY) in a resolution calling upon President Nixon to resubmit this protocol for ratification.

Secretary General Thant also urged all countries to agree to halt development, production and stockpiling of all chemical and biological weapons.

My distinguished colleague from New York (Mr. McCARTHY) has written an excellent review of the Thant report for the November 1969 edition of War/Peace Report. I would like to include that in the RECORD at this point:

BANNING CB WEAPONS—THE PRESSURE MOUNTS

(By Representative RICHARD D. McCARTHY)

The sun shone with a brilliance unique to Washington late in May as I parked my car at the diplomatic entrance to the Department of State. A member of my staff and I walked through the foyer, quiet on a Saturday morning, and took the elevator to the heavily carpeted seventh floor. There, my visit with Under Secretary of State Elliott Richardson would center on the forthcoming United Nations report on chemical and biological warfare (CBW). The report was in its final stages of preparation and I had learned that it contained portions opposed by those seeking effective international controls of these weapons.

The report is now complete; it was published in July. Briefly, here is how it came into being: The United Nations had responded to the appeal of its Eighteen Nation Disarmament Committee by passing a resolution on December 20, 1968, calling on the secretary general to prepare a report on chemical and biological weapons and the effects of their use. The resolution urged that the report be completed by July 1, 1969, so that it could be considered at subsequent sessions of the Eighteen Nation Disarmament Committee and at the fall session of the General Assembly. With surprising

speed, the 14 experts appointed by Secretary General U Thant were going to meet their deadline.

Following passage of the resolution by the General Assembly, U Thant had appointed Dr. Ivan L. Bennett, director of the New York University Medical Center; Dr. Jiri Franek, director of the Military Institute for Hygiene, Epidemiology and Microbiology, Czechoslovakia; Academician O. A. Reutov, professor of chemistry at the Moscow State University; Sir Solly Zuckerman, chief scientific adviser to the United Kingdom, and 10 others as consultant experts. These men would prepare the report. They were drawn from nations having some expertise in either gas or germ warfare or both; however, in this context, they were not regarded as the representatives of their countries but rather as appointees of the secretary general. Nevertheless, they were expected to be free to draw on the resources of their countries in the preparation of the report.

One of the by-products of the secrecy that has surrounded the matter of chemical and biological warfare turned out to be the practical necessity of appointing as members of the panel, seven men from chemical and biological warfare institutions in their respective countries. Considering their involvement in chemical and biological warfare research, it is surprising that the report is as objective as it is. Academician Reutov of Russia, for example, took pains to make it clear to a number of his co-panelists that he was not connected with his country's chemical and biological warfare establishment. But even when the experts themselves were not members of the trade, their advisers often were. On his staff, Dr. Bennett employed three members of the Department of Defense and only one member of the State Department's Arms Control and Disarmament Agency.

The panel of experts decided to divide into teams, each of which would prepare one of the five chapters of the report. Dr. Bennett was the leader of the team preparing chapter one, describing the basic characteristics of chemical and biological means of warfare. Sir Solly Zuckerman and Academician Reutov were the other members of his team. Reutov was the team leader for chapter five, which summarized the economic and security implications of chemical and biological warfare arsenals and their use. The United States Army's CBW experts, ironically, prepared the first draft of Dr. Bennett's chapter. Fortunately, it was not the final draft.

Some of the non-military members of the panel recognized the heavy influence of the CBW establishment in the preparation of the initial drafts and worked out informal arrangements to eliminate portions of the report that they considered objectionable by the time-honored stratagem of giving in to pre-arranged protests of other members. In this way they avoided alienating their respective staff members and yet were able to achieve their objectives.

By the middle of May, however, when I appeared at the State Department, the influence of CBW proponents was still present in the final draft of the report as it went under discussion. The report still used the phrase "biological incapacitant," a term that CBW advocates use to describe diseases that are supposed to make people so sick they cannot perform their regular duties but not kill them. Tularemia and Venezuelan equine encephalitis are two diseases that the United States Army wishes to characterize as "biological incapacitants." The trouble with this term is that most medical men do not consider it valid. What is incapacitating to one person may kill another; what is incapacitating to the people of one country may kill the people of another because of differences in living conditions and general health. Using this term in the U.N. report would tend to give it a stature that it otherwise does not possess.

A similar objection applied to the word

"toxin." The report defined toxin, a deadly by-product of bacteria, as a chemical rather than a biological agent. Although toxins are dead—that is, they don't multiply as do bacteria—they are poisons derived from bacteria. If toxins are classified as chemicals, then we may suppose the biological warfare laboratories and production plants would continue to produce toxins even in the event of an international ban on biological warfare.

I met with Under Secretary Richardson to urge him to do what he could to bring about changes to these sections of the final report. Although Dr. Bennett was not an appointee of the United States Government, he met regularly with officials of the U.S. government and the views of the State Department would presumably carry some weight in his thinking. Richardson agreed to bring these problems to Dr. Bennett's attention and also assured me that if the U.N. report presented a distorted picture of CBW when published, that the Department of State would probably issue a statement making it clear that the report in no way represented the official views of the United States. Richardson's comments were in keeping with the State Department's long-standing efforts to maintain the international ban on the use of chemical and biological weapons.

Subsequently, although the term "biological incapacitant" was not removed from the report and although toxins continued to be defined as chemicals, assurances were received that when these and other problem areas in the report came up at Geneva the reservations about them would be taken fully into account.

On July 1, Secretary General U Thant announced the release of the report and in a strongly-worded foreword urged that members of the United Nations:

Ratify the Geneva Protocol of 1925 banning first-use of chemical and biological warfare.

Clearly state that the Geneva Protocol applies to the use in war of all chemical and biological weapons including tear gas and other harassing agents which now exist or may be developed in the future.

Call on all countries to agree to halt development, production and stockpiling of all chemical and biological weapons.

Even though it condemned the use of tear gas as a violation of the Geneva Protocol and included defoliants and herbicides in its discussion of chemical weapons of warfare, President Nixon commended the U.N. report in his July 3, 1969, message to the Eighteen-Nation Disarmament Committee. This endorsement, following his June 17, 1969, order for a full-scale executive branch review of chemical and biological warfare policies and practices, offered the hope that the United States might abandon the extensive use of tear gas in conjunction with artillery bombing and infantry attacks and the widespread use of defoliants and anti-food herbicides.

DEVELOPING COUNTRIES' THREAT

U Thant's report is strong in pointing out the dangers of biological warfare. This emphasis takes into account not only the dangerous uncertainty and unpredictability of this form of warfare (there being no record of its use in this century) but also the introduction by the United Kingdom at the Eighteen-Nation Disarmament Committee meeting in the spring of 1969 of a resolution calling for a ban on the development, production and stockpiling of biological weapons.

The U.N. report, receiving wide publicity, could help set the stage for effective limitations on biological warfare weapons. Military advocates of the use of gas and germs recognized that there was a possibility that a ban on lethal biological warfare might be adopted and they were doing what they could to counter possible limitations by defining bacteria-produced toxins as chemicals and seeking acceptance of incapacitating biolog-

ical agents in the hope that they might be excluded from the ban.

The report also highlighted one of the major problems with effective arms control measures for chemical and biological weapons: "Any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to the developed countries." For this reason alone, it is very much in the interests of the more economically developed nations to seek an effective ban on the use of CBW.

In the introduction to its findings the panel offers two deeply disturbing comments on biological warfare. The first notes the uncertainty connected with the use of gas and germs: "The outstanding characteristics of this class of weapons, and particularly of biological weapons, is the variability, amounting under some circumstances to unpredictability, of their effects." In the body of the report the experts point out that biological weapons are so unpredictable that an attack on one country might well contaminate a neighboring country.

The second point relates to the lack of defense: "Civilians would be even more vulnerable than the military."

And: "... it would be enormously costly in resources, and administratively all but impossible, to organize adequate protection for a civilian population against the range of possible chemical agents."

And: "Mass disease, following an attack [of biological weapons], especially of civilian populations, could be expected not only because of the lack of timely warning of the danger, but also because effective measures of protection or treatment simply do not exist or cannot be provided on an adequate scale."

The lack of defense possibilities was confirmed in a comprehensive reply on chemical and biological warfare policy that I received from Dr. John Foster, director of defense research and engineering in the Pentagon, earlier in the spring of 1969. He said that there could be no really effective vaccination against biological agents since there were over 100 known diseases, for some of which there is no known vaccine. Even if vaccines for all were known, to take them all would probably be harmful to the health of the average person. He also pointed out that we certainly didn't have gas masks and other special devices needed for protection against nerve gas. A key problem—how to know when we are attacked by biological weapons—was also unsolved, according to Foster, although we were still investigating warning devices.

Based on the report prepared by his panel, Secretary General U Thant recommended that both chemical and biological weapons be abandoned. The report did not contain enough information about inspection techniques on which to base an effective ban on gas. In the view of many experts there are enough disadvantages to biological weapons to recommend their elimination even if inspection systems are imperfect. This amounts to a belief that a country would retaliate with conventional or nuclear weapons of a known deadline rather than loose a plague on humanity. However, because poison gas is less indiscriminate, and therefore more controllable, it is extensively stockpiled by some countries and, in the eyes of military experts must be subject to inspection if it is to be fully banned.

I fully agreed with Secretary General U Thant's recommendation on biological warfare and wrote to President Nixon urging that the United States support the United Kingdom resolution at the Eighteen Nation Disarmament Committee meeting. In a reply from the White House on August 19, 1969, William Timmons, special assistant to the President, replied for his chief that the

United States supports in principle the ban on biological warfare proposed by Britain.

I should mention that I have also introduced in the House of Representatives—and have been joined by almost 100 of my colleagues—a resolution urging President Nixon to resubmit for ratification the Geneva Protocol of 1925, which bans first use of chemical and biological warfare. President Nixon has since indicated that he would consider resubmitting the Protocol in the executive branch policy review now under way. I think it would be highly useful and in keeping with our highest principles of humanity to ratify this Protocol. And I believe effective inspection and control techniques can be developed, facilitating an eventual complete ban on chemical weapons. By supporting these actions, by working tirelessly for their realization, we would be reaffirming one of the few effective limits on man's inhumanity to man.

Secretary General U Thant's report has set the stage for action at Geneva and in Washington. What is done now is up to the people of the nations of the world and their leaders.

AGNEW—AT IT AGAIN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CLAY. Mr. Speaker, extremism did not die with the defeat of BARRY GOLDWATER. It is alive and well in the care of SPIRO AGNEW. Vice President AGNEW has picked up the label with a determination to make it stick on the American people.

In his most recent public outrage, the Vice President has taken on the television industry—specifically the well-known television commentators who did not, as the Vice President would have had them—praise the President for his Vietnam address. His position seems to be that the industry has a responsibility to mold public opinion around that of the country's leadership—however well-advised or representative that leadership may be. The Vice President must have doubts about the so-called "silent majority"—if he fears the observations of newsmen will carry more influence than the words of the President.

In this most recent outburst of the Vice President attacking our basic freedoms, he has publicly threatened blackmail of the press. It is a threat no American should take lightly—whether in agreement or disagreement with the notable spokesmen on television news programs.

Mr. AGNEW accused these men of improper use of their authority—without noting his own improper use of his high office. President Nixon vowed his Vice President would make something of the office—and he has. It has become a soap box for the conservative's militant, freedom-curbing points of view, a position from which blasphemy flourishes without regard to the dignity of the office.

Dr. Frank Stanton, president of CBS, said:

The speech an unprecedented attempt of the Vice President to intimidate a news medium which depends for its existence upon government licenses.

Julian Goodman, president of NBC said:

Vice President Agnew's attack on TV news is an appeal to prejudice.

Leonard H. Goldenson, president of ABC, made what I consider a profound observation. He said his network was "fully confident in the ultimate judgment of the American public." I share that faith.

Coincident with AGNEW's attack—all four television networks were conspicuously absent when more than one-quarter of a million people came to Washington this weekend to state their disagreement with the President's proposal for peace in Vietnam.

AGNEW did not stop with the television industry—he even raked up the graves of sectional prejudices. He placed himself in Nebraska from which to chastise the people and the way of life of New York and Washington. Wake up, Mr. Vice President. We are all Americans and your disdain for us will not make us less adamant in our struggle for freedom and rights which are American.

Some have called Mr. AGNEW's attacks ignorant. I do not agree. He knows precisely where he wants this country to go and mistakenly, he feels that "in our hearts" we want to go in that direction with him—or that we can be pushed in that direction. By his vocal rage, he hopes to force dissenters into his camp from fear. You are wrong, Mr. Vice President. As one sign in the march Saturday put it:

When Agnew closes his mouth, I will get out of the street—signed: first time marcher.

SLAIN MARINE LEAVES SCHOLARSHIPS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CRAMER. Mr. Speaker, we hear a lot about the lack of patriotism today. We are beset by demonstrators and revolutionaries attacking every one of our sacred institutions.

Therefore, I believe it important that we pause to remind ourselves that the vast majority of our young people are responsible and dedicated—and yes, even patriotic. The Yippies and the hate-mongers may not know why we are in Vietnam, but the brave young people who are fighting there know what is at stake in Southeast Asia.

The depth of that understanding and willingness to make the necessary sacrifices was illuminated recently by an 18-year-old Marine from Stuart, a delightful Florida town of about 5,000 people on Florida's east coast, north of Palm Beach. The people at Stuart exemplify the best of small-town America, and the Marine, Charles Tyson, was one of their sons.

Here, according to the Associated Press, is his story:

SLAIN MARINE LEAVES SCHOLARSHIP FUND

STUART, FLORIDA.—A young Marine killed in Vietnam has left \$2,500 of his GI insurance to his high school for two scholarships and a plaque dedicated to the school's war dead. The plaque will bear the famous last words of Nathan Hale:

"I only regret that I have but one life to lose for my country."

The Marine, Charles Tyson, 18, also bequeathed to the school the American Flag removed from his coffin just before his body was lowered into a grave in Fernwood Cemetery.

The bequests were made in a will the young Marine drafted after telling his father in a last letter home that he had a premonition of death.

His father, Leonard Tyson, told pupils of Martin County High School about the will at a special assembly Monday.

"We know he loved it here," the elder Tyson said.

The Marine private, who was too skinny to play high school football, called this small coastal town home after his father retired from a globe-trotting Army career.

More than 1,000 persons sat silent as his parents read part of the Marine's last letter home.

Young Tyson left two \$1,000 scholarships to be awarded to a boy and girl in the 1970 graduating class. He also left \$500 for the plaque.

It goes without saying that my sympathy goes out to the grieving parents. But above all, we should feel proud that Marine Charles Tyson, 18, lover of his country, its flag, and its hallowed institutions—we should feel proud that he was one of us.

DAY-CARE FACILITIES FOR CHILDREN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. OTTINGER. Mr. Speaker, I proposed a plan last year to get welfare mothers off relief rolls and on to pay-rolls. One of the best ways to do this is to provide adequate day care facilities for their children. Day care is both financially and socially advantageous.

Aid to families with dependent children—AFDC—continues to be the largest of all public assistance programs. We must help these recipients help themselves to become self-supporting. Day care services operated by welfare recipients for the children of welfare recipients, and other women in low-income groups is a promising approach to this problem.

An interesting analysis of day-care programs in northern Westchester County, N.Y., appeared in the Patent Trader of Saturday, November 15, 1969. I commend it to the attention of my colleagues:

NEW AIDS AT HAND FOR STARTING BADLY-NEEDED DAY-CARE CENTERS

(By Joanne Dann)

Northern Westchester urgently needs more day care centers for low and middle income mothers who want to go to work. In addition these centers can provide enrichment for children—instead of serving only as custodians.

Not only are there too few of the centers but the lack of adequate public transportation compounds the problem. The mother in Goldens Bridge, for example, who wants to work is hard pressed to get her child to Mt. Kisco, Katonah or Armonk for day care.

"What I need is something close by," a welfare mother in Hawthorne explains. "I want to be able to go to work, and I want my son to be with other children during the day."

The answer for the estimated 9,000 children who could use day care may be many small centers spotted strategically throughout the northern part of the county. Another help would be state subsidy of busing for day care centers.

How are day care centers started? Until now most have been fostered by church groups.

For example, the Katonah Day Care Center grew in 1966 out of a pilot "Who is My Neighbor" church project. "We decided the care of the children of working mothers was our real need, and it grew and grew," says Mrs. Bracebridge Young, executive director of the center.

Area churches financed the day care group's early sessions. Last year the center's budget was \$32,000 and this year, for the first time, the United Fund will contribute to its running expenses.

The Mt. Kisco center, began privately by Mrs. Ruby Gadsen, has been housed by the Lutheran Church of the Resurrection in the Village, and in Armonk the Children's Center is housed in the Methodist Church and is supervised by that church's Commission on Education.

In Mt. Kisco where it is estimated that one in five mothers not now working would work if there were adequate day care, the village's Interfaith Council of Churches is looking into the mechanics of establishing a second day care center.

Methods of beginning new centers may change, however. A state bill passed in May authorizes the State Housing Finance Agency to provide up to \$50 million in mortgage loans for constructing and equipping day care centers. A public corporation known as the Youth Facilities Project Guarantee Fund was created and authorized to guarantee the principal and interest on the mortgage loans and to guarantee up to 80 per cent of the principal of loans made by private lending institutions.

Corporations which build centers under the new program must be subject to supervision by the New York State Department of Social Services. Rates charged will be subject to department approval as well.

Greenburgh, the first community granted funds under the new act, has obtained a mortgage loan of a million dollars to build a new day care center.

Some are disturbed at the size of the first loan considering the fact that only \$50 million is available throughout the state. "Remember, it's a loan, not a grant. How can they pay it back?" one day care expert asks.

The practicality of establishing huge day care centers in areas with poor transportation is also open to question. One facet of the new bill which permits municipalities to lease space in public buildings for non-profit day care centers may help smaller centers get established. In addition, the new legislation permits limited profit housing companies to provide child care facilities in housing projects.

After a group has decided it wants to establish a day care center, what is the next step? According to Mrs. Inez Singletary, head of the Day Care Council of Westchester, one can start by writing for a pamphlet called "Day Care Centers," to the Publications Clerk, New York State Department of Social Services, 1450 Western Avenue, Albany, N.Y. 12203. This will provide much of the needed basic information.

Then, she says, one must find a place for a center. Next comes application to the state Department of Social Services for a "site visit" to be sure that the site is adequate. Simultaneously, she suggests the hiring of a lawyer for incorporation and for the application to receive a non-profit designation.

After the visit of the social services agency, the founding group will get an application to receive accreditation. Financing may be raised through church or local fund raising projects—although United Fund money

for operation may be obtained only after the center has been running for a year.

If families that will use the center are on welfare or have marginal incomes, application may be made to the Department of Social Services for county aid for part of day care costs.

And finally, in order to finance a new center, application may be made through the State Department of Social Services for a state loan under the new Youth Facilities Project Guarantee fund.

Under the impetus of the new bill that established the fund which went into effect September 1, social service agencies have gone all out in urging day care.

The New York State Board of Social Welfare two weeks ago directed all local departments to establish day care programs and told its staff to help local commissioners and community groups to develop these services. It also directed the State Department of Social Services to speed up the processing of applications for state loans under the new program.

Baldwin Maull, head of the New York State Board of Social Welfare, has also advocated family day care projects run by groups of welfare mothers, so that other welfare mothers can work or can attend job training programs.

Last year, the County Department of Social Services for the first time budgeted \$288,000 for family group day care, to be paid for out of child welfare money.

Recently, the New York State Department of Social Services has seriously considered buying "slots" in day care centers, and filling them with the children of families who need them most.

Several weeks ago the United Fund of Westchester pinpointed day care as a priority for agency funds.

Money is finally available. The social agencies have rallied. It is now up to individual groups throughout the northern end of the county to make use of the aids available to them for starting more day care centers.

"Slowly we're waking up to day care needs," says Mrs. Singletary, and slowly communities are beginning to come to the Day Care Council in White Plains for help. "I think the picture may be brightening," she says.

VETERANS DAY CELEBRATION IN BIRMINGHAM, ALA.

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NICHOLS. Mr. Speaker, on November 11, the city of Birmingham celebrated its 23d year of National Veterans Day observances with a full slate of parades and dinner engagements and distinguished speakers. Over 35,000 people participated actively in these observances and there were over 100,000 spectators.

Some of the distinguished personages participating in these programs were the Secretary of the Army, Stanley Resor; Rear Adm. James W. Kelly, Navy Chief of Chaplains; and Col. Roscoe Turner, a pioneer in the aviation history of this country whose name belongs with the other greats of flying, the Wright brothers, Wiley Post, Charles Lindbergh, and others.

Colonel Turner was the guest of honor at the national veterans award dinner on November 10 and was presented the distinguished national veterans award.

Colonel Turner flew his first airplane

in 1917 and has won both the Bendix and Thompson trophies for his tireless and successful efforts to increase aircraft speed.

Although Colonel Turner is supposedly retired, he still serves as an adviser to the congressional Science and Astronautics Committee.

The remarks which he made in accepting this honor prove that this fine American veteran, who has dedicated his entire life to the service of his country, has certainly not retired from responsible citizenship. I believe that you will be interested in his remarks.

I thank you for this great honor that you have bestowed on me tonight. I thank you for placing my name with the names of the great patriotic leaders, many of whom I have had the privilege and honor of meeting.

I accept this honor with great humility in the name of all veterans—those living and those who have made the supreme sacrifice so that we could continue to be a free people.

No one likes war. All of us have disagreed one time or the other with our political leaders about how we got into a war, but when the chips were down, we were for our country, right or wrong, until the shooting was over.

We will all agree, I believe, that our country is in a terrible shape. But we should realize that we are responsible for the present condition our country is in. These antiwar demonstrations are a stab in the back for our armed forces in Viet Nam. Why? Let me give you three definitions from Webster's Dictionary which I believe aptly define those who are rioting in our streets:

Sedition—Any act aimed at disturbing the peace of the realm or at producing insurrection.

The leaders of the protestors actively encourage young men to defy the draft, to refuse to serve their country, to advocate victory for the enemy, and to riot in the streets.

Traitor—One who betrays person, country or cause.

The demonstrators are betraying our servicemen in Viet Nam, our country, and the cause of freedom that we are fighting for.

Treason—Disloyalty to country; act of betrayal.

Their actions speak for themselves, and I am sure that none of us doubt that these actions constitute disloyalty and betrayal.

All of these crazy riots and demonstrations could have been nipped in the bud if we had proper leadership in both low and high places. Unfortunately many of our leaders do not recognize the great danger that our country is in. The present unrest is engineered, guided and financed by Communists, Socialists, pacifists and other traitors to our system of doing things.

Our educational institutions were established for learning and knowledge at great expense to taxpayers and private contributors. They were not established for students to take over, disrupt classes, and burn buildings. If the students knew how to meet the payroll and manage the place, we would not need chancellors, presidents, trustees and boards of regents.

How can we change this situation? We should first dismiss students who are not satisfied with where they are. We should also not allow anyone to teach who will not take an oath of allegiance to our flag and the country for which it stands.

We must make it our business to clean up this mess and continue in a position of leadership and strength. There has never been an instance in recorded history where appeasement has ever won a victory.

Ladies and Gentlemen we must stand up and be counted and heard.

Again thank you for this great honor and the privilege of being with you.

**PRENATAL MURDER BECOMES LAW-
FUL—CAPITAL TO BECOME ABOR-
TION MECCA**

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RARICK. Mr. Speaker, U.S. Judge Gerhard A. Gesell, who bought his judgeship by preparing the infamous Gesell report for the Kennedy-McNamara team, is in the news again. He has now decided that in the District of Columbia the Government cannot prevent abortions provided they are performed by licensed physicians. That he apparently believes in a right to extinguish unwanted life without trial is no real surprise. Earlier this year he directed a jury to return a verdict of not guilty in the trial for first-degree murder of the Negroes who murdered two young Marine officers during the Abernathy "nonviolent" occupation of the Mall in 1968. His last headline case was earlier this month when he refused to impose the death penalty on the convicted murderer of two FBI agents.

Fully realizing that his "freedom to commit abortion" ruling will be violently opposed by decent people who take seriously the moral charge to do no murder, Judge Gesell instructed the government attorneys to immediately appeal his ruling to the U.S. Supreme Court. Apparently Judge Gesell feels that when the Supreme Court approves of his decision, it will then bear respectability.

One wonders how Judge Gesell and his ilk can justify the murder of unborn children as legal and yet refuse to permit the State to take the lives of convicted murderers, rapists, and other dangerous criminals.

Most Americans do not understand the longtime connection between the Kennedys, Gerhard A. Gesell, and Supreme Court Justice William O. Douglas. I think that the biographies of the two judges from the Congressional Directory may be most informative:

[From the Congressional Directory]

WILLIAM ORVILLE DOUGLAS

William Orville Douglas, Associate Justice of the Supreme Court of the United States, was born at Maine, Minn., on October 16, 1898; graduated from Whitman College, Walla Walla, Wash., A. B., 1920, and from Columbia University Law School, LL. B., 1925; practiced law New York and Washington; member of law faculties, Columbia and Yale; member of Securities and Exchange Commission, 1936-39, chairman, 1937-39; nominated Associate Justice of the United States Supreme Court by President Roosevelt, March 20, 1939; confirmed by the Senate, April 4, 1939, and took his seat April 17, 1939.

GERHARD A. GESELL

Gerhard A. Gesell, judge; born June 16, 1910, Los Angeles, Calif., son of Dr. Arnold L. and Beatrice Chandler Gesell; married Marion Holliday Pike, September 19, 1936; children: Peter Gerhard, Patricia Pike; graduate Phillips Andover Academy, 1928; A.B. Yale 1932, LL. B. Yale, 1935; member of the District of Columbia and Connecticut bars; attorney with Securities and Exchange Commission at Washington, D.C., 1935-40; technical adviser to chairman, 1940-41; acted for

Commissioner as special counsel Temporary National Economic Committee, study legal recumes life insurance companies; partner in private practice, Covington & Burling, Washington, D.C. 1941-67; member American Bar Association, fellow American College of Trial Lawyers; American Law Institute, District of Columbia Bar Association, Phi Delta Phi; member, executive committee, The Madeira School; honorary member, board of directors, Children's Hospital; honorary member, executive committee, Yale Law School Association; received Yale Law School Citation of Merit, April 1967; chief assistant counsel Joint Congressional Committee on Investigation Pearl Harbor Attack, 1945-46; chairman, President's Commission on Equal Opportunity in the Armed Forces, 1962-65; member, Lawyer's Committee for Civil Rights Under Law, 1963-67; chairman, Committee on the Administration of Justice of the Judicial Conference of the District of Columbia, 1966-67; nominated by President Lyndon B. Johnson November 29, 1967, confirmed by the Senate December 7, 1967, and took oath of office January 2, 1968 under Presidential Commission of December 11, 1967. Residence: Washington, D.C.

Since many Members may not be familiar with the Gesell report and the participation of former Justice Abe Fortas in its preparation, I include its full text in my remarks at this point:

[From the CONGRESSIONAL RECORD, Aug. 7, 1963]

THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN THE ARMED FORCES—INITIAL REPORT, EQUALITY OF TREATMENT AND OPPORTUNITY FOR NEGRO MILITARY PERSONNEL STATIONED WITHIN THE UNITED STATES, JUNE 13, 1963

(Chairman, Gerhard A. Gesell)

DEPARTMENT OF DEFENSE NEWS RELEASE,
JULY 26, 1963

Secretary of Defense Robert S. McNamara, as requested on June 21, 1963, has reported to the President following his review of the recommendations of the President's Committee on Equal Opportunity in the Armed Forces.

In his memorandum, Secretary McNamara states that he has issued a directive stating Department of Defense policy with respect to off-base discrimination.

Copies of both the Secretary of Defense Memorandum to the President dated July 24, 1963, and the directive referred to in this memorandum are attached.

THE SECRETARY OF DEFENSE,

Washington, D.C., July 24, 1963.

Memorandum for the President.

On June 21 you sent me a copy of the initial report of your Committee on Equal Opportunity in the Armed Forces and asked that I review the document and report on the recommendations within 30 days. This memorandum responds to that request.

In its year of work the Committee observed racial imbalances and vestiges of racial discrimination within the Armed Forces themselves. Nevertheless, the Committee found that in the main, racial equality is a reality on military bases today. The Department of Defense will eliminate the exceptions and guard the continuing reality.

It is to the Department's off-base responsibilities that the Committee has devoted the bulk of its report. In eloquent terms the Committee has described the nature and pervasiveness of off-base discrimination against Negro servicemen and their families, the divisive and demoralizing impact of that discrimination, and the general absence of affirmative, effective action to ameliorate or end the off-base practices affecting nearly a quarter of a million of our servicemen.

Our military effectiveness is unquestion-

ably reduced as a result of civilian racial discrimination against men in uniform. The Committee report has made this point with great clarity. With equal clarity it demonstrates that the Department of Defense has in the past only imperfectly recognized the harm flowing from off-base discrimination. That imperfect recognition has in turn meant the lack of a program to correct the conditions giving rise to the harm.

The Committee report contained recommendations for such a program. Consistently therewith I have issued a directive explicitly stating Department of Defense policy with respect to off-base discrimination and requiring:

Preparation of detailed directives, manuals, and regulations making clear the leadership responsibility both on and off base and containing guidance as to how that responsibility is to be discharged.

Institution in each service of a system for regularly monitoring and measuring progress in this field.

We are in the process of establishing a staff element within my office to give full time to such matters.

While the foregoing is in accord with the recommendations of the Committee, the details of the program necessarily will be found in the manuals and regulations to be issued as a result of my directive.

The initial Committee report contained many specific recommendations on recruitment, assignment, promotion, techniques for eliminating on- and off-base discrimination, housing, education, and recording of racial data. Many of these have been or will be put into effect, but some require more study and on a few we have reservations. These will be discussed further with the Committee.

The recommendations on sanctions do require special comment. The Committee suggests using a form of the off-limits sanction when, despite the commander's best efforts with community leaders, relentless discrimination persists against Negro servicemen and their families.

Certainly the damage to military effectiveness from off-base discrimination is not less than that caused by off-base vice, as to which the off-limits sanction is quite customary. While I would hope that it need never be put in effect, I agree with the Committee that a like sanction against discrimination must be available. It should be applied, however, only with the prior approval of the Secretary of the Military Department concerned.

The Committee also suggested the possibility of closing bases near communities where discrimination is particularly prevalent. I do not regard this as a feasible action at this time.

In your letter transmitting the Committee report you wrote that "Discriminatory practices are morally wrong wherever they occur—they are especially inequitable and iniquitous when they inconvenience and embarrass those serving in the armed services and their families."

Guided by those words and the report of your Committee on Equal Opportunity in the Armed Forces, the military departments will take a leadership role in combating discrimination wherever it affects the military effectiveness of the men and women serving in defense of this country.

ROBERT S. McNAMARA.

DEPARTMENT OF DEFENSE DIRECTIVE

Subject: Equal opportunity in the Armed Forces.

Reference: Department of Defense Directive No. 512027, "Assistant Secretary of Defense (Manpower)," June 7, 1963.

I. POLICY

It is the policy of the Department of Defense to conduct all of its activities in a manner which is free from racial discrim-

ination, and which provides equal opportunity for all uniformed members and all civilian employees irrespective of their color.

Discriminatory practices directed against Armed Forces members, all of whom lack a civilian's freedom of choice in where to live, to work, to travel, and to spend his off-duty hours, are harmful to military effectiveness. Therefore, all members of the Department of Defense should oppose such practices on every occasion, while fostering equal opportunity for servicemen and their families, on and off base.

II. RESPONSIBILITIES

A. Office of the Secretary of Defense:

1. Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, the Assistant Secretary of Defense (Manpower) is hereby assigned responsibility and authority for promoting equal opportunity for members of the Armed Forces.

In the performance of this function he shall (a) be the representative of the Secretary of Defense in civil rights matters, (b) give direction to programs that promote equal opportunity for military personnel, (c), provide policy guidance and review policies, regulations and manuals of the military departments, and (d) monitor their performance through periodic reports and visits to field installations.

2. In carrying out the functions enumerated above, the Assistant Secretary of Defense (Manpower) is authorized to establish the Office of Deputy Assistant Secretary of Defense (Civil Rights).

B. The military departments:

1. The military departments shall, with the approval of the Assistant Secretary of Defense (Manpower), issue appropriate instructions, manuals and regulations in connection with the leadership responsibility for equal opportunity, on and off base, and containing guidance for its discharge.

2. The military departments shall institute in each service a system for regularly reporting, monitoring and measuring progress in achieving equal opportunity on and off base.

C. Military commanders: Every military commander has the responsibility to oppose discriminatory practices affecting his men and their dependents and to foster equal opportunity for them, not only in areas under his immediate control, but also in nearby communities where they may live or gather in off-duty hours. In discharging that responsibility a commander shall not, except with the prior approval of the Secretary of his military department, use the off-limits sanction in discrimination cases arising within the United States.

III. IMPLEMENTATION

Not later than August 15, 1963, the military departments shall forward for the approval of the Assistant Secretary of Defense (Manpower) an outline plan for implementing this directive.

IV. EFFECTIVE DATE

This directive is effective immediately.

ROBERT S. McNAMARA,
Secretary of Defense.

Mr. Speaker, I also include at this point the report, with accompanying letter, which I have referred to known as the Gesell report:

THE PRESIDENT'S COMMITTEE ON
EQUAL OPPORTUNITY IN THE
ARMED FORCES,
Washington, D.C., June 13, 1963.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: There is transmitted herewith the initial report of the President's Committee on Equal Opportunity in the Armed Forces covering the work of the Committee during its first year of existence.

This report considers problems of equal

opportunity affecting Negro military personnel on and off base within the United States. The recommendations emphasize matters which the Committee believes should receive the immediate attention of the Secretary of Defense. The Committee is available to consult as to any plan of action which the Department of Defense proposes to put into effect to meet the specific matters covered by this initial report.

Discrimination in the Reserve and National Guard and problems of equal opportunity affecting Negro military personnel serving in overseas areas have been under intensive study. A further report covering these matters will be completed soon.

Yours respectfully,

NATHANIEL S. COLLEY.

ABE FORTAS.

GERHARD A. GESELL,
Chairman.

LOUIS J. HECTOR.

BENJAMIN MUSE.

JOHN H. SENGSTACKE.

WHITNEY M. YOUNG, Jr.

THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN THE ARMED FORCES—INITIAL REPORT, EQUALITY OF TREATMENT AND OPPORTUNITY FOR NEGRO MILITARY PERSONNEL STATIONED WITHIN THE UNITED STATES, JUNE 13, 1963

I. INTRODUCTION

This initial report, covering the work of the Committee since its appointment in June 1962, considers certain matters involving equality of treatment and opportunity for Negro military personnel stationed within the United States.

The Committee has been actively exploring the two questions it was directed to consider, i.e.:

"1. What measures should be taken to improve the effectiveness of current policies and procedures in the Armed Forces with regard to equality of treatment and opportunity for persons in the Armed Forces?"

"2. What measures should be employed to improve equality of opportunity for members of the Armed Forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, community events, programs, and activities?"¹

The Committee has held frequent sessions of 2 to 3 days' duration. During these sessions discussions were held with installation and other commanders, representatives of the Department of Defense and the services, officials of interested Federal agencies, and others.² Committee members have traveled to a number of military bases and have interviewed officers and enlisted personnel of all ranks. In addition, information has been gathered through questionnaires and complaints received from servicemen.

The Committee has devoted its efforts to formulating general policies and recommendations and has not conducted detailed

¹ Letter from President dated June 22, 1962.

² The principal organizations providing information and assistance to the Committee, apart from the Department of Defense and the Services, have been the President's Committee on Equal Opportunity in Housing, the President's Committee on Equal Employment Opportunity, the Department of Justice, the Department of Health, Education, and Welfare, the Housing and Home Finance Agency (especially its component, the Federal Housing Administration), and the U.S. Commission on Civil Rights. The Commission on Civil Rights has been especially helpful in furnishing factual information for study by the Committee. Generally, other agencies have furnished published information. None of these organizations bear any responsibility for the conclusions or recommendations of this Committee.

hearings and investigations into the merits of individual specific claims of discrimination. The Committee's inquiries have been courteously received with full cooperation.

II. THE INTEGRATION AND PARTICIPATION OF THE NEGRO IN THE ARMED FORCES

Prior to 1948, the Negro had little or no opportunity in the Armed Forces. His skills and even his ability were a matter of debate. He was officially segregated, if not excluded; his duties were limited and his ability to serve his country in time of need was minimized or ignored. Such official policies no longer exist, and, in the main, the conditions which accompanied them have disappeared. Negroes have made military service their career in increasing numbers. They are formally integrated and have served well in both officer and enlisted ranks in times of war and peace.

It is desirable at the outset to review how this change occurred. In July 1948, President Truman, by Executive Order No. 9981, made the following declaration of principle which has since been applied throughout the Armed Forces:

"It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services, without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale."

On this occasion, President Truman appointed a committee to advise how this policy could best be implemented. As a result of the Executive order and the work of that committee, with continuing emphasis by succeeding administrations during the subsequent years, the Armed Forces were gradually integrated, and recognition was given to the ability of Negroes to train for, and serve in, all capacities.

This is the first general policy review of questions of equality of treatment and opportunity in the Armed Forces since that committee completed its work approximately * * * vast changes which have occurred since that time. Not only have there been dramatic developments in the field of racial equality, but under the stress of international events and technological developments the composition and mission of the Armed Forces have substantially changed. While steps taken pursuant to President Truman's Executive order were essential first ones in dealing with racial problems in the Armed Forces, it is wholly appropriate now to consider what further must be done to assure equality of treatment and opportunity for all qualified military personnel in the light of present-day conditions.

Any consideration of problems pertaining to equality of treatment and opportunity for Negroes in the Armed Forces must emphasize the vast scope and complexity of the Military Establishment. As of September 30, 1962, there were 2,674,000 men in uniform stationed at home and abroad. Of these, approximately 1,900,000 were stationed in the United States. Within the 50 States alone, there are 1,145 military installations to which 100 or more military personnel are assigned, and some 88,000 military personnel are assigned to many smaller installations in the United States. These installations are scattered throughout the 50 States.

There are no quotas or other forms of limitations on the recruiting of Negroes or on their assignment to career fields. All written policies governing advancement and promotion through both enlisted and commissioned ranks are nondiscriminatory in character.

The number of Negroes in the Armed Forces has increased since President Truman's Executive order was issued in 1948. Nevertheless, while about 11 percent of our population is Negro, it is significant that only

8.2 percent of all military personnel is Negro. The following table graphically demonstrates the disparities between the overall Negro population percentage and the percentages of enlisted and officer personnel found in each service.

Negro personnel as percent¹ of all personnel 1949-62

Percentage of Negroes in national population	11.0
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Army:

Enlisted:	
1949	12.4
1954	13.7
1962	12.2
Officers:	
1949	1.8
1954	3.0
1962	3.2

Negro personnel as percent¹ of all personnel 1949-62—Continued

Navy:	
Enlisted:	
1949	4.7
1954	3.6
1962	5.1
Officers:	
1949	0
1954	.1
1962	.2

Air Force:

Enlisted:	
1949	5.1
1954	8.6
1962	9.1
Officers:	
1949	.6
1954	1.1
1962	1.2

Negro personnel as percent¹ of all personnel 1949-62—Continued

Marine Corps:	
Enlisted:	
1949	2.1
1954	6.5
1962	7.7
Officers:	
1949	0
1954	.1
1962	.2

¹ To the nearest 1/10 of 1 percent.

As these figures show, Negro participation in officer ranks is still very small for all the services. A breakdown of the current number of Negroes and their relative percentage in both commissioned and enlisted ranks, shown in the following tables, reveals that substantial progress must yet be achieved:

TABLE I.—STATISTICS ON NEGRO COMMISSIONED OFFICERS¹

Rank	Number and percent of Negro personnel in each rank								
	Army		Navy		Air Force		Marine Corps		
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Army, Air Force, and Marine Corps									
Generals (all types)	0	0	0	0	1	0.29	0	0	
Colonels	6	.11	0	0	6	.14	0	0	
Lieutenant colonels	117	.95	3	.03	67	2.54	0	0	
Majors	424	2.47	17	.14	124	.60	0	0	
Captains	1,532	5.21	88	.35	615	1.74	7	.17	
1st Lieutenants	650	4.33	57	.39	317	1.56	16	.44	
2d Lieutenants	421	2.26	29	.22	170	1.45	9	.28	
Total officers and percentages	3,150	3.2	174	.24	1,300	1.24	32	.21	

¹ 1962 data for all services. The Air Force figures include only officers assigned to duty in the 48 States of the continental United States. All other figures are complete and worldwide in scope.

TABLE II.—STATISTICS ON NEGRO ENLISTED PERSONNEL¹

Grade	Number and percent of Negro personnel in each grade							
	Army		Navy		Air Force		Marine Corps	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
E-9 (highest)	76	2.97	22	1.30	32	0.83	5	0.71
E-8	586	5.72	89	1.22	140	1.67	19	.81
E-7	3,143	7.64	984	2.42	616	2.51	142	2.12
E-6	10,496	12.65	2,843	4.43	2,115	4.19	417	3.93
E-5	21,892	16.28	5,370	6.23	10,287	9.33	1,490	8.65
E-4	21,133	12.20	6,771	6.59	14,321	12.47	2,663	9.08
E-3	26,385	11.90	7,502	5.11	11,505	9.26	3,101	8.14
E-2	10,836	10.58	5,396	5.22	6,951	10.23	3,727	8.01
E-1 (lowest)	8,456	11.15	1,431	4.77	597	17.17	1,787	7.55
Total enlisted members and percentages	103,003	12.20	30,408	5.22	46,564	9.1	13,351	7.59

¹ 1962 data for all services. The Air Force figures are drawn from certain selected commands, and represent about 76 percent of all Air Force enlisted personnel. All other figures are complete and worldwide in scope.

The Armed Forces have made an intelligent and far-reaching advance toward complete integration, and, with some variations from service to service, substantial progress toward equality of treatment and opportunity. By and large, military bases reflect a clear pattern of integration. Segregation or exclusion of Negroes from barracks or other onbase housing facilities is not allowed. Military messes and all other onbase facilities are open to all personnel without regard to race. Negro personnel serve with whites in almost all types of units and at all unit levels. Negroes command white and Negro troops. Although the distribution is quite uneven, as will appear, Negroes have been placed in virtually all of the numerous job specialties and career fields which exist in the various services.

The committee feels, however, that the urgency of the remaining problems faced by Negro military personnel requires that this initial report be rendered at this time, so that corrective action may begin without delay. The headlines of recent weeks highlight this urgency. The great progress made is not enough. Negro military personnel and their families are daily suffering humiliation and degradation in communities near the bases at which they are compelled to serve,

and a vigorous, new program of action is needed to relieve the situation. In addition, remaining problems of equality of treatment and opportunity, both servicewide and at particular bases, call for correction. National policy requires prompt action to eliminate all these conditions. Equal opportunity for the Negro will exist only when it is possible for him to enter upon a career of military service with assurance that his acceptance and his progress will be in no way impeded by reason of his color. Clearly, distinctions based on race prevent full utilization of Negro military personnel and are inconsistent with the objectives of our democratic society.

III. IMPROVING THE PARTICIPATION OF THE NEGRO IN THE ARMED FORCES

A. There is need to make greater efforts to attract qualified Negroes

All services are making strenuous efforts to attract and hold personnel. Only the Army still relies to some extent on the draft, but all branches of the Armed Forces report difficulty in recruiting qualified personnel of all races. As the statistics previously presented discloses, the participation of the Negro in the Armed Forces is less than the percentage of Negroes in our total population.

Negroes are only now coming to realize

that opportunity is available in the Armed Forces. Undoubtedly, the glaring lack of opportunity which existed not so many years ago and the limited progress which Negroes have as yet made to higher ranks have, in part, produced this result, as have other inequalities and conditions confronting Negro military personnel off base. Moreover, continuing educational disadvantages make many Negroes unavoidable for certain types of job opportunities in the Armed Forces.

The means by which individuals are influenced to enter the service are, of course, important. While methods differ in each service, there is, at the present time, little recruiting directed toward Negroes and insufficient awareness on the part of recruiting officers of special matters which would be of interest to potential Negro personnel.

For example, of the illustrative photographs in the occupational training guide of one service, the only Negro shown is an enlisted man, in kitchen garb in the steward field, where he appears working with a uniformed, white enlisted man. In general, Negroes rarely appear in recruiting literature, and then almost never on the cover together with other personnel or in the more appealing action shots.

Service programs to attract personnel

properly emphasize special educational backgrounds and technical training, a need resulting from the increasing complexity of military operations. Unless Negroes with such aptitudes are encouraged to enter the services, there is the danger that the Negro least attractive to private industry and other career fields—men not always in a position to take full advantage of the opportunity offered by the services—will enter the Armed Forces.

Turning from the general problem of attracting Negroes to the Armed Forces to the particular question of officer selection, it should be noted at the outset that officers are obtained by the services from several sources. For instance, there is direct commissioning of persons with special skills, including doctors, dentists, and certain others.

In addition, the services obtain officers through the respective Academies, officer candidate programs, and, in significant numbers, from ROTC programs. Negroes are currently represented at all of the Academies—14 at West Point, 10 at the Naval Academy, and 15 at the Air Force Academy—and the other programs and sources are all offering Negroes for officer training. Participation of Negroes in these programs and services is discussed below in the section of this report dealing with educational opportunities.

Additional Negro officer participation can be achieved only by attracting qualified candidates through improved opportunity for Negroes in the military service. It should be noted that the standards one must meet to become an officer are necessarily high and that the military is competing for skilled personnel with other employers who can often offer greater material rewards to Negroes and whites alike.

B. Recommendations for attracting qualified Negroes

In order to increase the presently insufficient flow of qualified Negroes into the Armed Forces, techniques and procedures to attract persons should be carefully reexamined to insure that they do not operate to reduce the entry of qualified Negroes into the service. The problems here do not appear to be ones of an affirmative discrimination encouraged by official service policies. Rather, the condition results from a lack of adequate attention to, and review of, several aspects of the personnel selection process. The services should initiate a more informed solicitation of colleges having substantial numbers of Negro students, develop literature appealing to Negroes and make wider use of Negro officers in recruiting assignments. Special efforts should be made to find and recruit Negroes with the special aptitudes the services now require and affirmative steps should be taken to insure that no recruiting personnel, consciously or unconsciously, channel Negroes to particular career fields, disregarding their aptitudes.

To increase the pitifully small number of Negro officers, energetic efforts must be made to raise the number of Negroes in the Academies and in all other programs which supply officers for the services.

Finally, the services should continually review all aspects of personnel selection procedures and their operation, to minimize the possibility of discrimination, especially discrimination by individuals in positions of responsibility at all service levels.

C. There is need for continuing reappraisal of assignment patterns

The assignment of an occupational classification to an enlisted man, shortly after he enters military service, is usually one of the most significant actions affecting his entire service career. It will have an obvious bearing upon his training and duty assignments, and upon his earnings outlook, as well, since the more technical specialties normally offer greater opportunities for grade advancement and related benefits. Initial classification ac-

tion normally occurs during basic training. The bases for such classification are the results of detailed aptitude testing, an evaluation of pertinent training, work experience and interests, and a personal interview. Actual assignments to particular schools or specialties are also influenced by available quotas and changes in skill requirements.

There have been a number of complaints from Negro military personnel at particular bases to the effect that discrimination exists as to duty and career field assignments. Since many factors enter into assignment decisions, the merits of these complaints are difficult to determine without exhaustive inquiry. Statistics do show that on a service-wide basis, Negroes are to be found assigned to virtually all occupational areas.

However, there is some evidence of a disproportionate grouping of Negro enlisted personnel in the service area. For example, one out of every five Negroes in the Navy is in the food service career field, along with a substantial number of Filipinos. The heavy proportion of Negroes in this career field undoubtedly reflects the policy, now abandoned, of assigning Negroes only to occupations such as food service and other support-type activities.

To some extent, unevenness of assignment represents the cumulation of individual preferences. In any event, the bunching of Negro military personnel in any particular category, for whatever reasons, operates as a brake upon advancement because only a limited number of promotion vacancies are available in any particular career specialty.

Conversely, Negro participation in most technical career fields is slight, though relative participation appears to be increasing. Such fields include, for example, electronics and crafts in the Navy, and electronic maintenance in the Air Force. These patterns appear to have improved in the case of more recent entrants into service, reflecting the impact of policies designed to provide equal treatment and opportunity for Negroes in the Armed Forces. The improvement has been dramatic in the Navy and Marine Corps, although, it is evident that some difference in relative occupational distribution persists. The trend toward equal occupational distribution has resulted in an increasing proportion of Negroes in the white collar skills and in many of the more technical specialties.

Many of the Negroes in the Navy and Marine Corps are still grouped in assignments which perpetuate the image of the Negro as a menial or servant in respect to the total activities of these services, and it will take some time before the more recent assignment trends rectify this discrepancy.

Service policies governing the assignment and advancement of military personnel find their reflection in the atmosphere of each particular base. Where assignments in any substantial way appear to reflect the relegation of Negro personnel to particular activities or where there is an unexplained absence of Negro officers in significant duty assignments, the posture of the base as a whole is unavoidably one of inequality of treatment and suggests to Negro personnel that there is a lack of opportunity. In some instances, of course, such patterns are created unconsciously since the services generally assign personnel to particular bases without regard to race. As a result, the representation and assignments of Negroes on a particular installation may be quite inconsistent with the pattern of the particular service as a whole.

Since the number of Negro officers in the Armed Forces is very small, there are still relatively few Negro officers at most installations, and the commands and headquarters are often overwhelmingly white. Several installation commanders expressed the view that a greater proportion of Negro officers would be helpful to the morale of the installation as a whole.

D. Recommendations for improving assignment patterns

Because of the importance of the assignment of an occupational classification to a new enlisted man, the procedures affecting such assignment, as well as their results, must be carefully and regularly reviewed to see whether they operate to insure equality of treatment and opportunity for Negro military personnel. While new Negro personnel or applicants are interviewed, they should be made fully aware of the variety of opportunities available before being required to express preferences for career fields. Special effort should be made to recognize potential capacities of Negroes at the time of recruitment and at other appropriate times, and to encourage their entering, with proper vocational assistance, into career fields which match latent skill.

In addition, continuing efforts must be made to place Negro personnel in as many special and technical career fields and positions of troop command as possible, in order to afford Negro personnel wide training and insure the fullest utilization of available talent. In this regard, the disproportionate bunchings of Negro personnel in certain service career fields should be reexamined, these personnel retested, carefully advised about other fields for which they are trainable, retrained accordingly and reassigned.

Although the Committee does not feel competent to recommend specific procedures for assuring the participation of Negro officers at base and regional headquarters in all sections of the country, it is advisable to point out that informal efforts to minimize Negro assignment to certain bases, however well motivated, are undesirable.

E. There is need to improve procedures affecting promotions

The slight Negro participation in higher noncommissioned and commissioned ranks, indicated in tables I and II above, suggests strongly that Negroes, at least in the past, have not enjoyed equality of treatment and opportunity in the Armed Forces. In any event, this pattern acts to deter other Negroes from choosing the Armed Forces as a career.

Generally, advancement in the noncommissioned ranks is based, among other things, upon the recommendations of commanding officers, and involves board actions of various kinds as well as certain written examinations. None of the higher noncommissioned officer ranks can be achieved without long periods of duty in the service and there are many Negroes who have not yet served the minimum time required. Satisfaction of minimum requirements does not, however, assure promotion since the number of openings available are limited by the necessities of the military organization and may be smaller than the number of men meeting minimum requirements.

Selection for promotion from among qualified personnel is based on value judgments formed from a review of the entire experience of these qualified for advancement. There is at the present time no system within any of the services for periodic review of noncommissioned officer promotions in order to investigate and eliminate the possibility that elements of racial bias may have been operative in the selection or rating of candidates at installation and other levels where crucial decisions affecting a man's career are made.

Each of the services has established a system for selecting officers for promotion by action of specially appointed boards of senior officers. When there are variations, the systems have much in common. All services have to maintain high standards and are faced with very substantial attrition due to legislation and other factors which limit the number of officers that may hold a particular rank at a given time. Efforts have been made by all of the services to establish

fair promotion criteria. In the nature of things, however, it is inevitable that many officers fail of promotion. Competition is extremely keen and minor differences in experience, training and personality may be decisive as between individual candidates.

One factor affecting the advancement of Negro officers has been the emphasis given by the services to specialized educational backgrounds in selecting candidates for promotion. The more limited educational opportunities available for Negroes, until recent years, have, therefore, operated to their disadvantage in the promotion selection process.

Seniority, too, plays a vital part in the officer promotion system. Indeed, promotions are possible only after minimum prescribed lengths of service. For example, under present conditions, it normally takes approximately 16 years of service as an officer to be eligible for promotion to lieutenant colonel in the Army, Air Force, or Marine Corps, or to the corresponding rank of commander in the Navy. Since the full participation of the Negro in the Armed Forces is of recent origin, there are relatively few Negroes with the requisite seniority. Studies show, for instance, that although 3.2 percent of all Army officers are Negroes, only 1 percent of the officers with 20 years or more service are Negroes. While this fact may explain the existence of so few high ranking Negro officers, it does not eliminate the need for all personnel concerned with recruitment, assignment and promotion to be ever mindful of the history of discriminatory practices from which this situation arose and of the desirability of closing the gap as quickly as possible.

The ability of competent Negroes to succeed is all important. Nothing will do more to encourage the able Negro to enter military service as a career than tangible proof, as yet almost entirely lacking, that Negro officers can receive equal recognition and opportunity for advancement with whites. Actual examples of Negroes who have achieved major positions of responsibility in the Armed Forces will be worth thousands of words devoted to claims that no barriers exist.

Several problems have come to the Committee's attention concerning significant details in the machinery of officer promotions. The personnel folders reviewed by promotion boards, in the case of all the services, contain a photograph of the officers under consideration and, in the case of some of the services, contain forms having racial designations. Thus, the officer's race is brought sharply to the attention of the promotion board. There do not appear to be adequate reasons for having photographs or racial designations in the materials reviewed for promotion purposes. The presence of this information raises serious questions whether individual members of a promotion board, intentionally or otherwise, might discriminate on the basis of race.

The number of Negro officers who have served on boards concerned with officer promotions is very small. This follows from the fact that the members of such boards in all services are normally colonels (or the Navy equivalent, captain) or higher ranking officers, and, as table I, above, indicates, the number of Negroes who have attained these ranks is extremely small. In fact, in the Navy and Marine Corps, no officers have attained these ranks. So long as promotion selection is made primarily by white officers, questions as to the impartiality of these boards will continue to arise.

Officers serving on promotion boards are selected with care and take an oath demanding objectivity, but no particular effort is made to determine whether an officer serving on a promotion board, because of his background and personal experience, has a conscious or unconscious bias. Experience with this delicate and intangible problem in commercial organizations suggests that,

on occasion, bias exists which can be disclosed by specific inquiry and attention to the individual's past performance.

F. Recommendations for improving promotion procedures

In view of the numerous complaints of discrimination in enlisted promotions and the slight participation of Negroes in the higher NCO ranks, the services should initiate, on a spot check basis, periodic inquiries into the operation of enlisted promotion procedures, particularly to the higher NCO ranks.

To minimize the possibility that conscious or unconscious discrimination on the basis of race or color may affect the impartiality of the officer promotion system, photographs and racial designations in the folders reviewed by promotion boards should be eliminated. Every opportunity should be taken to appoint Negro officers to serve on promotion boards, in normal rotation. Techniques for assuring that all promotion board members are free from conscious or unconscious racial bias should be developed. Wherever possible, officers chosen to serve on promotion boards should be chosen from those who have had more than casual experience serving with Negro officers and enlisted personnel. To the extent that similar situations pertain in the enlisted promotion system, like steps should be taken there.

A final comment: No system is valid if the standards used to make decisions, no matter how objectively applied, are such as to operate unfairly against any group of persons. Accordingly, the services should each periodically review their standards for promotion, selection and assignment to make certain that latent ability is always properly measured and utilized.

IV. ELIMINATING REMAINING ON-BASE DISCRIMINATION

A. The present lack of communication between Negro personnel and commanders causes discrimination to fester

Reference has already been made to the highly successful program of the Armed Forces to bring about full integration and to the progress made toward equality of treatment and opportunity. More is required. Many of the remaining problems result from the lack of communication between Negro military personnel and the command echelon at bases.

Equality of treatment and opportunity is not the responsibility of any particular official or office in any of the services. Rather, responsibility is servicewide, in the sense that a general policy has been defined by broad directives. As a result, no machinery exists at any particular base by which a given officer is specifically charged with continuing responsibility in this area. There is no satisfactory method of handling complaints. Conditions conducive to discriminatory practices are often not even known to commanders. The Negro serviceman may complain to his immediate superior but it is rare that these complaints reach the attention of the base commander or members of his immediate staff. As problems become severe, they may or may not receive attention at one or more echelons in the command. In sum, there is no affirmative and continuing effort to monitor race relations problems on base.

An important byproduct of the Committee's work has been a new awareness, on the part of many of the commanders of bases visited, of the necessity for greater efforts to eliminate remaining obstacles to equality of treatment and opportunity in the Armed Forces. For example, on visits to bases, Committee members noted a number of discriminatory practices. Such practices were often remedied forthwith when brought to the attention of the base commander by Committee members. This illustrates the value of expanded communications between Negro

military personnel and base commanders. Means must be found to keep base commanders informed of such conditions as they develop. It is clear to the Committee that only by fixing responsibility and establishing some means for monitoring these matters, base by base, can problems of discrimination, which will inevitably arise from time to time, be cured effectively and promptly.

At the present time, the absence of an effective procedure for dealing with complaints has led Negro personnel to complain to Congressmen and to various private groups such as the NAACP, and to broadcast letters, sometimes anonymous, to individuals and groups interested in racial matters. The investigation of these letters through the traditional Inspector General or Department of Defense channels is often fruitless. These authorities are not geared to handle such problems and too much time elapses, making it difficult to ascertain the facts.

There exists in the minds of many Negro personnel the fear that they will be subject to criticism and reprisal if they raise matters of this kind. Procedures must be developed which eliminate this fear and encourage them to present their complaints. Merely stating that reprisals are forbidden is not enough.

Some complaints will allege that a specific individual has suffered discriminatory treatment of some kind. Such complaints, involving matters relating to a single person, such as failing to be promoted, cannot ordinarily be investigated without disclosing the identity of the aggrieved individual. This is not true, however, where the complaint discloses a discriminatory condition on base, such as a segregated NCO club. Such conditions can be investigated and eliminated without the need for identifying a particular complainant.

It cannot be emphasized too strongly that prompt correction of what may appear on the surface to be minor examples of discrimination will contribute substantially to morale. Such actions will also serve to keep the standard of conduct which national policy has decreed before all individuals on the base.

B. Recommendations for improving communication with commanders

In order to improve the processing of complaints at the base level, procedures must be established which will encourage Negro personnel to present complaints of discrimination while eliminating the risk that they will be subject to criticism or reprisal for so doing. In order to accomplish this, an officer should be designated at each base to receive such complaints. This officer must have free access to the base commander or his deputy for the purpose of communicating and discussing complaints of discrimination. Commanders at bases must, of course, be held personally responsible for the effectiveness of the system and for conditions on the base. Discriminatory conditions may exist even where few complaints are made, and the commander should be held accountable to discover and remedy such conditions.

All personnel, officer and enlisted, should be free to contact the officer designated to receive complaints at any time, without the consent, knowledge, or approval of any person in the chain of command over them. Communications between servicemen and this officer should be privileged and service regulations should prohibit the disclosure of such communications or the identity of the complainant without the serviceman's consent.

The officer designated to receive such complaints should be carefully chosen to ensure that he is sensitive to problems of discrimination. The confidential nature of his duties in this area should be thoroughly explained to him and others, and he should be provided with a detailed manual of instructions. In view of his role as a confidential counselor,

consideration should be given to the designation of the local legal assistance officer as the officer to receive such complaints, but the base commander should be free to designate the officer best qualified for such duties, regardless of the officer's other duties. However, the officer so chosen must not be so burdened with other duties that he cannot effectively deal with complaints presented to him; he should be so situated that servicemen can contact and consult him in privacy; and he should be independent and free from intimidation by any person in the performance of his duties.

Under this system, all base personnel should be repeatedly and periodically advised of the identity of the complaint officer, and further advised of their right to present complaints. Service regulations should forbid attempts to discourage the presentation of such complaints or reprisals against complainants, and all personnel should be advised that such attempts, in violation of these regulations, will subject them to disciplinary action.

Such day-to-day efforts to discover and eliminate examples of discrimination at the base level should be checked and supplemented by periodic field visits from personnel from the Department of Defense who are skilled and sensitive in handling problems of discrimination and whose full-time energies are devoted to such problems. In this way, commanders' efforts can be measured. In addition, servicemen should be free, if they choose, to present their complaints to such visiting personnel and to contact the Department of Defense office to which such personnel are assigned if they so desire.

C. Examples of remaining on-base discrimination and recommendations for their elimination

Members of the Committee received complaints from Negro personnel concerning particular conditions existing at specific bases. These complaints were received orally during base visits and by letters from servicemen. The Committee has not had the time or the resources to conduct specific investigations into such complaints, nor did the Committee conceive that this was the role assigned to it.

Personal observations and interviews have, however, pointed to discriminatory conditions which do exist at some bases.³ These can be remedied and would appear to be of sufficient general consequence to be mentioned here, although conditions such as those discussed below are not the only ones which may exist nor are they prevalent on every base.

The Committee anticipates that if a better system of communication for dealing with racial problems suggestive of discrimination is established on base, and specific matters found on bases, such as those mentioned below, are given intelligent attention, many of the principal sources of irritation which reflect on morale, military efficiency and opportunity would be eliminated.

1. NCO and Service Clubs Require Careful Continuing Attention

One of the principal sources of difficulty arises in connection with the operation of on-base service and NCO clubs. The number and program of these clubs vary from base to base. Generally, they provide a place for gathering, refreshment, entertainment

³ Disturbing patterns of civilian employment at some military bases, both in the Federal civil service and in clubs, exchange facilities and other non-appropriated fund activities, have come to the attention of the Committee during its study. Since discrimination in Federal civilian employment is under continuing review by the President's Committee on Equal Employment Opportunity, these patterns have been called to the attention of that body.

and occasional dances. There is sometimes more than one NCO or service club on a base. At some bases, due to pressures brought by white personnel or other factors, forms of segregated service clubs have developed in practice. For example, the majority of Negro servicemen may gravitate to one club and white servicemen to another. Commanding officers have permitted this condition to be imposed by the wishes of a minority of white personnel and have not taken sufficient affirmative steps to encourage utilization of all clubs by all personnel who desire to do so.

At some service clubs, it is customary for the command, through professional or volunteer hostesses, to arrange for girls to come to the base for a dance or other entertainment. Although such service clubs are used by whites and Negroes alike, there are instances when too few or no Negro girls are brought to the base, thus creating unnecessary tensions. There is also evidence that on occasion civilian hostesses have imported onto the base from the civilian community attitudes which are inconsistent with Department of Defense policy. One of the most successful service clubs is that at an Army base in the South, operated by a very able Negro hostess, which attracts local volunteer workers and servicemen of both races.

These problems are not necessary and should be eliminated without delay. To do this, commanders should take affirmative action to insure that there is no de facto segregation or discrimination at any of these club facilities. In addition, Negro girls should be secured for dances, and greater care should be taken in the selection and training of hostesses and other civilian personnel operating service clubs.

2. Military Police Assignments Require Review

Another area of fairly common complaint involves the use of military police of all services on base, at the base gate, and on patrols sent from the base into nearby communities. At some bases Negro military police have not been used at the base gate because of possible objection by members of the white civilian community. At others, there are instances in which wholly Negro patrols are sent into Negro areas, but not into white areas, while integrated patrols are not used for off-base assignments. These problems are particularly sensitive ones because of the status and authority of the military police.

To the extent numerically possible, regular military police patrols should be assigned on a racially integrated basis, and there should be no distinctions based on race in any type of military police assignment. Sufficient numbers of Negro personnel should be included in military police units to permit such assignment policies to be effectuated. National and defense policy on integration should be clearly spelled out to personnel undergoing military police training and to those who train and supervise military police.

3. Base-Sponsored Activities Must Adhere to National Policy

The Department of Defense and the services have prohibited the use of their names, facilities, activities or sponsorship by any employee recreational organization practicing racial discrimination. However, policies have not been established concerning the participation of bands, sports teams, choirs, and the like, in activities off base. For example, no directive specifically prohibits the removal of Negro members from bands, choirs, marching units, or other military groups representing the base at off-base functions, where such removal is sought or suggested by community representatives.

Many base commanders on their own initiative have refused to permit groups from a base to participate outside the base in events where elimination or segregation of Negro personnel would be required because

of civilian attitudes. This has been a very healthy and desirable action. To remove Negro members from bands and choruses, as has been done on occasion, or from any other service creates an indefensible form of discrimination within the services.

Base commanders themselves have frequent opportunities to attend gatherings of local groups, as speakers or in other semi-official capacities. A number of these groups both practice segregation and support local segregation policies. Such attendance may serve a legitimate and useful function in furthering objectives of the services.

Where commanders limit their community activities to civic groups that exclude Negroes and favor segregation—as is often the case—they fall in their mission. The commander must not appear, by his speeches to such groups and his acceptance of awards from them, to condone conditions which are offensive to his men and injurious to the efficiency of his command.

To assure that these off-base functions do not undermine the atmosphere of equality developed on the base, all military commanders should be instructed to follow the lead of those who have refused to permit their personnel to participate in base-controlled activities outside the base where elimination or segregation of Negro personnel is sought. While commanders' discretion must guide their own attendance policies, they should be sensitive to avoid attending any function if such attendance might seem an endorsement of discriminatory civilian attitudes.

4. Freedom of Association and Expression Must Be Preserved

Another example of the influence which off-base civilian attitudes have on base is reflected in the efforts of some commanders to discourage interracial association by military personnel off base and to urge compliance with all forms of local segregation requirements. In some cases, it has been officially suggested, in effect, that friends segregate themselves off base in order to avoid local objections. In one case, it was reported that military police at the base gate systematically warned personnel that white and Negro personnel leaving the base together in private automobiles should not enter town together. In other cases, personnel have been advised to comply with local segregation policies without any protest, and have even been told that expressions of their views concerning such local policies may result in disciplinary action against them.

These actions by some commanders, restraining freedom of association and expression, are misguided and should be terminated.

5. Segregation in Transportation and School-buses Must Be Eliminated

A number of bases utilize local transportation facilities which run with some frequency between the base and the local community. Some of these local operators practice segregation. In a number of instances, buses while required to integrate during the period the bus is on base property, enforce a segregated pattern of seating immediately upon leaving the installation. Conversely, troops traveling to the base in segregated patterns may change seating only upon arrival at the base. In other instances, taxis which refuse Negroes transportation are permitted to serve the installation. Thus, servicemen are carried to and from the base in a segregated pattern wholly inconsistent with the existing pattern of integration on base.

There are few schools on military bases for dependents living on base. None of these schools serve all such dependents. As a consequence, dependents living on base are sent to local public and sometimes, private school systems. Where these public school systems are segregated, different transportation services are sometimes provided for

Negro and white students. As a consequence, during the school year separate buses for Negro and white children arrive and depart from a base daily. The white and Negro children live and play together on base and may have gone to school together on base. The enforced separation and differentiation which the segregated schoolbus system sharply exhibits is inconsistent with other conditions on base and is often the only example of on-base segregation. By appearing even in this fashion to support a segregated school system, the Military Establishment is lending support to a basically unconstitutional, and therefore, unlawful, condition.

These and any other examples of discrimination in transportation serving the base should be eliminated. Agreements should be sought with bus and taxi companies willing to provide nondiscriminatory transportation for servicemen. If such agreements cannot be promptly obtained, the services should provide other forms of transportation to terminate this indignity.

In addition, the services should make every effort to have local school authorities discontinue segregation of all school buses traveling to the post without delay. If such efforts should in any case be unsuccessful, immediate provisions should be made for transporting these children in military vehicles or under contractual arrangements with other carriers. This will entail some difficulty and expense, but the clear national policy of on-base integration requires it. Moreover, such action will daily carry to the civilian community a demonstration of the services' conviction that all such discrimination must disappear.

V. ELIMINATING THE SERIOUS OFF-BASE DISCRIMINATION BY CIVILIAN COMMUNITIES AFFECTING THE MORALE OF NEGRO MILITARY PERSONNEL AND DEPENDENTS

A. Civilian communities near base often segregate and discriminate against Negro military personnel

The hundreds of military installations within the United States cannot exist in isolation from surrounding civilian communities. The reasons are obvious and need be only briefly covered.

Military family housing on base is, generally speaking, assigned to eligible personnel on the basis of seniority. Such housing is not sufficient, in most instances, to house more than about one-half the eligible married personnel. At many bases there is relatively little on-base housing. Therefore, it is quite usual for many of the married personnel to live off base. Statistics from the Department of Defense indicate that there are within the United States approximately 405,000 families residing in various types of off-base community housing, in communities near the service members' places of duty.

As far as schools are concerned, the overwhelming majority of school-age dependents of military personnel use the local public school system, whether they live on or off base.

A family residing on or off base utilizes many of the normal community facilities for shopping and recreation. While the services have attempted in some degree to provide recreational opportunities on base—and there are, among other things, service clubs, swimming pools and theaters found in some of the larger bases—the limited and institutional character of these arrangements does not satisfy the needs of the military personnel. Apart from the natural desire of military personnel to exist free from command supervision, many families reside sufficiently far from the base to make on-base facilities of limited utility.

Although the Supreme Court has declared that laws requiring segregation of public school or other public facilities are unconstitutional, the Committee's studies have disclosed that a very substantial number of

communities neighboring military bases practice various forms of segregation. Segregation is found in varying degrees throughout the United States. In some communities local laws require segregation; in others the condition derives from custom and the wishes of the local population. The pattern of discrimination and segregation is, of course, particularly noticeable in the southern communities, but there are substantial variations from community to community and State to State. Forms of discrimination appear in many northern communities. Discrimination in housing is almost universal. Some bases established in States such as the Dakotas have confronted

forms of segregation and discrimination which have much of the same rigidity found in certain southern communities.

In addition to its personal examination of conditions in certain communities, the Committee requested the services to supply information indicating prevalence of segregation in communities neighboring to bases. Studies made by the Army and Navy or certain of their domestic installations and activities illustrate the typical pattern with which the Committee is concerned. The following table containing this information is illuminating; less complete analyses by the Air Force and Marine Corps indicate that their personnel confront similar patterns.

TABLE III.—SEGREGATION OF PUBLIC FACILITIES IN COMMUNITIES ADJACENT TO MILITARY INSTALLATIONS

Types of segregated public facility	Number of surveyed installations and activities with such segregated facilities ¹		Number of personnel stationed where facilities are segregated		Percentage of surveyed installations and activities with segregated facilities	
	Army	Navy	Army	Navy	Army	Navy
Public schools.....	48	143	178,109	58,500	24	25
Restaurants and bars.....	68	238	257,893	110,000	34	43
Theaters.....	63	223	232,301	105,000	31	40
Swimming pools.....	19	226	178,201	102,000	9	40
Golf courses.....	38	164	190,931	82,000	19	29
Beaches.....	10	203	128,502	90,000	5	26
Bowling alleys.....	32	194	205,901	103,000	16	35
Libraries.....	10	49	130,179	28,000	5	9
Public transportation.....	4	47	41,091	22,000	2	8
Hotels, motels.....	12	252	205,618	141,000	6	45
Churches.....	28	163	127,602	70,000	11	29

¹ The Army survey for this table covered 301 installations and activities, while the Navy survey covered 550. Each installation and activity surveyed had 100 or more military personnel assigned to it.

B. Community segregation and discrimination adversely affects service morale

A Negro officer or serviceman is, like all military personnel, subject to orders. On short notice he may be transferred to any base. This dislocation of his affairs is one of the disadvantages of military service. The time allowed is limited and orders are immutable.

When a Negro officer or serviceman is transferred to a base where the neighboring community practices substantial forms of segregation and discrimination, he immediately faces very special and difficult problems. Assuming, as is often the case, that he must live off base, he must look for a house or an apartment; he must then arrange for the schooling of his children; he must find transportation between home and base. In short, he must obtain for himself and his family food, shelter, and recreation in what to him is necessarily a new and unfriendly community. In making this transition he gets little help from the base or the community. He must cope with the problems as he finds them, on short notice.

Discrimination in housing confronts him immediately in most sections of the country. Private housing in many parts of town is not available. Many real estate agents will have nothing to do with him. He is forced to that part of town and type of housing occupied by Negroes. Here in many cases are structures well below acceptable standards, expensive, dirty, dilapidated—in all respects undesirable. Often Negro housing areas are farthest from the base. Almost always the available segregated housing is below the standard available for white military personnel. Frequently little or no housing is available and space is at a premium. After one or two nights sleeping in his family car or at an expensive Negro motel (if he can find one) he takes whatever turns up.

Schools are his next concern. Here again patterns of segregation often exist. Although he wears the uniform of his country, his dependents may be forced into segregated schools. In some communities near bases these schools are well below standards, overcrowded, distant from the base and otherwise undesirable. Whatever the quality of

the schools, and school conditions do of course, vary, his children, like himself, are again set apart, contrary to their wishes.

Usually the Negro officer or serviceman has few friends in the community where he is sent. He and his family must build a new life, but many doors are closed outside the Negro section of town. Drugstores, restaurants and bars may refuse to serve him. Bowling alleys, golf courses, theaters, hotels and sections of department stores may exclude him. Transportation may be segregated. Churches may deny him admission. Throughout his period of service at the particular base he is in many ways set apart and denied the general freedom of the community available to his white counterpart.

Many of these Negro military personnel are well educated, especially skilled and accustomed to home communities relatively free from discrimination. All of them have enjoyed the relative freedom from distinctions drawn on the basis of color which prevails on military bases. To all Negroes these community conditions are a constant affront and a constant reminder that the society they are prepared to defend is a society that deprecates their right to full participation as citizens. This should not be.

Letters from Negro military personnel bring these conditions into sharp focus. Visits which members of the Committee made to bases and their surrounding communities have served to give them special emphasis. Interviews with Negro military personnel reflect their gravity and the need for prompt action.

Complaints which the Committee has received, some in interviews and some written, show that for some Negro families, the pressures of community discrimination prove too great to bear. Homes are broken up by these conditions as Negro families coming from parts of the country which are relatively tolerant of color differences find themselves facing a situation which is both new and frightening. For them, the clock has turned back more than a generation. To protect their children and to maintain some degree of dignity they return home, and the husband is left to work out his service obligations alone. Other families never attempt

to venture into these conditions in the first place. Under either of these circumstances the Negro serviceman becomes consumed with the frustration of separation and the desire for transfer. And whether his family is with him or not, the indignities suffered in the community place a load upon his service career affecting both his interest and his performance.

The impact of community discrimination is not solely upon those who have families. Such discrimination creates another demoralizing condition affecting all military personnel. On base many of the artificial barriers caused by race disappear as Negro and white personnel work, eat, and sleep together. Friendships develop between Negro and white officers and servicemen. Normally these relationships would carry over into moments of liberty and recreation. But many communities do not tolerate relations between Negroes and whites. Leaving the base, they may not be able to ride the bus into town together, attend a movie, go bowling, get a coke at a drugstore or a beer at a bar or, indeed, even stroll through a public park. This sharp taboo which the civilian community seeks to impose is particularly intolerable and its effects unusually severe in view of the easy, normal relationships which develop on base under existing military policy. The contrast makes the discrimination more biting and affront more serious. Conditions such as these cause deep resentment among Negro and many white personnel.

The isolation caused by this type of blatant discrimination is felt keenly by the increasingly large group of Negro personnel whose education and training make the facilities available in the Negro areas of many communities unacceptable. There are many Negroes in the Armed forces who simply will not patronize the usual places of public recreation and accommodations available to Negroes in typical segregated communities. Judged by standards to which they have been accustomed at home, these places seem both shabby and disreputable. They will not accept them merely because no alternative is available. Their efforts to find forms of recreation and pursue cultural interests consonant with their background go unrewarded because of the barriers placed in their way by community attitudes.

It is not surprising, but most discouraging, to have to report that there are bases where Negro personnel confront such intolerable conditions off base that almost any device will be employed to effect a change in duty assignment. Applications for transfer,⁴ infractions of rules and a general contempt for the "system" are apt to appear. The effect on service morale and efficiency is apparent. The Committee's inquiries, including interviews with many base commanders, made it clear that the accomplishment of the military mission of a base confronted with such conditions is measurably impaired. There was general agreement among base commanders that the morale of both white and Negro troops suffers in the presence of such indignities and inequities. A practical program for dealing with off-base discrimination against Negro military personnel and their dependents is urgently required.

C. Base commanders lack adequate instructions and generally ignore off-base discrimination

The focal point of any practical approach to this most pressing problem is the base

⁴In order to maintain maximum utilization of manpower, the Services generally deny transfers to Negro servicemen when such transfers are requested upon the sole ground that they and their families are suffering racial discrimination in the communities where their places of duty are located. Exceptions may be made for particularly severe cases.

commander.⁵ He represents the military in the area. It is his duty to be concerned with the welfare of those under his command. He is in a better position than higher echelons to identify the particular discrimination forms prevalent in the community neighboring his base. On his shoulders should fall the primary responsibility for solving local problems.

The record of base commanders in dealing with such problems has not been impressive. Their failure in this regard stems from a number of causes.

While the failure can be explained by the absence of specific directives requiring affirmative programs, in part it stems from the attitudes and training which most base commanders bring to their jobs. As a group, they do not believe that problems of segregation and racial discrimination in the local community should be their concern. Base commanders express this view in various ways. That the authority of the base commander ends at the gate, that it is not his job to rearrange the social order, that it is not part of the military mission to change community attitudes, that any pressure would be misunderstood and merely stir up trouble, that questions of this kind should be left to the courts, that military personnel are traditionally nonpolitical and should not involve themselves in controversial questions.

The failure stems also from the nature of assignments to the job of base commander. Such assignments are for a limited tour of duty, often between 2 and 3 years. Rarely does a man serve as a base commander more than once. The base commander naturally looks upon his job as an opportunity to exercise military command on a substantial scale, thus providing important experience as he moves up the promotion ladder. Quite naturally he conceives of his job as overwhelmingly military in character, his mission being to develop the units and troops under his command to peak efficiency. While he has a multitude of duties, many of these may be delegated or subordinated to the priority which he feels must be given the strictly military aspects of his job, the aspects most familiar to him. His course of training as an officer has not been such as to bring him into contact with literature and experience in the field of equal opportunity. He operates without the guidance of persons experienced with such problems.

The typical base commander understands that he is expected to complete his limited tour of duty without disturbance. The problems with which he might become concerned in attempting to improve treatment of his troops off base are emotionally surcharged and controversial, as well as difficult to solve. He will not venture into this area without specific instructions.

The attitudes and background of the base commander influence the manner in which he utilizes the fairly well-established procedures by which commanders discuss certain types of problems with the neighboring civilian community. The various services' instructions concerning community relations suggest working through some sort of committee or council. The civilian members of such a group are often designated by the chamber of commerce, Rotary Club, or other civic group, or by officials of the local government, and rarely are Negroes represented. The base is represented by the base commander and certain officers designated by him.

⁵At some bases, there are commanders senior to the person designated as the base commander. Where this is true, the attitudes of the senior commander are naturally given great weight by the base commander. In such situations, the considerations discussed in the context of the base commander's functions apply with equal force to the role of this senior commander located at the base.

The principal function of the committee is to develop a smooth-working relationship on certain matters of obviously common concern, such as relations with local police authorities. Base commanders are instructed by directives, quite properly, to recognize the public-relations aspects of their jobs, to encourage parades and troop participation in civic affairs, and generally to project before the community a favorable image of the base and the service. It has not been the practice for these community relations committees to concern themselves with racial matters. Indeed, in most communities where there is a substantial Negro population and serious forms of discrimination exist, the leaders of the Negro community are not represented on the committees, nor are whites who are mindful of these problems. The commander, moreover, selects no Negro personnel to represent the base. As a result, the base commander has little or no contact with local discrimination problems.

The pattern which the Committee has observed is clearly one of inaction by base commanders in the face of serious discrimination affecting the morale and military efficiency of members of their commands. But while the base commander represents his service and the Department of Defense locally, it would be unfair to ascribe to him sole responsibility for the policy of inaction. If he has failed to pursue an active program, it is largely because no higher command has directed him to do so, provided him with guidance in developing a program, or assured him that he would be given support if his affirmative actions should incur the disfavor of the community.

It is true that the Department of Defense, in recognition of the off-base problem, has made some limited moves in the direction of improving conditions. Military police, for example, are not permitted to be employed on behalf of local authorities to support enforcement of racial segregation or other forms of discrimination. Where civilian authorities initiate legal action against military personnel arising out of the enforcement of segregation or discrimination policies, limited legal assistance may be provided on an ad hoc basis to assure that such personnel are afforded due process of law.

In the field of housing, a recent Secretary of Defense memorandum now provides that private housing leased by the services for assignment to military personnel may be obtained only where the lessor agrees that the services may assign it without discrimination. In dealing with the problem of segregated schools, the services are cooperating with the Department of Health, Education, and Welfare and the Department of Justice in a program designed to desegregate schooling in certain communities by constructing on-base schools and withdrawing payments made to local schools for educating dependents living on base.

These are, of course, policies for dealing with rather well-defined, specific problems. It is also important to consider direct instructions to bases giving general policies for attacking problems of discrimination. The existing instructions are found in the so-called Gilpatric memorandum, issued to all branches of the service by the Deputy Secretary of Defense on June 19, 1961, and reissued thereafter by each of the services, which reads in part, as follows:

"1. The policy of equal treatment for all members of the Armed Forces without regard to race, creed or color is firmly established within the Department of Defense.

"2. Therefore, in those areas where unsegregated facilities are not readily available to members of the Armed Forces in adjacent or surrounding communities, it is the policy of the Department of Defense to provide such facilities on military installations to the extent possible. In addition, local commanders are expected to make every effort

to obtain such facilities off base for members of the Armed Forces through command-community relations committees."

The policy announced by the second paragraph of this memorandum has not been carried out. While copies of this memorandum were distributed widely in the services, there was no well-developed plan for carrying out the program outlined in these general terms, and the words "to the extent possible" vitiated its effectiveness. Except in the Navy, the policy has not been incorporated in any of the relatively permanent types of directives which are referred to by those in the field for guidance in developing base policies. Equally serious, no service has issued detailed regulations or manuals implementing the policy, nor has any systematic effort been made to determine what, if anything, base commanders were doing to carry out its letter or spirit. Indeed, the great majority of base commanders interviewed were unaware of the existence of the policy. These procedures are fairly typical of the way in which most other policies in this area have been handled.

Apart from the Gilpatric memorandum, no directive or policy of any service specifically assigns to base commanders the responsibility for attempting to eliminate problems of discrimination in surrounding communities, where such problems affect the morale and military efficiency of members of their commands. The service literature dealing with community relations has not in the past discussed the problem; apparently no higher command has censured base commanders for policies of inaction; no effort has been made to identify and commend commanders who have made efforts to solve such problems; no one has suggested to base commanders that their achievements in dealing with such problems will be considered in rating their performance of duty and in promotion selection. It is not surprising, therefore, that the base commander, without instruction, experience or technical support, keeps his emphasis solidly on the military aspect of his mission. While some commanders assert that they have quietly urged desegregation "behind the scenes" and in the course of social contacts, few, if any, have regularly and systematically sought to solve problems of discrimination.

Despite the general climate of inaction, the Committee has seen some evidence of occasional efforts by individual base commanders to deal with off-base discrimination problems, efforts which have met with some success. One commander encouraged enactment of an equal accommodations law; another has attempted to desegregate multiple housing units; others have placed considerable emphasis on breaking color lines in sports contests in which the base is involved. Occasionally, local auditoriums have been thrown open to all servicemen in the face of an established pattern of exclusion and segregation. Efforts have been made to open up cultural events in communities to Negro personnel or to permit attendance at sports events, with nonsegregated seating. While, in many instances, in communities where segregation is practiced, segregated military police patrols are used—an undesirable practice—there has been some effort to use mixed military police patrols in white and Negro areas. Some commanders have been able to arrange desegregated transportation between the base and the nearby community, contrary to local practice. At least one commander started a program of meetings and discussions with local Negro civil rights leaders.

The examples given above are the rare exception, rather than the rule, but they offer an indication of the advances which a positive effort can achieve.

D. Recommendations for an urgently needed program

1. The Defense Department and the Services Must Redefine Responsibilities, Establish Goals and Provide Detailed Instructions

While any worthwhile efforts to eliminate off-base discrimination must center on the functions of the base commander, a redefinition of responsibilities at all levels of command in this field is an essential preliminary. It should be the policy of the Department of Defense and part of the mission of the chain of command from the secretaries of the services to the local base commander, not only to remove discrimination within the Armed Forces, but also to make every effort to eliminate discriminatory practices as they affect members of the Armed Forces and their dependents within the neighboring civilian communities.

As a part of this process of redefinition, a different concept of the base commander's functions in the racial field must be evolved. Interviews with base commanders have led the Committee to conclude that commanders desire more explicit instructions and clarification of their responsibilities in this regard. These commanders, concerned with morale factors, increasingly feel the need to act. Before they act, they need to have their responsibilities defined. They need more explicit orders and more detailed directives. These should be provided.

2. Commanders' Performance Must Be Rated, Monitored and Supported

Redefinition is, however, not enough. There is need for a continuing program in this area, a program which must be imaginative and persistent in order to achieve the desired equality of treatment and opportunity. It must be made clear to base commanders and others concerned with these problems that they will be measured in terms of their performance. A regular system of monitoring and reporting on progress should be instituted. It should be made clear that officers showing initiative and achievement in this area will enhance their performance ratings and obtain favorable consideration for promotion and career advancement. It is especially important that such officers be assured that they will not run the risk of official disfavor for their efforts and that they will receive the support of all echelons of command if their programs are attacked by local interests.

In implementing the program to eliminate off-base discrimination against military personnel, considerable care should be taken to insure that the policies of the Department of Defense are disseminated to lower echelons by the services in relatively permanent media of the type maintained for continuing reference by those responsible for operating military bases.

But it is not sufficient merely to state in directives, of whatever type, the substance of the foregoing policy. There has been a great failure of communications to bases of the attitudes and policies of the Department of Defense concerning discrimination. It will be necessary to emphasize and reemphasize that progress is required, and that a constant showing of serious, intense effort is the minimum performance accepted. While this attitude must be instilled in base commanders, it must also be part of the command philosophy of the many superior commanders who assign base commanders to duty, assess their performance, and necessarily influence their attitudes.

3. Command Training Programs and Manuals Should Treat All Aspects of Discrimination Problems and Solutions

Still other steps should be taken to insure that a sense of responsibility for problems of off-base discrimination replaces the prevalent

notion that matters outside the gate are of no concern to the base commander. The history of Negro participation in the Armed Forces and the problems which he confronts in the services must be emphasized and made a definite part of the curriculum at all levels of officer and command training. The services must insure that men reaching the position of base commander are familiar with the requirements of the Constitution and the history of the Negroes' struggle to achieve equality of treatment and opportunity. In addition, it would be beneficial for base commanders to attend regional and interregional seminars or conferences where discussions of techniques and results are featured. Base commanders and higher commands should be made aware of other Federal agencies which work with problems of discrimination and directed to cooperate with such agencies and to seek their technical assistance and advice.

Base commanders should also be provided a carefully prepared manual, which will guide their activities in this as yet unfamiliar area and fill some of the gaps in their experience and training.

4. Base Commanders Must Establish Biracial Community Committees and by This and Other Means Lead Efforts To Reduce Discrimination

An active program for eliminating off-base discrimination demands the creation of a wholly different working relationship between the commander and the local community in which discrimination is practiced. Solving such problems should be the means at his disposal in seeking solutions. One of the means base commanders should use to solve problems of discrimination is a committee of base and community representatives. But satisfactory results cannot be obtained by relying on the types of committees which have heretofore existed. Generally, these committees have represented a part of the white community, but not the community as a whole.

In the future the installation commander should be required to appoint such a committee in order to bring together leaders of both the white and Negro communities. He is in the best position to do this. Care should be taken to include individuals experienced and concerned with problems of racial equality, as a recent Navy instruction has noted, and to insure that the Negro members are those who are not, by virtue of their job or position, subservient to white interests. Both white and Negro military personnel should participate.

The committees should function as working committees, identifying problem areas in the community and working toward their solution with the guidance and help of committee members and with technical assistance from experts when appropriate. It will be necessary to establish specific objectives and a timetable against which results can be measured. Problems of housing will prevail everywhere, but exclusion of Negro military personnel from theaters may be the most pressing problem in one community, while exclusion from restaurants is the principal aggravation in another. Various types of recreational facilities may have special local significance because of their proximity to the base, the lack of adequate on-base facilities or other considerations. It will be necessary to move from objective to objective and these objectives will differ from community to community.

Each community has its own special traditions and history. In some, attitudes are more entrenched than in others. It is significant, however, that base commanders who have genuinely undertaken to accomplish progress in this area have met some degree of success, even in communities where feel-

ings are strong. Similarly, the progress of the national USO program to eliminate segregation in all its local facilities, discussed later in this report, shows that serious effort can produce results.

It is important to emphasize that the base commander's concern should be that of correcting forms of discrimination which interfere with the morale and efficiency of members of his command. The pattern the community choose to follow as to its own civilians cannot be accepted as the pattern which must be imposed upon men in uniform or their dependents, when that pattern is detrimental to military morale and efficiency. The significant tradition of non-involvement by military authorities in local political matters will be unimpaired if base commanders limit their concern to problems affecting the morale and efficiency of members of their commands.

It is the Committee's judgment that many communities are awaiting leadership and direction. Proprietors of local establishments and others who must live and work in the community may understandably hesitate to urge a change in existing customs. However, the enormous growth of relatively permanent military installations, scattered throughout the country and economically important to the communities which surround them, enables local commanders to supply some of the necessary leadership. The base commander not only enjoys an independence which permits him to do so; he can also point to the successful program of equality of treatment and opportunity which exists on his base and to the economic dependence of the community upon the base. The base commander should emphasize his concern for morale and the policy of the services concerning off-base discrimination in conferences with individuals, in his work with the local committee, and in public expressions of his views. Such an approach, stressing troop morale and efficiency, should lead patriotic citizens to join together, where their business interests are common, to find an appropriate solution.

5. Where Efforts of Base Commanders Are Unsuccessful Sanctions Are Available and Should Be Employed

It is important to consider what further steps may be necessary where efforts to achieve progress by persuasion and discussion are unsuccessful.

Litigation, brought in the name of the Federal Government, to open some types of public establishments to members of the Armed Forces and their dependents is one possible avenue for achieving integration. But even in those cases in which such litigation offers some hope of eventual success, it is piecemeal and time consuming at best.

A more satisfactory approach must be developed. Segregation and other forms of discrimination in facilities in a given locality, detrimental to the morale of Negro personnel at a neighboring military base, must cease. The commander should, of course, attempt by means available to him—community committees, persuasion, emphasis of the base's importance to the local economy—to eliminate such practices. In situations in which these efforts are unsuccessful, the commander should develop a plan under which military personnel of all races would be permitted to patronize only those facilities which receive his express approval. One of the requirements for such approval should be a guarantee from the proprietor that the establishment will be open to all servicemen and their dependents without regard to race or color, and that all patrons will receive equal treatment. Qualifying establishments might be issued a display placard or decal.

Approval of an establishment is not, of course, the final step. There must be procedures for dealing with complaints that approved establishments have not fulfilled

their guarantees, and for withdrawing approval if such complaints are substantiated.

Should all other efforts fail, the services must consider a curtailment or termination of activities at certain military installations near communities where discrimination is particularly prevalent. While compelling military considerations must prevail, it is often possible to conduct certain activities at any one of a number of locations. Where this is true, alternative communities' attitudes and practices should be carefully weighed. Such relocation of activities is particularly important at bases that play an important role in the training of new recruits or officers or in the orientation of representatives of foreign governments. The objective here should be preservation of morale, not the punishment of local communities which have a tradition of segregation.

In this context, one further comment is appropriate. The Armed Forces have, in the past, unfortunately not given attention to the important morale factors presented in off-base communities at the time that new installations are opened or changes made in the deployment of forces as between bases.

Where tactical considerations make a variety of sites eligible for consideration, the military decision should, among other things, strenuously emphasize the necessity of obtaining from the communities involved explicit guarantees against the continuation or establishment of patterns of discrimination against members of the Armed Forces and their dependents. At these moments of decision the economic well-being of the community will serve as a potent influence toward assuring the conditions necessary to maintain morale and efficiency.

6. Official Charged With Responsibility for Equality of Treatment and Opportunity On and Off Base Should Be Appointed in the Defense Department and the Services

It is not within the province of this committee to detail the administrative steps which are obviously necessary to carry out the type of program that has been outlined. Some general recommendations in this regard are, however, indicated.

It will be necessary to establish offices in each service to monitor developments and to provide assistance. Trained individuals must be in frequent contact with the bases involved. Overall policies must be guided by an official within the Department of Defense whose full-time responsibility is the program for assuring equality of opportunity and treatment for servicemen. This official should have a full-time, biraacial staff skilled in dealing with deprivations of equality, and should, in addition have access to consultants who have broad experience in dealing with racial discrimination. Procedures must be devised to bring the base commander into close working relationship with other Federal bodies concerned with problems in this area, and with local groups working to eliminate forms of discrimination. All of the resources of the Federal Government should be made available to him and brought to bear on the intelligent solution of specific problems.

VII. EFFORTS OF THE USO TO ELIMINATE SEGREGATION AND DISCRIMINATION

It is appropriate at this juncture to comment briefly on some recent developments affecting the United Services Organization, commonly known as the USO. The USO, which operates some 130 clubs in the United States, is a voluntary civilian agency established for the purpose of assisting the Armed Forces. It does so by providing recreational and entertainment facilities and programs for servicemen in various communities. Operating on a nonprofit basis, it collects its funds largely through private donations in a number of communities throughout the United States. No Federal funds support the program within the United States. Quite naturally, the USO has a close working relationship

with the Department of Defense, which is represented on its board of governors.

In January 1963, the USO board of governors determined to implement more aggressively a policy, long established by the USO, designed to assure operation of all its facilities without distinctions based on race, color or national origin. The USO is now in the process of adjusting its program and devising methods to make maximum service possible on a nonsegregated basis to all members of the Armed Forces. It has determined that it will not sponsor, operate or finance anything other than integrated USO facilities in any community after 1963.

This new policy involves various adjustments at clubs in 20 communities located chiefly in Florida, Georgia, Texas, South Carolina, and Virginia. Since January a number of clubs have integrated and established new programs. The Department of Defense and the commanders at the installations affected have agreed to cooperate with the USO in carrying out its program. As a result of those measures, it is expected that all local USO clubs will be operating on an integrated basis by the end of the year. This Committee has been in close touch with the USO throughout this program and comments its efforts, which it will continue to observe in the forthcoming months.

VII. THE UNAVAILABILITY OF SUITABLE HOUSING FOR NEGRO MILITARY PERSONNEL AND RECOMMENDATIONS FOR IMPROVEMENT

Representatives of the services are unanimous in characterizing undesirable family housing conditions as the most serious problem affecting the morale of military families of all races. Some measure of the gravity of this problem is suggested by a complete 1962 Department of Defense survey which shows that of the 487,408 military families not living on military installations, 181,635 live in quarters which are below service standards in some fashion.⁶ Bad as the situation is for all personnel, it is much worse for Negroes who face discrimination in housing throughout the United States. Unfortunately, the Department of Defense is not at present acting with vigor or sensitivity in this area.

The full scope of housing problems encountered by Negro personnel off base cannot be determined from available figures. These figures are based on an annual questionnaire on family housing which does not include questions identifying the race of the family or the nature of the neighborhood in which the family lives. Neither does the questionnaire inquire into difficulties stemming from discriminatory off-base housing practices. Modification of this questionnaire to develop such information is essential if Negro housing problems, as an important element of overall housing problems, are to be adequately assessed. In planning Government owned or controlled housing, the information developed from the modified questionnaire should be fully utilized to insure that estimates of the availability of housing in the community and standards for determining the adequacy of such housing gave appropriate weight to discriminatory housing practices.

⁶ Of these 181,635 families, 74,250 families live in housing which is substandard because of the condition of the dwelling or inadequate size for the family unit. An additional 27,284 families live at a distance from the base which is considered excessive by Department of Defense standards, and 80,101 live in housing whose cost exceeds the allowance for quarters paid the serviceman. The first figure given does not include 23,859 families who desire to live near the duty station of the service member, but cannot because of the unavailability of adequate housing.

If this is done, construction of additional Government-owned or controlled housing units at installations where housing problems are severe can be properly planned to help alleviate the problem of discrimination in housing. Any new units should, of course, be occupied on an integrated basis as other military housing is now occupied.

Furthermore, in order to provide a fair opportunity for all servicemen eligible for on-base housing to obtain such quarters, it may be desirable in some instances to assign on-base housing by allotting blocks of housing to certain specific enlisted grades, as is now done occasionally.

That little has been done at the base level to increase the amount of housing available to Negro personnel reflects the absence of any helpful policies or guidance from the services or the Department of Defense dealing with this problem. While discrimination in housing is not susceptible of easy solution, there are a number of steps which, if utilized, can bring improvement in the off-base housing situation.

Some of these steps will be informal in nature. For example, base housing officials and base commanders should stimulate interest among private builders in developing multiple units available without regard to race. Equally important are concerted efforts to develop and maintain lists of private housing available without regard to race, by means of a canvass of units available in the community. Such lists, kept current and open to all personnel, would help to avoid the embarrassment and wasted effort which results when each Negro serviceman seeking housing has to rely on his own investigation and efforts.

Other steps of a more formal nature should also be vigorously pursued. The leased housing program currently available to the Services has, in the past, been generally limited to providing housing for personnel assigned to jobs whose tactical significance required them to live near their place of duty. Such housing can now be obtained for personnel not holding tactical positions. Under this program, privately owned units are rented by the service and assigned as public quarters to military personnel, who then forfeit their quarters allowance. The advantage of such a program include both utilization of the private housing market and speed and flexibility in adapting to changing conditions. This program should be expanded and applied more vigorously in tactical and in nontactical situations, where necessary, to minimize the effects of discriminatory housing practices. While current directives require that the lessor consent to nondiscriminatory assignment, it will naturally be necessary for the services to insure that the housing to which Negroes are assigned is not in substandard neighborhoods.

Section 810 of the National Housing Act has recently provided for FHA insurance of multiple-family housing to be constructed on the basis of military need. However, the number of units currently authorized is far too small to have any significant effect on Negro housing problems. This program, too, should be enlarged and made more flexible. Here, again, the agencies of government responsible for approving construction of this so-called "810" housing should weigh, with other considerations, the incidence of discrimination in housing near bases.

New housing, to be insured by the Federal Housing Administration, will be subject to the mandatory nondiscrimination provisions of the recent Executive order on equal opportunity in housing. The services should insure that lists of such housing are made easily available to all personnel at the base level. Any discrimination in this housing should be promptly reported by the base to the FHA, the Department of Justice and the President's Committee on Equal Opportunity in Housing for proper action.

As an essential part of a meaningful program, base commanders will have to utilize their good offices and those of other involved Federal Agencies, as directed in the Executive order, at every opportunity, in order to promote the abandonment of discriminatory practices in housing.

Some States and local communities prohibit discrimination in certain types of housing. For example, at least 17 States, including California, New Jersey, New York, and Pennsylvania, have laws to this effect. Information on such requirements, including the agency of the State charged with their enforcement, should be made accessible to base commanders and housing officers, who should be responsible for utilizing procedures available through such agencies for eliminating discrimination in housing.

The inexperience of base housing officers in attacking discrimination problems makes it necessary that rather detailed regulations and manuals be prepared, outlining the steps to be taken and the avenues to be explored. In discussing recommendations for a vigorous program, the Committee remarked on the need to impress upon responsible officials

that serious, continued effort in dealing with equal opportunity matters is required. Those remarks apply with equal force here.

VIII. EDUCATIONAL OPPORTUNITIES FOR NEGRO MILITARY PERSONNEL AND DEPENDENTS AND RECOMMENDATIONS FOR IMPROVEMENT

Many military personnel are stationed at locations where segregation is practiced in the schools of the nearby community. This condition is not only unlawful under the Constitution but it operates against the military program of equal treatment and opportunity and is inconsistent with the patterns of integration which exist on base. Traditionally, the military has not provided on-base schooling in any substantial degree. Where such schooling is provided, it is, of course, integrated and is specifically for dependents of personnel living on base. Thus, the great bulk of school-age dependents of military personnel, whether living on base or off base, attend local public schools.

The extent to which segregated public schooling exists in communities neighboring military installations is suggested by the following statistics.

TABLE IV.—SEGREGATED PUBLIC SCHOOLING SERVING CHILDREN OF SERVICE PERSONNEL

	Army	Navy	Marine Corps	Air Force
Number of installations or activities (with 100 or more assigned military personnel) in areas where public schools are segregated.	48	143	4	53
Number of military personnel assigned to such installations and activities.	178,109	58,500	47,956	159,691
Percentage of all service installations of this size in such segregated school areas.	20	25	5	18

There are probably about 200,000 to 210,000 school-age dependents, including perhaps between 15,000 to 20,000 Negro children, of the military personnel assigned to those bases referred to in table IV above. Usually the majority of school-age dependent children attend off-base schools. Negro military personnel expressed deep resentment about school segregation to the Committee during its visits. One letter reported that a serviceman had decided to send his wife and child home, leaving the serviceman alone at a base more than a thousand miles away, to avoid segregated schooling. Undoubtedly, others have done likewise.

The Federal Government has already begun steps to ease the problems. Where children living on base attend off-base locally operated schools, such schools in some cases receive Federal financial assistance. The determination of the Secretary of Health, Education, and Welfare that segregated schools do not provide suitable education for military dependents living on base will result in the establishment of a number of schools on-base, with a consequent withdrawal of students and funds from the schools of the community. These on-base schools, which can under existing law serve only children living on base, leave untouched the needs of the large numbers of military dependents who must live off base. Federal financial assistance is also being furnished in some cases to schools serving dependents who live off base, but whose parent works on base; the Secretary of Health, Education, and Welfare has determined that such payments must, under current law, be continued despite segregation in the schools receiving payment.

Suits initiated by the Department of Justice in the name of the United States, now pending in the courts, will, if successful, compel the integration of other schools serving military dependents, including dependents who live off base. If the right of the United States to bring such suits is upheld, the burden of supporting desegregation suits can be lifted from the shoulders of individual Negro servicemen. But such litigation is by nature long drawn out and piecemeal.

The children of our military personnel should not be compelled to wait. Their needs

are immediate and should receive more attention. Legislation requiring desegregation of all public schools receiving Federal assistance which serve dependents of military personnel is urgently needed. As public schools are desegregated—through such legislation, through litigation, through efforts of the base commander, or by other means—local commanders should insure that children of Negro military personnel are promptly placed in such recently desegregated schools. In accomplishing this, the full power and influence of the base commander and of the service should be placed squarely on the side of Negro parents as they attempt to overcome the administrative barriers which often accompany desegregation. Token integration is only a first step toward satisfactory progress; efforts must not be considered successful until dispersion of children of Negro military personnel within the local school system is complete.

There are several aspects of military education programs conducted in, by or through civilian schools which also require comment. A variety of opportunities exist by which an enlisted man or officer may improve his education and hence enhance his opportunity for advancement. Efforts have been made by the Armed Forces to provide this education to Negro personnel as well as to others.

However, some of these programs involve direct agreements or contracts between the services and segregated secondary schools or institutions of higher learning. For example, some of the Army's junior ROTC and National Defense Cadet Corps units are located in segregated secondary schools. All of the services have ROTC units and fully subsidized professional education programs in segregated institutions of higher learning. These arrangements should not be continued. There is no readily apparent reason why similar arrangements to afford the types of education here involved cannot be made with institutions which have desegregated. Fortunately, the number of segregated institutions participating in military education programs is not so large for any service that the recommended alterations of programs should cause serious difficulties.

The services also have programs designed to permit full-time college attendance by personnel who need only a semester or a year of college work to qualify for a degree. Some personnel involved in this program are attending segregated institutions. To require these personnel to complete their work at a college other than the one previously attended would cause complications because of the difficulty of transferring credits and the different curricula involved. The Committee does not feel that those limited, special situations need be altered. It does not follow, of course, that personnel with no record of prior attendance at a segregated college should be permitted to complete their degree requirements there when integrated colleges are available.

In addition to these programs all of the services subsidize in part so-called off-duty education programs. Many service personnel afford themselves the advantages of such programs. However, some cannot because of segregation policies at certain institutions. At a few bases, where only white schools are available for this program and yet sufficient numbers of Negro personnel would participate if they could, integrated courses have been arranged on base for all personnel. These examples are highly commendable, and this practice should be required whenever similar segregated conditions exist together with sufficient numbers of interested Negro and white personnel. This practice should result in continuing minimization of use of segregated institutions in the off-duty program.

There are occasions, however, when courses are not arranged because of the limited number of Negroes present. While these determinations are administrative in character and are in no way intended as a form of discrimination, the Committee feels that under no circumstances should any Negro desiring to improve his education be prohibited from doing so because of the unavailability of schools. The very lack of such opportunities will keep Negroes from moving into technical and other nonservice occupational areas as mentioned earlier in this report. Where it is not feasible to establish on-base courses, and off-base schooling is not available, Negroes desiring additional education should be freely given the opportunity for transfer to or temporary duty at other locations.

There are compelling reasons for the Committee's recommendations regarding service educational programs involving segregated civilian institutions. First, of course, service funds should not be provided for these programs to State-controlled schools conducted in a manner offensive to a clear constitutional requirement, particularly one so oft-pronounced. Second, officer and enlisted personnel should not be trained in an environment which fosters among its members a policy opposite to, and at loggerheads with, that of equality of treatment and opportunity for all military personnel. To produce men trained for leadership under such conditions will make the job of correcting current problems more difficult for years to come. Finally, of course, Negro personnel who desire to partake of these educational opportunities should not be barred from doing so, for if they are, their careers and usefulness will be stunted to that extent.

In summary, then, as Armed Forces operations have become more complex, the importance of education of military personnel has been accentuated. This trend will undoubtedly continue. Full utilization of available talent—Negro or otherwise—demands that education programs contain no features which limit the opportunities of any personnel.

IX. RECOMMENDATIONS INVOLVING RACIAL DATA

All of the services have, in one form or another, an indication of each serviceman's race. This information is usually obtained

at the time a man enters the service and accompanies his personnel file, together with other basic data such as educational history, experience, etc. While the Committee believes that the presence of racial information in promotion files is undesirable for the reasons indicated elsewhere in this report, it has been handicapped in its work by an almost complete absence of current statistical reports which would permit measurements of such elementary matters as recruitment, promotion or assignment of Negroes. Such information is lacking in a readily available form at the installation level in many cases, as well as at major command and headquarters levels generally. Special questionnaires and detailed statistical studies undertaken by the services provide the basis for this report. A substantial amount of time and money have been required to develop them.

The entire problem of racial statistics is a controversial one because they can be used both for proper and improper purposes. It is the Committee's opinion that sufficient controls on such data can be devised to insure that they are used only for proper purposes. Accordingly, with such controls, the services should provide for the maintenance of centralized racial data which may be availed of under special circumstances to measure progress in achieving the equality of treatment and opportunity which national policy requires. Racial entries should not be maintained in records which accompany the servicemen, or on other records routinely available to those who rate, assign or promote personnel.

It is essential as Negroes are increasingly recruited into the Armed Forces, that their assignments be consistent with their skills, and that they receive appropriate recognition through promotions. The process has been, and presumably will be, gradual, although far greater acceleration is required than has been exhibited in recent years. Only with the availability of informative statistical information, subject to constant and penetrating review by the appropriate officials, will it be possible to determine, except through great expenditure of time and money, whether the desired progress is being achieved. Such statistics also will point up special areas within this general field which require attention.

X. ASPECTS OF DISCRIMINATION UNDER FURTHER STUDY

This initial report covers a substantial portion, but not all, of the work assigned to the Committee. Three specific areas are now under intensive study and will be the subject of a further report. These involve problems of segregation and discrimination in the National Guard and the Reserves and problems of inequality of treatment and opportunity affecting Negroes at installations overseas. In addition, consideration must be given to areas of possible discrimination and inequality of treatment affecting individuals of other races and creeds serving in the Armed Forces.

While pursuing these matters to completion, the Committee will maintain close contact with the Department of Defense and the Armed Forces on matters covered by this report. The services are reviewing existing procedures and policies, and there is every prospect that affirmative action will be taken in many of the areas suggested. As these and other steps are taken, their effectiveness will be measured by the Committee during its tenure.

The Committee is mindful that the Armed Forces are an ever-present symbol of our democracy. Both at home and abroad, they must be leaders rather than followers in establishing equal opportunity. To the extent they practice and preach equality without regard to race, creed, color, or national origin, they provide a standard by which communities at home may measure their own conduct and against which citizens of

other lands may judge our adherence to the principles of equality we advocate.

Respectfully submitted.

NATHANIEL S. COLLEY,
ABE FORTAS,
GERHARD A. GESELL,
Chairman.

LOUIS J. HECTOR,
BENJAMIN MUSE,
JOHN H. SENGSTACKE,
WHITNEY M. YOUNG, JR.

Attest:

LAURENCE I. HEWES, III,
Committee Counsel.

For the convenience of Members, I insert clippings from the local papers reporting the racially motivated murder of two young Marine officers together with a report from the Legislative Reference Service of the Library of Congress indicating the disposition of the case. I point out specifically that Judge Gesell directed the jury to find the Negroes not guilty of first degree murder in this killing.

[From the Washington (D.C.) Evening Star,
June 5, 1968]

TWO SLAIN IN SHOOTING ON M STREET

Two young marine lieutenants were fatally shot and a third officer and a young woman were wounded early today in a burst of gunfire at a Georgetown hamburger shop.

Police arrested three men a block from the scene, the Little Tavern at 3331 M St. NW, and charged them with homicide. The three, all Negroes, gave California addresses.

One told police he had come to Washington late last week to join the Poor People's Campaign. He told police he was living in a 14th Street apartment and not at Resurrection City.

POLICE LIST NAMES

Police listed the dead officers as Lt. William King, 21, and Lt. Thaddeus Lesnick, about 20, who had come to Washington with three other officers late last night after a social function at the marine base at Quantico, Va.

The wounded man, police said, is Lt. Ellsworth R. Kramer, 26, who suffered a scalp wound. The young woman with him, Barbara Kelly, 28, of the 1800 block of Metzertott Road, Adelphi, Md., was shot in the hip.

All the victims are white.

Charged with homicide are Gordon Alexander, 27, and Cornelius Frazier Jr., 23, both of San Jose, Calif., and Benjamin Murdock, 20, of Los Angeles.

The other two lieutenants from Quantico were identified by police as Daniel LeGear Jr., 26, and Frank R. Marasco, 23.

According to police, the five officers came to Washington still in their dress white uniforms, visited a Georgetown night spot and called on some friends.

Finally the five, accompanied by Miss Kelly, went to the hamburger shop and were at the counter when some words were exchanged with three men after one of them made a remark about the name of one of the Marine officers, displayed on his uniform, police said.

POLICE CONVERGE ON AREA

The three civilians left, but returned in a matter of minutes and shooting began, police said. Police said they later recovered two guns. One witness reported that nine shots were fired.

Police converged on the area after the shooting, which took place about 3 a.m. Pvt. Junior Webster, alone in a scout car, said he heard the shots and took off after a Mustang racing from the scene and captured the three suspects.

Lesnick was pronounced dead at 3:15 a.m. at George Washington University Hospital, and King at 3:50 a.m. at Georgetown University Hospital.

Kramer was taken to the GWU hospital and later moved to Bethesda Naval Hospital where his condition was called satisfactory. Miss Kelly was in the GU hospital also in satisfactory condition.

Police identified Alexander as the suspect who said he had come here to join the Poor People's Campaign. They quoted him as saying he did not come East with the other two suspects but became acquainted with them here.

[From the Washington (D.C.) Evening Star, Feb. 19, 1969]

SURVIVING MARINE TELLS OF M STREET KILLING OF TWO

(By Donald Hirzel)

A racial taunt led to the slaying of two young Marine officers and the wounding of a third in a Georgetown Little Tavern last June, the surviving Marine told a District Court jury yesterday.

Second Lt. Ellsworth R. Kramer, 26, of Arlington, was the first major witness to take the stand for the government in the trial before Judge Gerhard Gesell of Gordon Alexander, 27, of San Jose, Calif., and Benjamin Murdock, 20, of Los Angeles.

They are charged with the murders of Second Lts. William King Jr., 21, of Orlando, Fla., and Thaddeus Lesnick, 23, of Fishtail, Mont.

In addition, each is charged with four counts of assault with a dangerous weapon and one count of carrying a pistol without a license.

Kramer testified that he and four fellow Marines from Quantico, Va., and a girl entered the Little Tavern Restaurant, 3331 M St., NW, about 3 a.m. June 5. As they entered he noticed three men seated on stools at the counter.

The Marines and the girl stood at the take-out counter near the door and ordered hamburgers and coffee.

Kramer said one of the seated men, later identified as Alexander, kept staring at him and he stared back. He said the three were dressed "eccentrically," explaining that they had African bush haircuts and goatees.

"Alexander looked at me steadily," Kramer said. "I returned the look. We stared at each other for an indefinite time."

He said Alexander may have found the white dress uniforms the Marines were wearing as eccentric as he found their appearances to be.

Kramer said he turned to the counter and felt a tap on his shoulder and turned around to face Alexander, who tapped Kramer's nameplate on his tunic and said: "Kramer, do you want to come outside and talk about it more? I'll turn you into a Little Red Riding Hood."

Kramer said he later learned the term "Little Red Riding Hood" meant that Alexander intended to "bloody me." Even though he did not know the term at the time, he said, he took it to be a threat.

At this moment, according to Kramer, King stepped to his side and said: "What do you goddamned niggers want?" Kramer said Alexander reached into his coat and pulled out a revolver, cocking it as he pointed it at arm's length at King. Kramer said Alexander replied, "I'll show you what I want."

Murdock, who had gone out the door with the third man who had been seated at the counter, returned at this moment and "then shooting began," Kramer said.

Kramer was not able to tell who fired the first shots, but William H. Collins Jr., an assistant U.S. attorney prosecuting the case, said in his opening statements that the government would attempt to show that only Murdock's weapon was used.

Kramer said he felt a "strike to the head" and fell with a scalp wound.

"As I was dropping to the deck (the floor)

I looked to Murdock. He was in a crouch and was firing . . ."

Kramer said Alexander and Murdock ran out the door with Murdock still shooting. Kramer then tried to assist the two Marines who had been shot, he said. They were dead on arrival at the hospital.

Prosecutor Collins in his opening statement said the defendants were arrested a short time later in their car in the 3300 block of N Street NW. The third man in the restaurant with the defendants was Cornelius Frazier Jr., 23, also of San Jose, who originally was arrested on a murder charge but was never indicted.

The trial resumes today.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., June 13, 1969.

To Hon. JOHN R. RARICK.

From American Law Division.

Subject: Slaying of marines in Georgetown cafe, summer 1968.

This will refer to your request of June 5, 1969, on behalf of a constituent, who wishes to know what happened to the killers of the two Marines in a Georgetown hamburger shop.

Two persons were accused of the slaying of the two Marines; they were Benjamin Murdock and Gordon Alexander, members of a Poor People's group from the West Coast. According to the Washington Post for February 27, 1969, Murdock was convicted of a second degree murder on February 26, 1969 in United States District Court for the District of Columbia (Criminal Number 1130-60); Alexander was acquitted of this charge, but convicted of criminal assault. The presiding judge was Judge Gesell. Murdock was committed to St. Elizabeth's Asylum for psychiatric tests to determine his mental condition at the time of the killing and Judge Gesell said that he would take the psychiatric reports into consideration at the time of sentencing. There is no further action in the Murdock case, according to the Criminal Clerk's office.

Gordon Alexander was acquitted of the charge of second degree murder, but convicted on several counts of criminal assault. Judge Gesell deferred sentencing Alexander until a report was made by the Probation Department and ordered him returned to jail in the meanwhile. On April 11, 1969 Alexander was sentenced from two to ten years on counts 3 and 4 of the indictment to run consecutively; to from one to three years on counts 5 and 6 to run concurrently; and to one year on count 7 to run consecutively with the other counts. A notice of appeal has been filed. On May 21, 1969 a motion for bond pending appeal was denied. There is no further record.

HUGH C. KEENAN, Jr.,
Legislative Attorney.

The judge's recent dismissal of the abortion charge against a local physician, who has had frequent prior difficulties with the law, has attracted national attention. The New York Law Journal considered it important enough to reprint his decision on its front page. The decision lays the groundwork to give the District of Columbia a new and profitable industry by making it an abortion mecca for the Nation.

CONSTITUTIONAL LAW—ABORTIONS—STATUTORY LANGUAGE REQUIRING HOLDING OF CRIMINAL LAW UNCONSTITUTIONAL FOR VAGUENESS

Title 22, Sec. 201 of the District of Columbia Code makes it a felony for anyone to abort a woman unless the operation is performed under the direction of a licensed physician and is necessary for the preservation of the mother's life or health. The de-

fendants, a physician and a nurse's aid, moved to dismiss an indictment for abortion on constitutional grounds. In view of ample evidence that infection and death may result from unskilled terminations of pregnancy it is within the police power of Congress to require abortions to be performed by a licensed physician. That portion of the statute is separable and is permitted to stand. The remaining exception is vague. It fails to define "health" and does not indicate whether it includes varying degrees of mental as well as physical health. Decisions of the Supreme Court indicate increasingly that a woman's right of privacy may well include the right to remove an unwanted child, at least in the early stages of pregnancy. The indictment is dismissed as to the physician and the motion to dismiss, as to the nurse's aid, is denied. Prompt appeal to the United States Supreme Court is highly desirable.

UNITED STATES OF AMERICA V. MILAN VUTCH—
UNITED STATES OF AMERICA V. SHIRLEY A. BOYD
(Decided Nov. 10, 1969)

Gesell, J.—These cases involve motions to dismiss indictments for abortion brought under title 22, section 301, of the D.C. Code. Vutch is a physician licensed in the District of Columbia; Boyd is a nurse's aide. There is no relation between the two except that each defendant has moved to dismiss the indictment on the ground that the District of Columbia abortion statute is unconstitutional. The elaborate briefs, replete with authorities and background materials, have been considered, including the brief amicus of the American Civil Liberties Union. The arguments having been completed today, the court is prepared to rule from the bench because of the public urgency of the matter.

While there have been many prosecutions under this statute over the years, there are very few decisions interpreting it and none of recent vintage. Apart from the wording of the statute itself there is no significant legislative history giving any indication of the underlying congressional intent, either at the time of enactment or subsequent amendment. As far as can be ascertained, this is the first constitutional challenge of the statute and the issues presented in these motions have not been decided in this jurisdiction. The court has taken judicial notice of the materials cited in the briefs, but they are of such common understanding that they need not be elaborated on here in any detail.

The statute in question was originally enacted as part of the District of Columbia Code of 1901 and thereafter reenacted with only slight modification. It provides in pertinent part:

"Whoever . . . produces an abortion . . . on any woman, unless the same were done as necessary for the preservation of the mother's life or health and under the direction of a competent licensed practitioner of medicine, shall be imprisoned. . . ."

A felony penalty of from one to ten years is provided.

Basically the motions attack the statute for vagueness, allege that its practical operation denies equal protection to certain economic and other groups subject to its sanctions and assert a constitutional right of all women, regardless of their circumstances, to determine whether or not they shall bear a child. Constitutional doctrines of recent evolution or referred to by analogy to reinforce the motions.

The statute does not prohibit all abortions. An abortion is permitted where done "as necessary for the preservation of the mother's life and health" and "under the direction of a competent licensed practitioner of medicine." This two partite exception clearly points up a basic congressional concern with what may broadly be said to be medical factors. The court has a duty to interpret the statute in a manner consistent with the ap-

parent congressional intent. As the briefs and arguments have emphasized, there are still many health or medical problems created by the varying conditions under which abortions are performed. While there have been many advances in medical knowledge and techniques since 1901, there is nothing before the court which establishes that abortions may be safely and hygienically performed at various stages of pregnancy except under medical direction. Indeed, there is ample evidence, and the parties so assert, that infection and death still often attend clumsy, unskilled terminations of pregnancy performed by non-physicians.

Under these circumstances, it was and still is well within the police power of the Congress to outlaw abortions that are not performed under a "competent," that is, a qualified, licensed practitioner of medicine.

The true crux of the controversy here concerns the other part of the exception—"as necessary for the preservation of the mother's life or health." It is suggested that these words are not precise, that, as interpreted, they improperly limit the physician in carrying out his professional responsibilities, and that they interfere with a woman's right to avoid childbirth for any reason. The word "health" is not defined and in fact remains so vague in its interpretation and the practice under the act that there is no indication whether it includes varying degrees of mental as well as physical health. While the law generally has been careful not to interfere with medical judgment of competent physicians in treatment of individual patients, the physician in this instance is placed in a particularly unconscionable position under the conflicting and inadequate interpretations of the D.C. abortion statute now prevailing. The Court of Appeals established by such early cases as *Peckham v. United States* (96 U.S. App. D.C. 312, 1955, cert. denied, 350 U.S. 912), and *Williams v. United States* (78 U.S. App. D. C. 147, 143), that upon the government establishing that a physician committed an abortion the burden shifted to the physician to justify his acts. In other words, he is presumed guilty and remains so unless a jury can be persuaded that his acts were necessary for the preservation of the woman's life or health. These holdings, which may well offend the Fifth Amendment of the Constitution, as interpreted in recent decisions such as *Leary* (395 U.S. 6, 1969), and *Gainey* (380 U.S. 63, 1965), also emphasize the lack of necessary precision in this criminal statute. The jury's acceptance or nonacceptance of an individual doctor's interpretation of the ambivalent and uncertain word "health" should not determine whether he stands convicted of a felony, facing ten years' imprisonment. His professional judgment made in good faith should not be challenged. There is no clear standard to guide either the doctor, the jury or the court. Nobody of medical knowledge delineates what degree of mental or physical health or combination of the two is required to make an abortion conducted by a competent physician legal or illegal under the code. Other uncertainties in the phrase "as necessary for the preservation of the mother's life or health" are discussed and documented in *People v. Belous* (80 Cal. Rep. 354, 1969), and need not be repeated here.

Thus the phrase under discussion will not withstand attack for it fails to give that certainty which due process of law considers essential in a criminal statute. Its many ambiguities are particularly subject to criticism for the statute unquestionably impinges to an appreciable extent on significant constitutional rights of individuals.

At common law abortion prior to quickening was not an offense. In fact, abortion did not become a statutory crime in the United States until about 1830. It has repeatedly been held, even under the D.C. statute, that

the woman who aborts commits no offense (*Thompson v. United States*, 30 U.S. App. D.C. 352, 1908). There has been, moreover, an increasing indication in decisions of the Supreme Court of the United States that as a secular matter a woman's liberty and right of privacy extends to family, marriage and sex matters and may well include the right to remove an unwanted child at least in early stages of pregnancy (*Griswold*, 381 U.S. 479, 1965; *Loving* (388 U.S. 1, 1967). Matters have certainly reached a point where a sound, informed interest of the state must affirmatively appear before the state infringes unduly on such rights. The abortion debate covers a wide spectrum of considerations: moral, ethical, social, economic, legal, political and humanitarian, as well as medical (see *Abortion*, Tietze & Lewit, *Scientific American*, January, 1969, vol. 220, No. 1). But it does not appear to what extent Congress has weighed these matters in establishing abortion policy for the District of Columbia beyond an expression of a clear necessity of placing the matter in the hands of competent doctors.

The question is next presented whether the statute is severable, that is, whether it may be read as outlawing abortions except when performed under the direction of a competent physician, eliminating only the preservation-of-life-or-health standard. Boyd, a nonphysician, urges that because of the vagueness of the life-and-health phrase, the entire statute must fall. The court concludes otherwise. The statute still protects a proper legislative and separate legislative objective if the one factor is stricken and the other allowed to remain. The court is satisfied that the statute is severable (*United States v. Jackson*, 390 U.S. 570, 1968; *Stewart v. Washington*, 301 F. Supp. 610, 1969), and holds that Congress has constitutionally required that abortions be undertaken only under the direction of a competent physician. Title 2-102, 130 governing licensing of the healing arts is not sufficient to protect the congressional purpose of limiting abortions to competent physicians. Even if the court accepts claim to standing under liberal criteria of such cases as *Baker v. Carr* (369 U.S. 186, 1962), and *Flast v. Cohen* (392 U.S. 93, 1968), her challenge fails because the statute is severable.

Boyd's further contention that the statute discriminates against the poor and in its present operation denies medical help in city hospitals but is more liberally applied in some private hospitals has considerable support in the sketchy statistics and other data presented. The statute has received differing interpretations in the hospitals. In the light of the court's ruling, however, there is no reason why the statute cannot henceforth be evenly applied throughout the city in a way which removes the principal basis for existing uncertainty and confusion. National and local policy provides free medical care for the poor. It is legally proper and indeed imperative that uniform medical abortion services be provided all segments of the population, the poor as well as the rich. Principles of equal protection under our constitution require that policies in our public hospitals be liberalized immediately. Other contentions advanced by Boyd are without merit in view of the rulings made.

The court cannot legislate. A far more scientific and appropriate statute could undoubtedly be framed than what remains of the 1901 legislation. The asserted constitutional right of privacy, here the unqualified right to refuse to bear children, has limitations. Congress can undoubtedly regulate abortion practice in many ways, perhaps even establishing different standards at various phases of pregnancy, if informed legislative findings were made after a modern review of the medical, social and constitutional problems presented. The court ventures the suggestion

that Congress should re-examine the statute promptly in the light of current conditions.

The motion of Dr. Milan Vuitch in both cases is granted as to him only. The motion of Shirley A. Boyd is denied. These remarks shall constitute the court's opinion when transcribed. A prompt appeal to the United States Supreme Court under 18 U.S.C., section 3731, is highly desirable.

Counsel shall submit an appropriate order promptly.

(NOTE.—The Law Journal rarely publishes opinions of the United States District Court of any jurisdiction but it is publishing the above opinion by Judge Gerhard A. Gesell of the District Court for the District of Columbia because of the widespread interest in it. His opinion was given orally a week ago but the text only became available over the weekend. The decision left the District of Columbia as the only jurisdiction in the country in which there is no law in effect that forbids physicians to perform abortions.)

His opinion also broadly suggests that these abortions could be performed at taxpayers' expense. Instant public housing, instant welfare, and now instant abortions, all by virtue of the generosity of unelected judges place the Nation's Capital in the same position as Bolshevik Moscow 50 years ago.

Since the ultraliberal communications media can sense that Judge Gesell's actions are suspect, they are already hard-bent on shoring up his defenses and building a healthy public image of respectability in preparation for the wrath of indignant citizens, which is bound to come.

An editorial out of tonight's *Evening Star* and a not surprising laudatory feature from Monday morning's ultra left-wing *Washington Post* are included in my remarks at this point:

[From the *Washington Evening Star*,
Nov. 18, 1969]

ABORTION RULING

The decision by District Judge Gerhard A. Gesell which struck down the District's 1901 abortion law does not mean that the stage has been set for the operation of "abortion mills" in the Nation's Capital. It does mean that opportunity is at hand to bring the matter of terminating unwanted pregnancies in line with current knowledge and, in fact, with rather widespread modern practice.

Under existing law an abortion may be legally performed under the direction of a competent licensed physician if "necessary for the preservation of the mother's life or health." This language, said Judge Gesell, is unconstitutionally vague. And this may very well be the case even though one practical effect of the ruling, to the extent that it becomes accepted, will be to reform a practice rather than a statute.

A spokesman for the District Medical Society says there has been a "great increase" in the number of abortions performed in hospitals in Washington in recent years. This is another way of saying what everyone knows—that a woman with the money and the right connections has no great difficulty in getting an abortion performed in a hospital even though the "health" basis for the operation may be something less than clear-cut. The case is different with the woman who lacks both the money and the connections. She often winds up in the hands of an incompetent practitioner, sometimes with fatal results.

Judge Gesell refused to relax the requirement that an abortion must be performed by a competent licensed practitioner. He went on to say, however, that it is "legally

proper and indeed imperative that uniform medical abortion services be provided all segments of the population, the poor as well as the rich." He also urged that his ruling be appealed to the Supreme Court, and he "suggested" that Congress promptly "re-examine the abortion statute in the light of current conditions."

It is our belief that Judge Gesell has pointed the community toward more enlightened handling of a poignant human problem.

[From the Washington Post, Nov. 16, 1969]

MULTIFACETED JUDGE GESELL

(By Michael Kernan)

Judge Gerhard A. Gesell, whose opinion on the right to perform abortions plunged him into the headlines Tuesday, firmly turned down a request on Wednesday for an interview about his private life.

The next thing he did was to give the names of several friends at the law firm of Covington and Burling, where he previously was a senior partner, and to suggest that they be contacted for the story.

At 59, Judge Gesell is a man who refuses to let his business life engulf the rest of his time. When he leaves his chambers at the U.S. District Court every night he dismisses from his mind the career that began 34 years ago upon his graduation from Yale Law School, and he becomes a husband and father, a dairy farmer, skilled sailor and a man treasured by his friends for his loyalty and wit.

In the courtroom he is punctilious, stern and coldly pragmatic in his view of the law and the realities of its enforcement. Earlier this month he sentenced Billie Austin Bryant for the murder of two FBI agents last January. Pressed to give the death penalty, the judge sentenced the 30-year-old Bryant to two consecutive life terms even though, he said, execution would be appropriate.

The reason: to keep the escape-motivated prisoner "indefinitely" in the "antiquated" death cell of the local jail while appealing the death sentence—instead of in a maximum-security penitentiary—would be dangerous, "and this danger should not be enhanced by keeping him here in the D.C. Jail where his mistaken views of his own importance would be fed by the continued controversy. . . ."

Before his appointment to the District judgeship two years ago by President Johnson, Gesell had built a reputation as one of the ablest trial lawyers in the business, unexcelled particularly in antitrust cases. His style, once he had isolated a key point, was to home in on it with staccato statements, creating a dramatic effect that concealed the almost fanatical thoroughness with which he prepared.

"He never seemed to need as much sleep as most lawyers," commented John Lord O'Brien, a long-time law associate. "He has tremendous energy and physical resilience. His work was notable for its lucidity and clarity."

The judge, added O'Brien, has been devoted to public service since his five years with the Securities and Exchange Commission in the New Deal's heyday: "He has worked with little public notice, and it has been a very great financial sacrifice for him to go on the bench."

In time he calls his own, Judge Gesell lives with his wife, Peggy, in a home on N Street across from the former John F. Kennedy house (on Inauguration Day in 1959 he invited a friend over to watch the top-hatted comings and goings), often weekends on his Virginia farm.

"It's a working farm," said Fontaine C. Bradley, another Covington and Burling colleague. "He's got a prize herd of cattle there, and the improvements he's made are for the

working side. The house itself is very unpretentious."

Until recently Gesell was fond of spending most of the summer in Maine on a working vacation, but even there he knew when to lay aside the briefs and take off in his 30-foot yawl for a cruise of the Maine islands. His place, on North Haven Island, is reached by ferry and formerly belonged to Dwight Morrow and later Chester Bowles. Gesell acquired it when Bowles became ambassador to India.

"He cooks the breakfast sometimes and usually washes the dishes, too," Bradley said "Oh, and he paints. I remember one morning before breakfast I saw Gary sitting out there in the field with that white hair of his and his esel, and he did an oil of the house. All before breakfast."

The judge's schedule no longer leaves time for the Maine summers, and the yawl has been disposed of, not an easy thing to do for an experienced sailor who once taught sailing and who moves around a deck with ease and grace despite his somewhat stocky build. He's having a power boat built now, to suit his shorter vacations. It wasn't until recent years, it should be noted, that he took vacations at all.

A native of Los Angeles, Gesell spent his childhood in New Haven, Conn., where his famous father, the late Dr. Arnold Gesell (author of "The Child from 5 to 10," etc.), did his pioneer research into child psychology at Yale University and after 1950 ran the Gesell Institute he had founded. This background was, however, incidental to the judge's arriving at his abortion opinion, his friends say; it was based on a point of constitutionality.

Graduating from Andover in 1928, the younger Gesell took his AB at Yale (1932) and three years later his law degree at the Yale Law School to which he has given a great deal of time since.

"He has always been especially warm and generous to young law students," said another friend, William Delano. "More than one young clerk in the firm would be offered the free use of his town house in the summer, and in those days a law clerk could use a little help. Once I needed a quiet place to finish some work, and he let me stay at his country place."

The family is scattered today. Son Peter, 30, married, a Peace Corps veteran (Ethiopia) and a graduate of Harvard, is studying at the Harvard School of Education and working part time for a Boston education consulting firm. Daughter Patricia (Patsy), 27, formerly with the civil rights division of the Department of Justice, is at the Bank Street School of Education in New York.

Gesell has always maintained close ties with his children, much the way his own father did. (Researchers at Gesell Institute recalled that the senior Gesell "made a lot of holidays for his family and was a most interested father.") There is one sister, "Tassie," Mrs. Joseph Walden of Guilford, Conn.

One traditional event is the enormous New Year's Day milk punch party, which lasts from 11 a.m. to sundown, but the usual Gesell party is a small affair for close friends.

Bradley commented on the precision and speed with which the judge works. He reads fast, too, devouring fiction and nonfiction alike. He even walks fast.

"Sometimes he walks to work," Bradley added, "all the way from Georgetown, or at least part of the way."

After both children contracted polio (they recovered), the judge, typically, became a member of the board at Children's Hospital. Another theme that underlies much of his extracurricular work is aid to the underprivileged. Mrs. Gesell also specializes in that area, working with Planned Parenthood and other groups, and the children both seem to be headed toward teaching the underprivileged.

Gesell's legal credits fill several pages, not surprising for a holder of the Yale Law School Citation of Merit (1967).

As a Democrat ("he's liberal but he also has a lot of horse sense," said one friend), he served on several special committees for Presidents Kennedy and Johnson, dealing with treatment of Negro servicemen and District court reorganization.

Washington is a town that feeds on private lives, chews them up and spits them out, to the ruin of many an ambitious man. Gerhard Gesell has shown that it is possible to beat Washington with family, privacy and personality still intact. All it takes is character.

TRIBUTE TO GENE KELLY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. REES. Mr. Speaker, I can think of no better time than now for us to pay official tribute to an American whose great contribution to American art, culture, and entertainment is matched by his record of public service. I refer to Gene Kelly, who is known around the world as an internationally acclaimed actor, dancer, singer, choreographer, and director.

I consider this the appropriate time for my remarks because Gene Kelly's working community of Hollywood has now chosen him for one of its highest honors, the historic ritual of cementing his footprints in the forecourt of the famed Grauman's Chinese Theater on Monday, November 24. At the same time, he reaches a peak in his career as a motion picture director with the public release of "Hello, Dolly," one of the most important film productions of the past several years.

Gene Kelly does not lack in honors. The theater, film, and television industries have bestowed them on him generously. These industries are fully appreciative of how much his multiple talents and imagination have added to the advancement of the creative media. The enormous success of all of his ventures is evidence of the high public regard which he enjoys.

Nor will this be the first time that Gene Kelly has been singled out for citations on a Government level for his public service. In 1945, he was cited by the U.S. Treasury Department "for distinguished service rendered in behalf of the War Finance Program." Two years later, President Harry S. Truman cited Mr. Kelly "in recognition of patriotic and generous cooperation rendered to the President's Citizens Food Committee."

His consciousness of our foreign relations problems and his efforts to further American goodwill abroad, particularly in France, won enthusiastic appreciation in 1960. In that year, the French Government made him a Chevalier of the Legion of Honor. He was presented with a citation by the Paris Headquarters of the American Legion for "meritorious services and outstanding contribution to Franco-American relations." He re-

ceived the Silver Medal from the City of Paris, and homage from its Municipal Council, "honoring him as a friend of the city."

Recognition of Gene Kelly as a one-man institution at the head of his many-faceted profession is something of long standing. As far back as 1951 the Academy of Motion Picture Arts and Sciences presented him with a special award "in appreciation of his versatility as an actor, singer, director and dancer; and specifically for his brilliant achievements in the art of choreography on film."

But there is something special at this particular time in the career of Gene Kelly. He has directed an important film in motion picture history, and a Hollywood theater has asked him to establish his imprint for posterity to see.

It is a double culmination for Gene Kelly, and it brings into review the years of dedication and effort that have led up to it. It is a fitting time for this legislative body of the country he has served so well to pay him official tribute.

VIETNAM AND THE EL SALVADOR-HONDURAS CONFLICT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. FRASER. Mr. Speaker, in addition to the tremendous human, spiritual, and material losses being sustained by the United States and other parties involved in Vietnam, there is also a great wastage of our Nation's intellectual resources on the Vietnamese tragedy.

Great quantities of our resources, governmental and private, those of individuals and organizations, are being devoted to Vietnam. These intellectual and material resources could have a much greater positive effect on other international problems, problems closer than Vietnam to the true security interests of the United States. But Vietnam has warped our sense of priorities, dominated the public interest, and consumed an inordinate amount of time and talent.

One of the conflicts which has been pushed from our consciousness by the Vietnam war is the still simmering conflict between two of our close Central American neighbors, El Salvador and Honduras. Most of us recall the short armed confrontation which occurred last July between these two members of the Central American Common Market. Not many of us have heard about the continuing ill will between these countries and the adverse impact these strained relations are having upon the nations of Central America. If the situation continues to deteriorate, the long-term impact on American relations could be disastrous.

Recently the New York Times published stories on efforts to alleviate the economic difficulties exacerbated by the July war and on the impact of the war on Central American society in general.

Mr. Speaker, I introduce into the Rec-

ORD at this point these two news articles by Juan de Onis. I suggest that here is a complex international conflict which is, in the long run, of greater importance to the United States and to this hemisphere than is Vietnam:

CENTRAL AMERICA ACTS TO SAVE BLOC; 5 PLAN TO ERASE RESULTS OF HONDURAS-SALVADOR WAR

(By Juan de Onis)

SAN JOSE, COSTA RICA, November 10—The five Central American foreign ministers, meeting as a group for the first time since the war between Honduras and El Salvador in July, have agreed to try to save the region's Common Market through peace-making in the area.

A communiqué, issued after two days of informal talks among the foreign ministers of Guatemala, El Salvador, Nicaragua, Honduras and Costa Rica, gave indications of the opening of new effort to repair the damage done to Central American regional cooperation by the Honduras-El Salvador conflict.

Nevertheless, Gen. Tiburcio Carías Andino, Foreign Minister of Honduras, left for his capital, Tegucigalpa, after signing the communiqué without committing Honduras to reopening the highway to El Salvador that is the only land transportation route between El Salvador and the southern members of the Common Market—Nicaragua and Costa Rica.

Francisco Guerrero, Foreign Minister of El Salvador, said he had received assurances from Galo Plaza, Secretary General of the Organization of American States, that the inter-American organization, of which the United States is a member, would set up an airlift to transport cargo between El Salvador and Nicaragua and Costa Rica.

"Since Honduras has not complied with the order of the meeting of consultation of the O.A.S. to reopen the highway," Mr. Guerrero said, "the people of El Salvador are waiting for the O.A.S. to do something to show that we did not withdraw our troops from Honduras for nothing."

PLANE "CAN HELP A LOT"

El Salvador invaded border areas of Honduras in July after killings and seizures of the property of Salvadorans who had migrated, many illegally, to western Honduras. A meeting of foreign ministers, called to resolve the crisis, ordered El Salvador to pull back her troops under a cease-fire, and she did.

Since then, Mr. Guerrero said, 18,000 Salvadoran families have returned to their homeland, many penniless.

Some Salvadoran industries have been affected by the transport blockade to the point that they are close to bankruptcy. Mr. Guerrero said that the airlift would ease the problem.

"One large transport plane making five flights a week can help a lot in restoring commerce in manufactures until land transport is restored, as I am confident that it will be soon," he said.

The cut in normal commerce has disrupted trade among the five Central American countries that reached an annual level of \$180 million before the conflict. The population of the Common Market's area totals 14 million.

Policy-making groups and technical bodies that guide the nine-year-old regional common market have also been disrupted.

These include the Central American Integration Bank, with headquarters in Tegucigalpa. Salvadoran Government representatives and businessmen are barred from there because of the break in diplomatic relations.

Major decisions on Central American integration have been delayed. The foreign ministers agreed that they would try to hold a meeting of the organization of Central American States on Dec. 6.

"The foreign ministers agreed to continue holding conversations to exchange views on the ways to resolve problems in the region, to make peace secure, rebuild the Central American Common Market and re-establish . . . mechanisms of the process of economic integration," the communiqué said.

REFUGEES CROWD INTO EL SALVADOR: TOTAL FROM HONDURAS IS PUT AT 61,000 SINCE JUNE

(By Juan de Onis)

SAN JOSE, COSTA RICA, NOVEMBER 13.—Since the end of the brief war between Salvador and Honduras four months ago, the number of Salvadoran refugees has grown by more than 20,000, bringing the total to more than 61,000.

Observers of the Organization of American States who have been controlling the "voluntary" evacuation of Salvadorans from Honduras since Sept. 8 at two border points, El Amatillo and El Poy, have issued more than 20,000 refugee certificates.

The recent arrivals, at a rate of more than 200 a day, have joined the initial flight of 40,000 refugees who left Honduras in June when widespread violence against Salvadorans began there in the wake of El Salvador's invasion of border areas of western Honduras.

REPORT BEING PREPARED

The Inter-American Human Rights Commission, an expert group of eight members, is meeting here to prepare a report to the Council of the Organization of American States on the refugee problem and other human rights aspects of the tense and bitter situation between Honduras and El Salvador.

"The situation for Salvadorans in Honduras is worse now than before the war. They are being systematically fired from jobs, including people who have been living in Honduras for 30 years," said a private observer who has recently visited Honduras.

Bitterness is rising in El Salvador over the inability of the hemisphere organization to persuade the Honduran Government of President Osvaldo Lopez Arellano to lift the blockade on overland traffic to and from El Salvador on the Pan-American Highway, which links the two countries and is the main traffic artery for Central America.

ECONOMIC AID REJECTED

The Salvadorean Legislative Assembly voted Tuesday to reject any economic aid from the organization, including an offer of \$100,000 for refugee relief. A similar offer of aid was accepted by Honduras. Most of the funds have been put up by the United States.

The reelection in the Salvadorean Legislature, directed at President Fidel Sanchez, was supported by all four parties in the assembly. The legislators said that "national dignity" did not permit El Salvador to accept aid while the organization proved unable to obtain compliance by Honduras with the decisions of the O.A.S. council that the highway be reopened.

The highway is the only route for trucks carrying Salvadorean industrial goods and rice to the southern members of the Central American Common Market, Costa Rica and Nicaragua. Guatemala and Honduras are the other members of the trade bloc.

FAIL TO END BLOCKADE

A meeting of the five Central American foreign ministers here over the weekend failed to reach an agreement on ending the highway blockade.

Honduran officials say they are unable to open the highway to Salvadorean products because of public hostility. Feeling in Honduras are running high over El Salvador's one month occupation of border zones after fighting broke out in July.

El Salvador pulled out her troops in compliance with a resolution of the American foreign ministers calling for a cease-fire and disengagement of forces.

The highway blockade has seriously disrupted trade among the Central American market partners, which had risen to an annual level of \$180 million since the arrangement for the region's economic integration went into effect in 1960.

SMALLEST COUNTRY IN THE AREA

The refugee problem is aggravating already difficult economic conditions in El Salvador, the smallest but most densely populated Central American country. For many years there had been a steady emigration, often illegal, to relatively unoccupied Honduran farm-lands from El Salvador's 3.3 million people, who are primarily employed in agriculture.

The Salvadorean Government is weighing a request from the Dominican Republic for 5,000 sugar-cane cutters for the sugar harvest now under way in that Caribbean country. Dominican authorities have been unable to reach agreement this year on contract laborers from Haiti, the traditional source of low-cost labor for the Dominican sugar plantations.

Observers reported that the devastation caused in Honduras by a hurricane that battered the Gulf Coast in September, destroying an estimated 30 per cent of this year's banana crop, had contributed to pressure to expel Salvadorean workers. Bananas are Honduras' main export.

DUMITRU DANIELOPOL WRITES
PRESIDENT NIXON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TEAGUE of Texas. Under leave to extend my remarks in the RECORD, I wish to include a copy of a letter written to President Nixon just prior to the first Vietnam moratorium held in October. The letter was written by Dumitru Danieopol, a former banker and diplomat in prewar Rumania. He came to this country in 1947 and is now a columnist for the Copley newspapers in California and Illinois:

OCTOBER 9, 1969.

PRESIDENT RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Don't feel lonesome on Wednesday—Vietnam Moratorium Day—when anti-war demonstrators attack you and try to force you to do something you know is wrong.

There are hundreds of millions of people here in the United States and around the world who know that you are right. They know that freedom is indivisible, that it cannot accommodate tyranny in one corner of the world and survive in another.

People like myself whose birthplaces are now behind the Iron Curtain are wholeheartedly with you. We have learned about communism at first hand, Poles, Czechs, Hungarians, Bulgarians, Albanians, Romanians, Lithuanians, Latvians, Estonians, Yugoslavs, Ukrainians, Cubans, Chinese, Jews, Christians, Mohammedans—no matter what color, race or creed—we have suffered indiscriminately at the hands of the Communists. We know their ruthlessness and their perfidy.

The tens of millions who have taken refuge from Communism in free lands stand by you.

We don't want to see what happened to

us happen to the people of Vietnam, if it can be prevented.

And you know, and we know, that it can be prevented.

The great majority of native-born Americans back you, too, Mr. President, especially those sent overseas to fight the Nazis and the Fascists because governments in democratic countries in Europe in the 1930's failed to understand totalitarianism and failed to do what America is doing right now—stopping aggression while there is still time.

Every major national veterans organization in this country is on record in support of U.S. involvement in Vietnam.

No one wants to prevent free discussion, free opinion and even dissent—but on the condition that our rights are respected, too.

It seems incredible that so many people in high places advocate appeasement and the abandonment of a country fighting for its inalienable right to self determination.

Never in history have the aims of the Communists coincided with those of free people. Never have they voiced any policies that did not try to destroy freedom somewhere in the world. Yet today they seem to have so many articulate allies.

We know, Mr. President, that should the Americans abandon Vietnam—as the dissenters insist—America will cease to be the greatest country in the world.

There are times in the history of great countries and of great men when they have to stand up—even if alone—for what is right.

I witnessed some of those moments in the House of Commons when Winston Churchill tore his government and his party to shreds for the shameful Munich agreement of 1938. He was powerless, but he knew he was right.

From London, I heard Col. Charles de Gaulle, an unknown, call on his fellow Frenchmen, who had been shamefully defeated, to rally against overwhelming odds in the summer of 1940. He, too, was powerless, but he knew he was right.

Mr. President, you are in a much more favorable position than those leaders. You have the power, you have the time, for you are our President and our Commander in Chief, and you have an arsenal that can bring an honorable conclusion in Vietnam.

And, Mr. President, you have us on your side. We don't march or demonstrate, but that doesn't mean we aren't ready to help you.

Sincerely,

DUMITRU DANIELOPOL.

CONTRASTING STATEMENTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. JACOBS. Mr. Speaker, does the administration really believe it is not in the best interests of America to express honest disagreement with the executive branch over foreign policy?

The following contrasts cause one to wonder:

ON SUPPORT

President Nixon, November 13, 1969:

And those of you who were in the House then will remember that on those great initiatives which were recommended to the country and to this House and to the other body by President Truman . . . received the support not only of the majority of Democrats, but of the majority of Republicans.

Senator Nixon, April 11, 1951:

So far as the policy in China is concerned, and the Orient, I feel that the facts speak for themselves. That policy did not deserve

support then, it does not deserve it now, because the policy has failed.

ON UNITY

President Nixon, November 13, 1969:

I do know that . . . when the lives of our young men are involved, we are not Democrats, we are not Republicans, we are Americans.

Senator Nixon, April 11, 1951:

If we continue in the present stalemate, if we continue to follow the present leadership of the State Department, all we can expect is a continuance of the war.

THE NEW TRADITION

President Nixon, November 13, 1969:

That what happened yesterday with that announcement on the part of Members of both sides of the aisle of well over a majority supporting the policy of the U.S., I realize that that was in the great tradition of this society.

Senator Nixon, April 11, 1951:

But I do know that those who have been responsible for our foreign policy in the Far East have failed. The American People have had enough of our past policy in the Far East.

LIFE UNDER COMMUNISM

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CASEY. Mr. Speaker, we in the Congress are well aware that our Nation has vocal foreign and domestic critics. There is no question that we face many problems, but we are attempting to solve them. This is in sharp contrast to the situation in Communist nations where they have no domestic critics because the right of dissent is stifled and the problems of the people are ignored.

I recently received a copy of a letter written to one of my constituents, Mr. Bruce Barkis, by a Hollander who took a trip through Yugoslavia, Rumania, and Bulgaria. In this letter some very cogent comments were made about the quality of life under communism. I only regret that the critics of our country do not have the opportunity to see first hand the countries described by this astute Hollander. I commend this letter to my colleagues and include it in the CONGRESSIONAL RECORD at this point:

OCTOBER 22, 1969.

DEAR MARIE AND BRUCE. As you know, we went to Yugoslavia, Rumania, and Bulgaria. I knew that you would be interested in how people live there and what they have accomplished. We went to satisfy my curiosity and to see something I do not know anything about. I could have given you a sort of blow by blow description of my experiences there, but I found that I needed a lot of time to think over my observations in order to put on paper what I thought of the country and its people instead of giving you a statement on the quality of the highways and the height of the buildings. This seems to have a rather heavy preface to an even heavier thesis on life behind the iron curtain.

Well now, Bruce, I know it interests you and I will tell you about Rumania and Bulgaria as I see it. I have had some arguments here with a few friends and I call them arguments because they lack the essential knowledge to reach the quality of discussions, and

that goes for them that admire the communist as well as those who are against them. Of some of them, I know that they have crossed from one side to the other and though I believe that one should be able to change his mind when he grows older and better informed, I feel that sticking to principles as well as adopting other principles is not as right as judging one's principles.

Of course, I left on our trip to these countries after having lived here and listening to opinions from young people (usually red) and old people (as a rule square) that were based on propaganda and slogans.

Propaganda is often criminal negligence of the truth and slogans are in my view literary innovations of stupidity. I will try to avoid being pompous but I think I left both of these notions behind when we left, or at least, I tried.

We travelled by car through Germany to Yugoslavia (red) and crossed the frontier into Rumania, camping with our little tent—staying where we liked it two nights, and if not only one. We bought food in markets and shops and restaurants and sat and talked to people we met (and you really meet people in camping). We did a lot of window shopping to compare things and I noted down prices of necessities and commodities. I still find it difficult to draw conclusions and I am thankful that I am not a travelling bookwriter who has to make a living that way.

For the time being however, I will be a capitalist, be it without much capital, because I think a man should be able to win or lose and have his chance to own or owe. (I don't know if that last word is right).

Whether people are poor in those countries, I do not know because I am not sure that possession of a radio in every room of the house, an automatic dishwasher, and new furniture every three years make one rich. Here in Holland are quite a few people that think me rich because I own a car and others find me poor because Kees has not got one. (his wife)

I hear a lot about the population explosion, but equally influential on our environment is the commodity explosion as a result of industrialization and that is what we have in the west.

By the looks of it, I would say it will take a long time before those countries are bothered by the possessions that prove us rich for the simple reason that they lack the machinery that make the production of these things possible. To obtain that machinery they will have to work and since everybody works for the government, they just don't, like everybody else in the world who works for the government. I do think that you must have noticed that people that start or work on their own, work like the devil, but working for a large concern frees you to fit in with the crowd around you. If not, you'll never make promotion which is the achievement possible. In Europe everybody who works for the larger of all concerns, like a government, sit tight and are very careful not to do anything wrong.

Well now, that is what everybody seems to do in Rumania and Bulgaria. Everybody is forced to work, but nothing can make them work hard. They are fully protected by minimum wages and complete social securities. They do not have to compete so they can't lose. On the other hand, they cannot win and I think it only natural in a man to try to prove himself better than the other fellow.

The result is pitiful in my opinion. In Holland we have nationalized railways. Effective control has eliminated corruption and graft. Same with most government jobs. Same with the members of a strong union. Nobody can be laid off or fired and so you're safe and so you can loaf about and do as little as possible. These however, are small groups and they still have contact and as-

sociate with the independents, the baker, and the candlestick maker. Over there everybody works for the government and here when the railway employees are dissatisfied with one thing or the other, they work for a short period according to the book of rules, which slows everything down. Over there they work according to the books all the time from habit and it sure enough slows everything down. For everything you need, be it shoes or food, you stand in line and wait your turn. Nobody sells you anything. They just distribute the merchandise. The prices are fixed so there is nothing that can happen to you as long as you wait your turn. To make sure that nobody gets cheated, a large amount of administration is necessary, all written by hand since the cash register factory has not yet been built and of course they produce not enough export articles to be able to buy them elsewhere. People don't grumble when they waste their time arguing because they are used to it and besides time is by no means money here. There is food, but not nice. It feeds you like the bread which is good and cheap. Potatoes are good and cheap. They have three kinds of wheat. They have pork and any other meat is called veal and unchewable meat, which is ground up, is called sausage. All of it contains the essential food substance, so nobody is hungry and everybody is dressed, but the choice in clothes is limited to what the government decided. The price is fixed so you do not have to look for a special suit or dress or try to find what you want a little cheaper. So you just stand in line. There is enough so just wait your turn.

As a result there is very little talk in these shops, no courtesy, no complaints and not because people are afraid to talk either. There's just no use to say you are looking for something special because it is not there. I think the government experts decide on the various designs in dress material and the shape, so you know, since the number of designs are limited, exactly what you can get and also for how much money. Needless to say that there is nothing to buy for tourists because innovations and mode (fashion) is not made by governments, but by individuals and they have gotten lost. I do not think that they have been suppressed. There is simply no chance for them and after 25 years of this system, no need, or at least the need is not felt by the population. The little man is protected by the state and there are no big men anymore. One of the drabest things in these countries is the ice cream stand.

This is a splendid example. The government decided that the people should have ice cream. They decide on amount, shape, price, and the place of sale and appoint the sellers, so everywhere in the country you can buy a simple ice cream cone with 35 grams of ice cream for 15 cents (local) and again you stand in line and state how many you want, no please, no thank you. To make sure nobody gets cheated, every ice cream vendor has an old fashion grocery scale with two brass basins, one of which has been adapted to hold the cone. In the other one a brass weight. The vendor scoops some ice cream from a covered bucket and fills the cone until the scale tilts. If it goes too far they take something out. All of them use an old shoe box, or an empty cigarette carton for the money they receive and change. It takes a long time and they don't care. They don't sell. They distribute. The line of people is silent. There is only one taste (vanilla) and it is a good quality. Controllers check regularly on intake of money against distribution of ice cream. So the people have ice cream. I do not know if it is right to send you all these observations, they might be a bit boring. Of course Bruce, all this is observation and no criticism or explanation.

I could tell you a lot more for I have visited cooperative farms (4,000 acres and

500 farmers reduced to farmhands), sat in trolley cars, sailed on the Black Sea with an English made power passenger ship (50 miles/hr) from one harbor to another. Talked to many people in German, English, and French of different nations from director (vice president) of heavy industry to factory workers and students and high school girls. I do not think they are unhappy and I know they are not happy. I think it could be the ultimate results of Marxism, and you can call it Communism or Socialism. Communism seems the situation after a violent change like revolution, but in our own and in your country, we have the evolution to socialism or democracy. We have a minimum wage in Holland, whether you work or sit back and look at work. We have outgrown the feudal system when one man dressed in silk, dictates the life of many. We are now free to choose our leaders and they are union presidents and politicians and they will ultimately dictate what we may eat and wear like they do already behind the iron curtain. I think it is a pity but I can see no other alternative.

A sad story by the looks of it. In the end it might not be so important to us what we eat and wear but to realize that we need a lot of education, like Bruce, Jr. wrote to you. If praying for the restoration of our nation to the level it had obtained through the observance of sound laws (including recognition of free enterprise, sanctity of the home, respect for the parents by children, etc.) is extreme, then I'm extreme and proud of it.

That's all for now.

CITIZEN'S COMPLAINT ON AIR POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. MIKVA. Mr. Speaker, amid all the mail which every Congressman receives, occasionally one letter on an issue stands out as an eloquent example of citizen concern. Last week I received such a letter from Mr. Ronald Moore of Chicago, Ill. Mr. Moore was able to convey in only a few words of his own idiom the sense of urgency which citizens of Chicago feel about the problem of pollution—and what it is doing to their lives and health. I include at this point in the RECORD a copy of Mr. Moore's letter and my response to him:

CHICAGO, ILL.,
October 29, 1969.

HON. ABNER J. MIKVA,
House Office Building,
Washington, D.C.

DEAR MR. MIKVA: This air pollution got to go man, because I am dying for air. I wake up in the morning on a bright sunny day and it looks like rain. Help me to breathe more freely by stopping air pollution right now, not tomorrow, not Easter, now. Because I might die from suffocation.

Yours truly,

RONALD MOORE.

Mr. RONALD MOORE,
Chicago, Ill.

DEAR MR. MOORE: Thanks for your letter on the need for immediate action to curb air pollution in Chicago.

You managed to capture in your letter a sense of the urgency and seriousness of air pollution that few writers have been able to convey. I can assure you that I am trying

very hard to get rid of those leaden, pollution-filled skies. As you say, all of us will be able to breathe more freely when we finally have air pollution under control.

I sincerely appreciate your taking the time to write to me about this important problem.

Sincerely,

ABNER J. MIKVA,
Member of Congress.

EISENHOWER ON DEFENSE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ARENDS. Mr. Speaker, much ado has been made about our so-called "military-industrial complex." And much of what has been said about a "military-industrial complex" has proven to be pure figment of the fertile imaginations of those who would have us sacrifice our security needs to satisfy their social and political objectives.

The distinguished chairman of our Armed Services Committee (Mr. RIVERS) discussed this matter at length and in depth in a brilliant analytical speech on the floor of the House on June 12. As the ranking minority member of the committee, I concur in what our chairman has pointed out.

There is no such thing as a "military-industrial complex" operating as a "secret conspiracy of malefactors." If there is such a conspiracy it is more likely to be on the part of those who would have us neglect our defense needs at the risk of our national safety in a restless world. To give some credence to their allegations they persist in referring to what our late beloved President Eisenhower said. By taking a phrase "military-industrial" out of the context of one of his speeches they misrepresent President Eisenhower's views on defense.

To set the record straight I am inserting in the CONGRESSIONAL RECORD an editorial which appeared in the November-December issue of the magazine called "Ordnance" which deals with various aspects of our national defense. It follows:

EISENHOWER ON DEFENSE

With such an impressive array of personal achievements—as soldier, statesman, educator, author—coupled with such a rich legacy of counsel he left the American people, it is somewhat ironic that a catchy phrase from a single speech should become the most frequently quoted remembrance of the late President Eisenhower.

He included this thought in his 1961 farewell address: "In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

Spokesmen for the antidefense elements in this country have seized upon this single statement to serve their purposes. They diligently overlook the other things Dwight D. Eisenhower had to say about the continuing threat to our national security and what must be done about it.

With so much exposure to this one phrase, one might be led to the conclusion that this was the most momentous statement President Eisenhower ever made. Therefore, in fairness to this great man, as well as for our

national benefit, it would be a good idea for us to reflect on some of his other comments. For example, we should recall that he said:

"For the first 5 years following World War II, we in the United States, hopeful of a global and durable peace, pursued a policy of virtual disarmament. But the blockade of Berlin, the military weakness of our European friends living face to face with the Communist menace, and finally the Korean war—together with arrogant threats against other peaceful nations—belatedly made it clear to us that only under an umbrella of military strength could free nations hope to make progress toward an enduring and just peace. World uneasiness rose to the point of alarm.

"Today a militant, aggressive Communist doctrine is dominant over much of the world's surface and over hundreds of millions of the world's people. In the post-war period, we have seen it indulge in a particularly cynical type of colonialism, expressed in the Communist subjugation of once free and proud nations in Europe and in Asia.

"Communism denies the spiritual premises on which your education has been based. According to that doctrine, there is no God; there is no soul in man; there is no reward beyond the satisfaction of daily needs. Consequently, toward the human being, Communism is cruel, intolerant, materialistic.

"This doctrine, committed to conquest by lure, by intimidation, and by force, seeks to destroy the political concepts and institutions that we hold to be dearer than life itself. Thus Communism poses a threat from which even this mighty Nation is not wholly immune.

"The principal and continuing factor is the persistently aggressive design of Moscow and Peiping, which shows no evidence of genuine change despite their professed desire to relax tensions and to preserve peace. Continuing, also, is the breadth and scope of the Communist attack; no weapon is absent from their arsenal, whether intended for destruction of cities and people or for the destruction of truth, of integrity, or loyalty.

"With both sections of this divided world in possession of unbelievably destructive weapons, mankind approaches a state where mutual annihilation becomes a possibility. No other fact of today's world equals this in importance; it colors everything we say, everything we plan, and everything we do.

"There is demanded of us, vigilance, determination and the dedication of whatever portion of our resources to provide adequate security, especially to provide a real deterrent to aggression.

"For our own country, it has been a time of recurring trial. We have grown in power and in responsibility. We have passed through the anxieties of depression and of war to a summit unmatched in man's history. Seeking to secure peace in the world, we have had to fight through the forests of the Argonne, to the shores of Iwo Jima, and to the cold mountains of Korea.

"Now, this country, as other free countries, maintains arms. We maintain formations of war and all the modern weapons. Why? Because we must. As long as this spirit that has prevailed up to now continues to prevail in the world, we cannot expose our rights, our privileges, our homes, our wives, our children to the risk which would come to an unarmed country.

"It is true that we have given first priority to worldwide measures for security against the possibility of military aggression. We have made many sacrifices to assure that this security is and will be maintained.

"America speaks from strength—strength in good allies, in arms, in readiness, in ever-increasing productivity, in the broader sharing of the abundant fruits of our economy, in our unchanging devotion to liberty and

to human justice. Her vote is for peace based upon decency and right.

"But let no man think that we want peace at any price; that we shall forsake principle in resigned tolerance of evident evil; or that we may pawn our honor for transitory concession.

"No matter how earnest is our quest for guaranteed peace, we must maintain a high degree of military effectiveness at the same time we are engaged in negotiating the issue of arms reduction. Until tangible and mutually enforceable arms-reduction measures are worked out we will not weaken the means of defending our institutions.

"America possesses an enormous defense power. It is my studied conviction that no nation will ever risk general war against us unless we should become so foolish as to neglect the defense forces we now so powerfully support. It is worldwide knowledge that any power which might be tempted today to attack the United States by surprise, even though we might sustain great losses, would itself promptly suffer a terrible destruction.

"Nowhere in the world, outside this land, is there the richness of resources, stamina, and will needed to lead what at times may be a costly and exhausting effort. But leadership cannot be exercised by the weak. It demands strength, the strength of this great Nation when its people are united in purpose, united in a common fundamental faith, united in their readiness to work for human freedom and peace.

"This spiritual and economic strength, in turn, must be reinforced in a still armed world by the physical strength necessary for the defense of ourselves and our allies.

"The American Government and our allies provide the defensive strength against aggression that permits men of good will to work together for peace. Such strength is an absolute requirement until controlled and safeguarded disarmament allows its reduction, step by step. This strength is a trust on which rests the current safety of free men.

"Neither in size nor in character can our military establishment remain static. With constantly changing dangers, with rapidly changing developments in the science of warfare, our military forces, too, must change. From atomic submarine to atomic cannon, from new weapon systems to new military organizations, this giant complex structure must respond to the current needs of our time.

"Above all, its purpose is to prevent aggression and war. Our forces will never be used to initiate war against any nation; they will be used only for the defense of the free world.

"Together with the armed strength of other free nations, our military power, the greatest in our peacetime history, is today a deterrent to war. This awesome power we must and shall maintain, for we are determined that at all times, in today's uncertain world, we shall be able to deal effectively and flexibly with whatever situations may arise.

"We must be ready to dare all for our country. For history does not long entrust the care of freedom to the weak or the timid. We must acquire proficiency in defense and display stamina in purpose.

"We must be willing, individually and as a nation, to accept whatever sacrifices may be required of us. A people that values its privileges above its principles soon loses both.

"These basic precepts are not lofty abstractions, far removed from matters of daily living. They are laws of spiritual strength that generate and define our material strength. Patriotism means equipped forces and a prepared citizenry . . .

"I have emphasized that we seek peace, but only in freedom. If peoples were willing to give up their liberty and their personal dignity, they could readily have peace—a peace in which a single great power controlled all other nations.

"Genghis Khan, Tamerlane, Alexander the Great, Napoleon, Hitler, and others sought to establish that kind of peace. But always peoples and nations have rebelled against their false, self-serving doctrines. We do not want an imposed peace. We want, rather, a cooperative peace in which the peoples of every nation have the right of free choice, the right to establish their own institutions, to live by their own cardinal concepts and to be free of external pressure or threat.

"Unhappily, until the last threat of force has been suppressed, there must also be military cooperation, for no single nation, no matter how mighty, can alone protect the freedom of all. Together, however, the nations which cherish independence can command a power so great that no potential aggressor could violate the peace without destruction.

"Recognizing the ruthless purposes of international Communism, we must assure, above all else, our own national safety. At the same time we must continue to appeal to the sense of logic and decency of all peoples to work with us in the development of some kind of sane arrangement for peace.

"And it is not paradoxical in our peaceful efforts that we maintain powerful military forces. For in a world partly dominated by men who respect only guns, planes, and tanks, these weapons are essential to our survival."

These are only a few of the remarks President Eisenhower made about defense preparedness. Admittedly, they were selected from a number of his speeches. Nevertheless, every phrase is just as he said it.

Have we presented his thoughts out of context? Perhaps. But they are as much in context as making constant reference to his "military-industrial complex" statement while ignoring that in the very same speech, he said, "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American Ordnance Association endorses the Eisenhower philosophy. A careful reading of a number of his speeches discloses a man who, having known firsthand the agonies of war, intensely sought peace for all.

At the same time, though, here clearly was a man far from naïve about the world in which he lived. We believe he realized, better than most, that the free world's prospects for peace rested squarely upon a militarily strong, industrially prepared United States of America.

Never once did we find an instance where he advocated shirking the responsibility we acquired with unsought great-power status.

The principles inherent in the Eisenhower philosophy have guided our Association for over half a century. We are, and always have been, dedicated to peace. We are familiar enough with the history of that half-century, however, to be convinced that international peace is maintained only through our national preparedness.

We agree with President Eisenhower's observation—"Until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself."

VETERANS DAY, 1969

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WYMAN. Mr. Speaker, Mr. Robertson Page of Douglaston, N.Y., has expressed the sentiment of the "silent majority" concerning Veterans Day 1969 so

well that I commend his message to all Americans:

VETERANS DAY, 1969

(By Robertson Page)

Through the incandescence of millions of auto headlights, the American people spoke their heart on Veterans Day, 1969.

They spoke of patriotism, of quiet confidence, and love of country. And, yes, they spoke of the trail of tears and sacrifice and heartache that brought this nation to its pinnacle of greatness.

They spoke—quite as a disregarded majority must speak—when many of its public officials support a malignant minority bent on staining our national honor; when ambitious jackals play "peace politics" to gain entrance to the executive suite; when the practitioners of the press, broadcast and entertainment fields use their awesome influence to fawn upon the people who would divide and undermine our country.

They spoke—the silent majority did—in the silence to which they have grown accustomed. There was no insolent screaming. No pretentious protests, no marching, no demonstration. There was no violence!

But, nonetheless, there was a blaze of glory—silently reflected in something as ordinary as a headlight. For these were ordinary people, striving in their best way to express an ordinary but profound belief in the United States of America.

On November 11, 1969, the American eagle struck back against those who were fouling its nest!

REFLECTIONS ON THE RECENT ANTI-VIETNAM WAR DEMONSTRATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ASHBROOK. Mr. Speaker, the respected journalist, David Lawrence, in his syndicated column in the Washington Star of November 17, poses some pertinent questions on the worth of large public demonstrations to alter existing foreign policy on such key issues as that of Vietnam. It is certainly germane to ask just how many of the demonstrators gave sufficient thought to the complex aspects of the issue and the possible consequences of an immediate withdrawal of American forces from Vietnam. In fact, how many supporters of the demonstrations knew that the basic purpose motivating this whole affair was an immediate pull-out of our forces regardless of the consequences to the people of South Vietnam.

As Mr. Lawrence points out, a mobocracy and not a democracy would be the logical result if our foreign policies were based on the number of demonstrators that a particular cause could turn out to march the streets of Washington.

I insert at this point the column "Debates Are Better Than Marches," by David Lawrence, appearing in the November 17 issue of the Washington Star:

DEBATES ARE BETTER THAN MARCHES

(By David Lawrence)

What good did the big demonstration here do, as more than 250,000 persons took part in an expression of dissent against American participation in the Vietnam war?

Looking at the organized protest objectively, it may be said that many individuals

participated who had the best of intentions and sincerely felt it was the only way to arouse sentiment against a continuing war. But if this were true, we would be governed by a mobocracy instead of a democracy, and the end result would be suppression and then anarchy.

Millions of persons don't understand the processes of a free government and don't realize that there are better ways of trying to influence the President and the Congress than by a mobilization in the streets, which so often leads to violence.

Unfortunately, there were unruly elements—some of them encouraged by Communists—who thought that more noise and shouting would be impressive. Persons of irresponsible mind took advantage of the occasion to break windows and loot stores in Washington's finest shopping districts.

No more effective way to shape public opinion—including that of the "silent majority"—can be employed than by intelligently discussing the issues, whether it be on the floor of Congress, in convention halls and auditoriums, in letters to the press or in talks on television.

Both sides of the case need to be presented thoughtfully in debate so the average citizen will understand how dangerous it would be for a government like ours to raise a white flag and run away from the Communist threat in the world.

Nobody likes wars—not even the military commanders who must direct them. But nobody likes to think an irresponsible hand may push a button some day and launch nuclear missiles to cause the death of millions of Americans. Defense is not just something that makes money for contractors who sell armament materials and equipment.

The simple facts about our foreign policy need thorough explanation. Frankness and candor are essential, though it is difficult for a government sometimes to speak of such delicate questions in public without arousing international complications.

But some truths are available, and the mobs of demonstrators need to keep them in mind.

Why, for instance, did Red China and the Soviet Union provoke acts of aggression by the North Vietnamese who invaded the territory south of their borders?

Why have these two Communist regimes supplied arms and ammunition year after year to North Vietnam and intensified the war?

Can the United States withdraw from Vietnam and give the impression it doesn't care if the rest of Asia, along with Australia and the Philippines, is taken over by the Communist dictatorships in Peking or Moscow? Will any of Europe or Latin America be safe?

This is a world of unprecedented circumstances. Science has developed ways to destroy millions of human beings in a matter of hours. Isn't it logical, therefore, to build up a deterrent force so the enemy will know that instant retaliation of equally devastating power will follow any attack?

Do the demonstrators ever think these things through? Do they realize that 30,000 to 40,000 casualties in Vietnam may prove America is resolute and convince the enemy that the people of the United States are not going to sit by and let free nation after free nation be gobbled up? Isn't it better to do those things which will insure our safety than to take risks and chances in a world of atomic weaponry?

Some of the arguments in rebuttal may be helpful in understanding the opposition, especially if spokesmen for the demonstrators would really make clear that, while they want peace, they do not believe in surrender or "peace at any price."

How many of the young people in the marches or their leaders are well-informed and could stand up against opponents and

debate freely in an orderly way the basic issues which cause the President to proceed cautiously in dealing with the Vietnam War problem?

Such a dialogue would be listened to over radio or television by more people than those who watched on TV the acts of violence and saw the placards with some phrases of outright treason displayed in the parades just held in the National Capital.

FORSYTHE VIEWPOINT PAPER—
MAN'S ENVIRONMENT: KEY TO
SURVIVAL

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NELSEN. Mr. Speaker, a position paper on environmental quality has recently been developed by Mr. Robert A. Forsythe, former Assistant Secretary of Health, Education, and Welfare, who is now seeking to represent Minnesota's Third Congressional District in the 92d Congress. When this position paper was brought to my attention, I was impressed with its content, and ask that it be made a part of the RECORD.

Commendably, Mr. Forsythe endorses congressional action giving permanence to the President's Environmental Quality Council. This legislation has passed both Houses of Congress, and S. 1075 is presently pending in conference. I hope that the Conference Committee will meet soon to resolve the differences between the House and Senate versions, so that we can obtain final congressional approval before this session ends. Mr. Forsythe's paper follows:

FORSYTHE VIEWPOINT PAPER—MAN'S EN-
VIRONMENT: KEY TO SURVIVAL

America, not unlike the other nations of the world, today is confronted with a monumental task of managing its environment—not only for the improvement of the quality of life but for the very survival of mankind. The people of Minnesota and indeed of the Third District are dramatically affected by the environmental crisis upon us and must share in the responsibility contributing viable solutions. As Congressman, I would want to be in the forefront of this effort.

The crisis of the human environment is of world-wide scope involving all the nations of the globe whether they be an industrial giant like the United States or a newly emerging nation state.

THE CAUSES

The United Nations Economic and Social Council best summarized the root causes of this environmental crisis in a recent report:

"The explosive growth of human populations;

"The poor integration of a powerful and efficient technology with environmental requirements;

"The deterioration of agricultural lands and the unplanned extension of urban areas;

"The decrease of available space; and

"The growing danger of extinction of many forms of animal and plant life."

The consequences of man's imprudent use of his natural resources and the environment are no longer isolated or localized. Industrialization and urbanization now demand, more than ever before, a "total" approach to environmental planning and resource management. As proven by others,

the regenerative powers of nature are no longer sufficient to overcome the mistakes of man. We must avoid yesterday's mistakes tomorrow.

AN URBANIZED POPULATION

Let's look briefly at the population pressures. In less than four centuries, the global population has increased more than sevenfold with virtually every inch of the earth's surface somehow touched or modified by man. Looking at urbanization patterns, we find that forty percent of the world's people live in urban centers or urban areas. In 1920, the world's urban population was some 100 million; by the year 2000, this will have increased twentyfold—an incredible development in just eight decades.

Last July President Nixon told the Congress:

"If [the] rate of population growth continues, it is likely that earth will contain over seven billion human beings by the end of this century. Over the next thirty years, in other words, the world's population could double. And at the end of that time, each new addition of one billion persons would not come over the millenia nor over a century nor even a decade. If present trends were to continue until the year 2000, the eighth billion would be added in only five years and each additional billion in an even shorter period. (Italic added.)

The President, in calling for congressional establishment of a Commission on Population Growth and the American Future, went on to note that, given today's growth rate, the United States—now a nation of 205 million—will have a population of 300 million by the turn of the century. It goes without saying that such enormous growth portends great economic, social, educational, and environmental problems for the future. I support the President's proposal because I believe it essential that, for environmental purposes, we give serious study to the problems population growth will continue to cause in the future.

Mr. Nixon also posed a most significant question: Where will the next hundred million Americans live? Our best projection or guess, if you will, indicates that at least 75 percent will locate in highly urbanized areas . . . thereby exacerbating the very problems plaguing us today.

Recently the National Commission on Urban Growth reported that, to accommodate the projected population growth in new communities, we would need to build a new city of 250,000—a city the size of Tulsa or Jersey City—each month for the next thirty years.

The pressure of numbers will be fantastic . . . pressures on our natural resources and the quality of our environment. Clean air and water, recreational facilities, open space, mineral resources, plant and animal life . . . all will be subjected to the excruciating pains of our population explosions.

As the President said: "The ecological system upon which we now depend will seriously deteriorate if our efforts to conserve and enhance the environment do not match the growth of the population." Let me add that our efforts to "conserve and enhance" may have to exceed the growth of population.

Quite obviously, any discussion of environmental planning and improvement touches upon vitally important matters such as family planning, mass transit, housing and other equally important matters. And, while not the immediate subject at hand, they are indeed vital concerns which we will elaborate on as this campaign unfolds.

After surveying the magnitude of the population question, let's review some of the more salient environmental considerations.

POLLUTION

Man's capacity to pollute the environment expands concomitantly with the accelerated drive toward industrialization and urbaniza-

tion. For example, a century ago the production of crude petroleum was virtually nonexistent. But by 1966, it has amounted to 1.7 billion metric tons per year. Between 1937 and 1966, annual petroleum production rates increased 600 percent. Throughout the world the passenger motor vehicle, in that same period, was produced at a rate that increased from 5 million to 19 million per year. Understandably, the rise in residual environmental pollutants from such an increase is dramatic. Air pollution is a national problem of paramount importance and Minnesota, unlike some of our unfortunate sister states, still has time to avoid the crisis of polluted air.

A recent magazine advertisement stated "In this age, of affluence, we have more of everything, including more trash." Consider for a moment the sobering fact that each of us produces about five pounds of solid wastes daily . . . that amounts to 182,000,000 tons every year. It is an established fact that waste is growing more rapidly than the population and, by 1980, that yearly figure will amount to 280,000,000 tons.

It is manifest that the increased use of modern technology has brought major increases in the amount of waste products which contaminate our environment. In the United States today, more than 142 million tons of smoke and noxious fumes poison the air, 7 million automobiles spew forth carbon monoxide, 20 million tons of paper, 48,000 million cans, 26,000 million bottles and jars, 3,000 million tons of waste rock and mill tailings and 50 trillion gallons of hot water must be disposed of. The disposal of liquid and solid wastes in our country is a gargantuan problem, especially in our ever-growing metropolitan regions such as Minnesota's Third District.

Turning to plant and animal life, we find that 150 types of birds and animals have become extinct because of human acts and nearly 1,000 species or races of wild animals are considered to be rare or endangered. Furthermore, we know that pesticides such as DDT inhibit photosynthesis in some algae and plant life by as much as 75 percent. Nonetheless, we have introduced worldwide nearly one billion pounds of DDT into our environment and are adding 100 million pounds every year. World production of pesticides exceeds 1,300 million pounds annually and the United States exports over 400 million pounds per year. The effects upon fish, wildlife, human health, and our total environment are of serious and, to date, incalculable consequence and inflict a needless cost upon mankind. We can ill-afford to ignore these growing menaces.

As mentioned, the deterioration of the human environment is related to the three primary causes of population growth, increased urbanization and an expanded and efficient new technology. None of these need necessarily be detrimental to the human environment . . . they have been so because of man's inability to see the consequences of raping his natural environment. Today we witness those consequences in countless ways; tomorrow we need not suffer from this historic lack of vision.

As both an agricultural and industrial leader, Minnesota faces these very same problems. Questions of pesticides and insecticides, feed lot run-off, the disposal of taconite tailings, the development and use of nuclear power and possible radiological contamination, restoration of abandoned open pit mines and tailing dumps, the preservation of unique and historic open spaces . . . all of these public policy decisions confront the people of Minnesota and of our Third District.

Recent actions by the Governor and the Legislature reflect the growing awareness of our people and their leaders to the significance of environmental management. The Legislature, in creating the Pollution Control

Agency in 1967—and by giving it expanded powers in air, water, and solid waste control, moved Minnesota to the forefront in this field. Governor LeVander's recent action in creating an environmental affairs cabinet at the state level is commendable, for it will bring together for the time Minnesota's operating departments and agencies in coordinating the State's environmental programs and policies.

A PROGRAM FOR THE 1970'S

I offer the following recommendations for action which, if implemented, would greatly enhance our state and national capability for dealing with the environmental crisis:

1. Congressional establishment of a national Environmental Quality Council.

The President, by executive order, has created a Council to operate at the Federal level and legislation designed to give permanence to the Council, S. 1075 and HR 12549, has been passed by the House and Senate and is awaiting final conference committee action. I urge the Congress to resolve the minor differences and establish the Council in the immediate future with appropriate funding and staff resources.

2. Appointment of full-time environmental adviser to the President.

An environmental specialist similar to the caliber of Dr. Moynihan, assistant to the President for Urban Affairs and chief staff aide to the Urban Affairs Council, should be appointed by the President.

3. A White House Conference on Environmental Management in 1970.

In conjunction with this national effort to review our present state of affairs, each of the fifty governors ought to hold a prior statewide environmental conclave designed to generate recommendations to be considered by the White House Conference. Follow-up state conferences should be held subsequent to the White House Conference to implement the recommendations through state legislative and executive action.

4. Creation of a Select Joint Committee on Environmental Living by the House and Senate of the Congress.

The Congress needs an integrated view of its responsibilities which can only be achieved by such a committee. The Committee should be structured and should operate similar to the Joint Economic Committee.

5. Review of National and State Laws.

Minnesota's recent experience with the Atomic Energy Commission on the question of radiological pollution standards points up dramatically the immediate necessity for a comprehensive review of Federal and State law in the entire field of environmental improvement. This entire matter of man's environment is much too significant to allow it to become ensnarled in a maze of legal battles. In the recent Minnesota case I support Governor LeVander for his action and the action of the Minnesota Pollution Control Agency and the action of other state officials in defending Minnesota's legal right to impose stricter standards than those required by the AEC. The Governor and the State chose the right alternative, N.S.P., on the other hand, had a legal right to institute legal proceedings in an effort to get a court determination of the issue of Federal vs. State authority.

But the real question becomes—just how long can man await the unraveling of legal issues while damage to his environment goes on in its implacable and relentless pace?

The time has come for the federal authorities to cooperate with states in the encouragement and development of high standards and vigorous enforcement action in protecting our air and water resources.

6. Divide the present authority and responsibility of the Atomic Energy Commission.

It makes no sense to continue the Commission as both a regulator and promoter of the peaceful uses of atomic energy when

public confidence in the Commission has been undermined. At the time when the A.E.C. was commissioned, nobody realized nor contemplated the true significance of the regulatory factor. By separating the regulatory and promotional functions, public confidence could once again be restored to its fullest extent and our fears and concerns over radioactivity in the environment could begin to be put to rest.

7. Increased State and Federal support of the Minnesota Experimental City as a proposed laboratory for dealing with environmental concerns in a total systems experiment.

The University of Minnesota's MXC project is one of America's boldest planning efforts in trying to cope with the social, economic, political, technological, and environmental problems of an urban environment. It is an imaginative research and planning endeavor which has attracted widespread interest and support in both the private and public sectors. Now in its second phase, the MXC project deserves greater Federal support by the affected departments and agencies. Surely it is a project worthy of the Congress' attention as America grapples with problems of urban decay in the months and years ahead. As a member of the Congress, I would work for the building of the Minnesota City.

8. Support for Jonathon.

At the same time, I support the work and efforts of those who are participating in the exciting new city concept known as Jonathon in Carver County. It demonstrates how private enterprise can participate in the development of a quality environment.

9. Increased State and Federal support of the Freshwater Biological Institute at Lake Minnetonka.

As an arm of the University of Minnesota's Graduate School, the Institute holds great potential for freshwater biological research and for the training of environmental scientists. This effort on the shores of Lake Minnetonka warrants both private and public support as a pioneering effort in freshwater research.

10. Creation of the proposed Voyageurs National Park.

Minnesota's unique Kabetogama region deserves to be included in our National Park System as one of America's few remaining biological and historic treasures. This scenic masterpiece would make one of the nation's truly outstanding national parks and, since chairing Governor LeVander's 1967 public conference at Virginia, I have been convinced of the proposal's merits and of the advisability of preserving this Voyageur area. The Voyageurs park proposal is a natural resource project of pre-eminent importance and I hope congressional action is soon forthcoming. Establishment of the park would help maintain Minnesota's leadership as a recreational and tourist haven, as well as preserving a unique natural resource for all our people.

11. Creation of a national foundation to solicit and maintain broad public understanding and support for environmental planning and improvement.

While it is fashionable to decry the value of private foundations today, I believe we desperately need a private organization, adequately funded, operating in the environmental field. Only through the educational efforts of government and private voluntary organizations can we reach our people. Public sector efforts are insufficient and can never take the place of enlivened citizen participation.

12. Creation of an international vehicle for saving Lake Superior.

We must not stand idly by and watch Lake Superior, North America's greatest freshwater asset, succumb to the fate of a Lake Erie. Let us heed the early warnings and take immediate action to protect Superior against the onslaught of pollution. This can

only be achieved by Canada, Minnesota, Michigan and Wisconsin acting in concert on an international program of pollution abatement and control.

13. Encouragement of actions by private industry to improve our environment.

Private industry is often criticized for the manner in which it is defiling our environment. In many cases this criticism is justified. Nevertheless, in my practice as a lawyer, I have worked with many industry leaders, and I sense a new awareness in these leaders of the role that the private sector must play in the preservation of our environment. I will initiate actions to further encourage and expand private industry's role in this area, by investigating tax incentives to encourage industry's efforts, by introducing legislative guidelines to curtail the activities of the exploiters, and by speaking out in favor of those industries which are doing the job that needs to be done and speaking out against those industries which are not doing so.

DISTORTION BY NEWS MEDIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HOGAN. Mr. Speaker, Vice President AGNEW last week articulated a controversial point of view about the news establishment in this country. I commend him for his courage in bringing this issue into such sharp focus.

Mr. Speaker, today I would like to call to the attention of my colleagues a letter which I received prior to the Vice President's speech in Des Moines, Iowa, which discusses the subject matter—distortion by news media.

In his letter, my constituent, Mr. Stanley W. Bowers, makes some very interesting observations and comments about television coverage of the President's November 3 speech which I would like to insert into the CONGRESSIONAL RECORD at this point:

NOVEMBER 6, 1969.

HON. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR MR. HOGAN: Enclosed is a letter to Columbia Broadcasting System, Inc., which expresses my feelings immediately following the President's speech to the Nation on Monday night. The language is strong but intentionally so for I feel that television news commentators are given far too much latitude today in what they are allowed to express without rebuttal. However qualified or unqualified they may be, they set themselves up as experts on the war and national policy telling their viewing audiences what the mind of the majority of American people is whether it is true or not.

I have had a number of discussions with friends of mine, including the minister of my church and others of the "silent majority," since Monday night and all were appalled at the tone of the commentators following the President's speech. If we are to be a nation united, how can it be when a media of undeniable influence deliberately seeks to divide and seemingly further incite the immature vocal minority?

I respectfully request that you do all in your power to investigate the motivation and circumstances behind the telecasting of the newsreel from Vietnam on the CBS 11 p.m. news report mentioned in the enclosed letter. A personal viewing of the entire re-

port will substantiate what I have said and partially demonstrate the reason for my concern.

I am a firm believer in free democratic expression, but without opposing viewpoints much of what we hear and see becomes propaganda. What some are calling "interpretative reports" are nothing more than an individual's misguided viewpoint, or deliberate subversive statements, disguised as the mind of proper American thinking.

You have had my support at the ballot box and now may I respectfully request your support in this concern of mine? May I hear from you soon?

Sincerely,

STANLEY W. BOWERS.

NOVEMBER 3, 1969.

COLUMBIA BROADCASTING SYSTEM, INC.,
Washington, D.C.

DEAR SIR: If your news staff are not card carrying members of the American Communist Party they might just as well be. They are among the "effete corps of pseudo-intellectual impudent snobs." Strong words? Yes! But don't throw this letter in the waste basket yet. No words can express my utter disgust with your news staff.

I have just witnessed what is contributing to the moral decay among certain elements of my country, for I have just finished watching your commentaries following the President's speech to the Nation. Your news staff immediately began to tear down and rip apart what the President said as he tried to "bring us together" through understanding. One of your news people ("impudent snob") used the term "illogic" to describe the President's remarks. In a few minutes time your people attempted to destroy all that the President was trying his best to say to my Nation. (You will note I have used the possessive when referring to my Nation for obviously your news people are only a part of this country because of birth or naturalization.)

On top of the above, I have never seen such deliberate gall and obviously slanted and subversive reporting when you showed a newsreel from Vietnam purportedly showing a wounded North Vietnamese being slain with a knife by a South Vietnamese while our U.S. advisors stood by. Never, never, in my years of watching the news (and I watch religiously) have I witnessed anything like this on the part of either of the opposing forces. It cannot be just coincidence that this was saved for viewing 1 hour after the President's speech. It appears that it was purposely scheduled for just the proper time to further demoralize and incite the vocal minority of my Nation.

May it be little comfort to you to know that you were not alone in your commentaries for the other networks were equally negative in their reports but not so blatant as to show supposed U.S. approved atrocities.

On your 11 p.m. news report you arranged to air the views of two congressmen. But who was allowed to speak the longest—the communist sympathizer, of course!

Your news staff are very likely among those who say "communism—so what! If we become a communist nation, but at 'peace', what of it?"

Admittedly, I am irate. I've never felt compelled to write a broadcasting network before, but when I see my country being undermined by revolutionaries from within, I'm compelled to express my views for whatever they are worth.

You may say, "Who is he, anyway?" Well I'm just another 32 year old Management Analyst serving my seventh year in the U.S. Government. Yes, I'm a Republican (and have served on the President's staff) but more than that I am a concerned American.

As a result of your programing of this date, I'm asking my Senator and Congressman to do what they can to initiate an investigation

of the motives of the aforementioned irresponsible and subversive programing.

My hope is that the American public will not allow our broadcast media to be taken over by the likes of your news staff. I shall actively seek to do my part in seeing that this is so. Complacent, I'm not anymore. As one of the "silent majority" it's time to speak out—however intemperate it may seem.

Sincerely,

STANLEY W. BOWERS.

MONROE COUNTY, N.Y., PURE
WATERS AGENCY SETS COM-
MENDABLE EXAMPLE IN COM-
PREHENSIVE \$200 MILLION ANTI-
POLLUTION DRIVE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HORTON. Mr. Speaker, the greatest problem facing the people of this country today is to clean up our environment. We have been fouling our own nests for too long. It is time all of us took up the cause of clean water, clean air, and clean lands.

The Federal Water Pollution Control Administration has taken a major lead in the Federal efforts. I would also like to bring the attention of my colleagues to the efforts in my district of the Monroe County Pure Waters Agency which is undertaking a \$200 million countywide program.

The Federal and local objectives are spelled out vividly in addresses given at the first meeting of the Monroe County Pure Waters Agency last spring. I would like to share the remarks of David D. Dominick, Commissioner, Federal Water Pollution Control Administration, and Frank E. Van Lare, former New York State senator and chairman of the pure waters agency.

The remarks referred to follow:

REMARKS OF DAVID D. DOMINICK, COMMISSIONER, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION BEFORE THE FIRST MEETING OF THE MONROE COUNTY PURE WATERS AGENCY, ROCHESTER, N.Y., APRIL 16, 1969

I'm here speaking to you today as a new man on the job. Three weeks on the job to be exact. And I know that I'm speaking to a great number of people who have been on the job for a greater time—people who have devoted high intelligence and energy to solving the pollution problems of your county and of your region.

This is my first foray out of Washington since assuming my new responsibilities. My first foray out to the front lines—to where the action is.

I consider it especially appropriate that I have been privileged to come to Monroe County, New York. For I know that this is a county that has initiated more than \$200 million in sewage construction in a little over a year. A county that can be viewed as a progressive model for the whole State of New York and the Nation. I'm very happy to be here.

If the National clean water program is to succeed, I believe that Americans must have a more respectful and less arrogant attitude toward their water resources. And I believe we are moving in this direction.

A recent Gallup Poll, sponsored by the National Wildlife Federation, shows that great numbers of Americans—more than 85

percent in fact—are concerned about pollution of their environment, and that the concern is shared by city people, rural people, and the young and old alike.

The poll showed that about half, or 51 percent, of the persons interviewed were "deeply concerned" about pollution as compared to all other environmental problems. And that one-third, or 35 percent, said they were "somewhat concerned." Only 12 percent said they were "not very concerned." Even more important, 3 out of 4 people interviewed said they were willing to spend more tax dollars to improve their natural surroundings.

The reason we are moving is this: Evidence of man's abuse and misuse of water, of lakes and streams has become overpowering. It is impossible to ignore.

You observe the evidence in the Genesee and Lake Ontario, I see it in the Potomac and Chesapeake Bay. The evidence of gross pollution stings our sensibilities and threatens to slow economic growth across the land.

We are almost out of time. This is why active units such as the Monroe County Pure Waters Agency are so important, so vital to the effectiveness of the National clean water drive.

These local groups energize public opinion which is at the heart of power and action. They police pollution, ferret out the causes, and propose solutions.

On the part of the Federal Water Pollution Control Administration I pledge the fullest cooperation to the Monroe County Pure Waters Agency and all similar local units throughout the country. I assure you that we are aware in the bureaucratic thickets of Washington that without local initiative and support there simply would be no National clean water program.

Now, I would like to report briefly today on the future of our clean water program as we see it in Washington through the Federal spyglass.

First, I do not look for any major policy changes in overall water pollution control objectives in the immediate future. However, there may be some changes in emphasis by which we would hope to strengthen the program. As Secretary Hickel said at his highly publicized confirmation hearings before the Senate—

"Implementation" is going to be the key to the early days of his administration. I can tell you in a personal aside that Secretary Hickel is very much a man of action—he's a doer—and he's a man that expects and I think is going to get results.

You know, of course, that President Nixon has a personal commitment as well to the urgency of safeguarding the environment. During the presidential campaign, President Nixon proposed the following six-point program to combat water and air pollution:

"First, we should recognize that some problems—like air and water pollution—spill over traditional political boundaries. We must now begin to perfect and expand regional and Federal approaches to controlling pollution. . . .

"Second, we need to accelerate the development of more effective and less expensive pollution control devices. . . .

"Third, we need to develop more objective standards for measuring air and water pollution. Our research efforts in this vital area must be strengthened.

"Fourth, we have to develop and implement effective and fair enforcement procedures . . . we must improve our capability for identifying and fixing the responsibility for pollution.

"Fifth, to eliminate expensive bureaucratic confusion, duplication and red tape, we should give careful consideration to the transfer of all related pollution control programs now administered by other Federal agencies to the Federal Water Pollution Control Administration.

"Sixth, the Federal Government *must set the example by eliminating*, as soon as possible, all pollution from Federal facilities. The Federal Government must practice what it advocates."

Secretary of the Interior Hickel has given unequivocal support to the clean water program. Even a casual newspaper reader is aware of that fact. He told the Senate Subcommittee on Air and Water Pollution in February that:

"I support the basic concepts as outlined in the Water Quality Act of 1965, as amended. I am convinced that with proper administration, adequate financing, and good tough enforcement the objectives as outlined by Congress can be attained.

"Our Federal program requires a *cooperative effort by local, State and national governments*, coupled with the support of private industry and the general public.

"It is only when all these elements of society work together that we can realize progress in cleaning up the polluted waters and prevent further pollution.

"The Department of the Interior must utilize to the utmost the present laws. We must seek new authority where new authority is needed. We must be willing to move in new directions and assist the States in developing programs which will prevent as well as control water pollution. We must establish the proper guidelines so that each entity will know its responsibilities. Industry must know what is expected of it, as must the municipalities, the States, and the regional and interstate groups. We must develop the technical capability that is needed. We must have training programs. There is much that needs to be done."

Secretary Hickel went on to say:

"I am committed to the effort and will do all I can to improve and advance the programs designed to protect and improve the quality of this Nation's water."

I think you will agree that the Administration has adopted a positive approach to environmental management and water pollution control.

This approach, attended as it will be by a closer working relationship among Federal, State and local clean water teams, has a special significance for the rich and magnificent Great Lakes area, beset by grave, and in some areas, worsening water pollution.

Federal-State cooperation has constructed solid pollution control programs to clean up Lake Erie and Lake Michigan. The implementation of these programs will receive top priority at FWPCA.

The five-State schedules for Lake Erie call for the appropriate municipal and industrial treatment facilities to be completed by 1970, for the most part, and by 1972 in a few cases.

The four-State schedules for Lake Michigan are to be fulfilled by the end of 1972.

The Lake Michigan and Lake Erie conferences have stimulated FWPCA and the Corps of Engineers to come nearer to a satisfactory solution to the critical problem of dredging. FWPCA and the Corps are in continuing consultation on this problem.

The conferences also have stimulated significantly studies and research by FWPCA in the field of eutrophication, a problem which confronts the Great Lakes and smaller lakes in the Basin in varying degree.

The Erie and Michigan enforcement conferences, I believe, showed us how necessary it is to act promptly to curb lake pollution in its early or relatively early stages. This is what we're doing in Lake Superior. It is what we have already attempted to do in Lake Tahoe.

As you know a Federal-State enforcement conference to consider ways of reducing pollution in Lake Superior has been called for May 13 in Duluth. Lake Superior is the deepest and still the cleanest of the Great Lakes.

Further, as you know very well, an action program is being put together to clean up algae-plagued Lake Ontario and its severely polluted tributaries. The basis of the program is a report prepared by FWPCA and the State of New York—a report which calls for the expenditures of more than \$300 million to install or upgrade water pollution control facilities in 229 municipalities and 200 industries.

FWPCA stands ready, of course, to provide whatever assistance it can in support of this massive and far-seeing clean-up project.

It is unfortunately true that water clean-up by municipalities has been and is hampered by a lack of funds. The authorized amount of Federal construction grant money has not been appropriated by Congress because of budgetary cutbacks.

But Secretary Hickel has testified before Congress:

"We will be reviewing and studying the needs and requirements of municipalities in supplying treatment facilities. . . . We must come up with realistic ways of financing these needed facilities."

Also we hope to make more money available through grants to the States and to interstate agencies to help them meet the costs of establishing and maintaining adequate water pollution control measures and to train personnel in public agencies.

A determined effort will be made to beef up training programs.

Secretary Hickel has told Congress:

"In the training area, we believe that it is essential that programs be initiated soon in all the states for the training of persons qualified in the operation of waste treatment works.

"In some cases we find that waste treatment works because of the lack of trained personnel are operating at only 80 to 85 percent of the designed capability. Combined with this effort, we will attempt to develop with the state administrators, a program where our technical people can join with the state officials in assessing the extent of water quality improvement possible through the improved operation of the more than eleven thousand treatment plants now in existence in the United States."

In closing, let me say this: I think you will find that the new water team leadership in Washington will strengthen and advance our water quality programs. It stands for effective water pollution control laws, adequate financing, and proper enforcement. It stands for more effective cooperation with the States and local communities.

And above all, it stands for less rhetoric, more action!

REMARKS BY FRANK E. VAN LARE, CHAIRMAN, MONROE COUNTY PURE WATERS AGENCY, APRIL 16, 1969

My message for this gathering is a short and happy one. During the past year the corner was turned in the war against water pollution in Monroe county. Our county has emerged as a national leader in halting the defilement of our rich heritage of water resources. The corner was turned because county, city, town and village officials joined in a nonpartisan cooperative endeavor without precedent in the history of Monroe County. This effort in the public sector has been supplemented by the projects of private industry.

Let me cite a few of the highlights of this endeavor.

The city council of Rochester approved a bond authorization of \$48.7 million to finance an expansion and upgrading of the Durand-Eastman sewage treatment plant. Construction of this project, which includes an 18,000-foot outfall into Lake Ontario, will start this year.

The county legislature approved a bond authorization of \$90.0 million to construct

the 37-mile Irondequoit bay regional interceptor sewer system. Construction of this project will begin late this year and ultimately will serve 10 suburban communities. It also will accept sewage flows from part of Rochester.

Completion of the project will permit the abandonment of 15 small treatment plants. Flows will be transported to the expanded Durand-Eastman plant.

The county legislature approved bond authorizations totaling \$30,046,000 to construct a new treatment plant and interceptor sewer system to serve the nine communities in the northwest quadrant of Monroe county. Construction of this project will begin this fall.

The town of Webster completed its new treatment plant. The construction of this plant was made possible by a model of municipal-industrial cooperation between the town and Xerox corporation. This plant eventually will be a regional facility as interceptor sewers are extended into northern Penfield.

The Gates-Chili-Ogden county sewer district approved an expansion and upgrading of its treatment plant at a cost of \$10,675,000. This plant ultimately will serve the southwest and south central areas of Monroe county. Construction will begin this year on an interceptor which will tie western Henrietta and Brighton into the Gates-Chili-Ogden system. Design has started on an interceptor system which eventually will reach Wheatland and Riga.

The City of Rochester has completed a study on abatement of pollution from combined sewer overflows into the Genesee river. This study is under review and a program should be adopted this year.

The first portion of the new Eastman Kodak Company plant is scheduled to be placed in operation this fall. The remainder of the plant will be placed in operation next year.

Other highlights include the start of the expansion of the Brighton-Pittsford Allens Creek plant, which is a key element in the Irondequoit Bay regional program; completion of design of the new Honeoye Falls tertiary treatment plant; and completion of the village of Scottsville plant.

More than 90 per cent of the sewage flows from public sewer systems will be treated at the Durand-Eastman, northwest quadrant, and Gates-Chili-Ogden plants. Each of these plants will provide better than 80 per cent removal of phosphates, a key element in the overfertilization of Lake Ontario. I expect that these plants will be the first three large treatment facilities on the Great Lakes to provide high-level phosphate removal. I am certain that they will be among the first five plants.

The county legislature appointed the pure waters agency to prepare a pure waters master plan for Monroe County and make recommendations for its implementation. This plan, which provides for treating most sewage at four regional plants, has been completed. Recommendations for bond authorizations in excess of \$120 million were made to the county legislature. Each recommendation was approved by a unanimous vote. Other recommendations have been approved by the city, towns and villages.

I attribute this record to three factors. The first one is the ability and dedication of the members of the pure waters agency. They have devoted many hours to their task. The second factor is the more than 100 meetings which the agency held with city, town and village officials and with citizens groups. The master plan and recommendations for implementing it reflect the many suggestions which emerged from these meetings. The third and perhaps most important factor is the tremendous public support the agency has received. The people of Monroe County—

to put it bluntly—are fed up with water pollution.

I want to make mention of State and Federal aid programs. Without this aid, particularly that from the \$1 billion Rockefeller bond issue, a program of the scope we have undertaken would not be feasible.

In closing, let me say that the war on water pollution has not yet been won. Much remains to be done. But the groundwork has been laid for giving Monroe County the highest level of water quality of any metropolitan area in the Nation.

TRIBUTE TO RAY BORST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DULSKI. Mr. Speaker, a former colleague, the Honorable Leo W. O'Brien of New York, was a newspaperman—indeed, an excellent newspaperman—before he came to Washington to spend seven terms in this House. He retired to private life at the end of the 88th Congress.

During his newspaper career, he spent much time in our State capital at Albany, alongside another topnotch newspaperman, Raymond I. Borst, Albany bureau chief for the Buffalo, N.Y., Evening News.

Mr. Borst, who retired several years ago, died on November 1.

Leo O'Brien wrote a special tribute to his former colleague, which appeared in the Albany Times-Union and the Buffalo Evening News. The column provides an insight on both these men and I include the text with my remarks:

AN EX-CONGRESSMAN'S TRIBUTE TO BORST:
ONE OF THE DOZEN GREATEST REPORTERS
(By Leo W. O'Brien)

One of the dozen great reporters of the last 50 years died the other day and, perhaps fittingly, was buried on Election Day. Fittingly, because most of his half century of reporting revolved around national and state politics.

I refer to Raymond I. Borst who wrote his name high on the list of top journalists.

And yet, strangely, he was not well known to the general public in Albany, where he won his spurs. His byline appeared mainly in other places, first as bureau chief for the International News Service and later as Capitol correspondent for The Buffalo Evening News.

He and I sat side by side at desks in the Capitol press room for 25 years. We shared hotel rooms in Wyoming, California and Montana. We traveled together on Presidential campaign trains from coast to coast and we shared cars in many gubernatorial campaign caravans.

In all that time I don't think I ever said "you're a great guy," but I thought it a thousand times. Men cover up such things with wisecracks and pretended insults.

ONE OF THE LAST

Ray's death cut one more link between these days, when everyone seems to be an interpreter of the news, and the old days when the story itself was the main target. It reduced too, the dwindling ranks of those who reported the happenings of Al Smith's and Franklin D. Roosevelt's days as well as the more current times of Rockefeller and Harriman.

Ray came from the Schoharie Valley. He

never wanted to go to Washington. It was too far from the Adirondacks for him.

During decades of political writing, he faced all kinds of competition and, with only a high school education, he stood head and shoulders over the best colleges of journalism could send into the lists.

On presidential campaign trains, jousting with famous writers from Washington, he was always the best reporter aboard.

ABOARD TRAIN WRECK

I well remember a cold day in the fall of 1944 when the campaign train on which we were riding with Thomas E. Dewey was wrecked near a small town called Castle Rock, in the State of Washington.

Most of us were writing our leads on the speech Dewey was to deliver that night in Portland at the time of the collision. Only a few left the train to interview the engineer. Ray was one. When he returned to the press car, filled with top reporters, Ray remarked:

"They don't know what to write. Today they're stuck with the facts."

One of the most quoted campaign train stories of all time revolved around Ray and his great friend, the late Bert Andrews of the late New York Herald-Tribune.

A SUITABLE TIP

During the long trip from Albany to California and back, Ray and Bert shared a compartment and traveled about together in the many cities visited.

Bert had a running gag, sticking Ray for taxi fares, dinners and so forth, and boasting in the press car of each triumph.

As we approached Albany on the return trip, Ray started toward the compartment to pack. With a broad grin at the rest of us, Bert made his final gesture.

"Ray," he said, "will you tip the porter for me? I'll pay you back."

Ray quietly left and Andrews roared with laughter. A little later, he hurried to the compartment to pack.

"Did you tip the porter?" he asked.

"Yeah," replied Ray.

Suddenly, Bert exclaimed:

"What happened to that gray suit I bought in Los Angeles?"

"Oh," said Ray, "I gave it to the porter as your tip."

Ray loved that story and I suspect I have used it here to cover up a very deep grief with laughter. Men do those things.

THERE OUGHT TO BE A LAW

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NIX. Mr. Speaker, the most recent issue of the Federal Bar Journal, which has just been sent from the printers, contains an article by Mr. Thomas Kennedy and Mr. Bowie Johnson on the subject of Government labor relations. Their title is "Public and Private Employment—A Double Standard." I think the title should have been a different one. It should have been "There Ought To Be a Law."

It is their position that an Executive order of the President of the United States is nothing more than the personal wishes of the President and it is an instruction that can be changed between breakfast and lunch.

The President of the United States on October 29, 1969, issued a new Executive order governing labor-management re-

lations in the Federal service. During the presidential campaign, the President sent a letter to James Rademacher, president of the National Association of Letter Carriers dated September 24, 1968. In that letter to Mr. Rademacher Mr. Nixon stated:

I intend to propose legislation which will insure the participation of Federal employees in the formulation and implementation of personnel policies directly related to their employment. This legislation should provide for meaningful consultation between the employee organization and those in positions of management. The legislation should spell out procedures to insure that charges of unfair labor practices can be heard expeditiously by an independent forum. I think a great deal can be accomplished by encouraging close cooperation between management and employees at all levels of the Federal service.

I agree with the Nixon statement of September 24, 1968. The article by Kennedy and Johnson points out that Executive orders grant unenforceable rights that can be withdrawn and the cases of Manhattan-Bronx Postal Union against Gronouski, National Association of Internal Revenue Employees against Dillon, Norris against Steele, support this view. What is more, other decisions handed down by Federal appellate courts take the same attitude to Executive orders, including the case of Congress of Racial Equality—Target City Project—against Commissioner of Social Security Administration.

Mr. Speaker, there should be a law governing Government employee-labor relations so that Federal management and Federal labor can sit down at the bargaining table as equals and settle their differences. I endorse H.R. 4, the Dulski bill on postal reform which contains a section on postal labor relations. I will offer perfecting amendments to this section, but I want to make plain what I think. Chairman DULSKI has done a splendid job in his bill on postal labor relations as well as the other sections of H.R. 4.

I now offer for inclusion in the RECORD the article from the Federal Bar Journal, "Public and Private Employment—A Double Standard," by two Government lawyers, Mr. Kennedy and Mr. Johnson: PUBLIC AND PRIVATE EMPLOYMENT—A DOUBLE STANDARD

(By Thomas R. Kennedy* and W. Bowie Johnson**)

UP UNTIL NOW

When Calvin Coolidge as Governor of Massachusetts sent his famous telegram regarding the Boston Police strike, he said that "there is no right to strike against the public safety by anybody, anywhere, any time."¹ This statement eventually launched him into the Presidency and established as doctrine an attitude toward public employee organizations. At that time the Federal, State and local governments did not perform the myriad functions they do today and the statement was made in an era that was not hospitable to American labor generally.

From the 1930's until the present time the Federal Government has pressed private industry to bargain collectively with their employees; large industrial unions have been formed, strikes fought, contracts signed and renegotiated and improved from year to year. Labor battles have moved from the streets

Footnotes at end of article.

to the negotiating table, into the hearing rooms of the National Labor Relations Board and into the courts. Mediation and arbitration are much more common than strikes in the private sector and long term contracts with cost-of-living adjustments are normal contract terms. When there are strikes today, picketing very often consists of one man sitting in a chair or automobile at a plant gate, more symbolic than anything else, but more effective under a system of well-developed labor law than the mass picketing of the thirties.²

The law affecting public employees in Federal, State and local governments is totally different. A difference that has been generally accepted up until now. There are five propositions that are still valid today.³

1. Strikes and picketing are prohibited activities and the prohibition of such activities is not unconstitutional or a violation of civil rights.⁴

2. Any type of closed shop, union shop, or other form of union security agreement between a government agency and a union representing employees is invalid.⁵

3. Any agreement that union members will be given preference in hiring, firing, reductions in force, promotion, or any other employment benefit or privilege is invalid.⁶

4. Any agreement for automatic checkoff of union dues, absent a specific written assignment from each individual employee concerned, is invalid.⁷

5. In the absence of any prohibitory statute or regulation, public employees may organize or join unions, including unions which are affiliated with national labor organizations such as the A.F.L.-C.I.O.⁸

This five point analysis is based on Wilson R. Hart's book on Collective Bargaining in the Federal Service and an American Law Reports article on public employees.⁹

During the last four years when serious strikes have occurred, they more than likely have occurred in the public sector. The public pays twice in such strikes—in increased wages and taxes and in serious inconvenience, if not in addition being subject to an emergency condition. There have been strikes within the past four years of policemen, firemen, employees of a State mental hospital, sanitation men, and school teachers on a city-wide as well as state-wide basis.¹⁰

The threat of work stoppages has spread to the Federal Government. On June 19, 1969, air controllers reported sick in cities as far apart as New York, Denver, Houston, Honolulu, causing three hour delays in air flights.¹¹ Twenty-two postal employees of the Kings Bridge station in New York City reported sick on July 1 and on the same day the National Association of Letter Carriers filed suit in Federal District Court in Washington, D.C. challenging the constitutionality of that provision of the U.S. Code which forbids the advocacy of the right to strike, as a violation of the constitutional freedom of speech and association.¹²

The situation in the Post Office Department is serious because postal workers who live in some of our large metropolitan areas earn, on the average, \$2,000 a year less than city sanitation workers. What is more, working conditions are poor and facilities date back to the 1930's in an industrial operation with a government mission. There is also little personal incentive in the postal service in that 80 percent of the postal employees retire or leave the service at their entry grade and inflation devalues pension rights.¹³

The Federal Government has had a comparatively good experience in labor relations despite the lack of an adequate labor relations program. The Congress sets wage scales, thus eliminating the major issue confronting management and labor. Civil Service laws are fairly detailed, and there is job protection by

statute. But employees, particularly in the Federal Government's heavy industry operations, want to have a voice and an impact through their own chosen employee organization representatives. Today, one million two hundred thousand Federal employees belong to Government unions.¹⁴ But the threat of criminal penalties against group action will not hold employee organizations in check for much longer unless meaningful contracts and negotiations take place between Government management and labor organization. Most of the countries among the Western Democracies permit government employee strikes and there have been postal strikes in Australia, Canada, Great Britain, Italy and France, and slow downs resulting from strict enforcement of work rules in Germany.¹⁵ This isn't the answer for the United States but a continuing vacuum in Federal industrial relations such as exist in the postal service must be replaced by a realistic program based on legislation which can be tested in the Federal Courts if need be.

A GOOD START

Executive Order 10988, issued January 18, 1962, resulted from an intensive study, by a task force headed by the then Secretary of Labor Arthur Goldberg, of employee-management relations in the Federal service.¹⁶ This Executive Order governs labor relations at this writing, although a substantially modified new order contained in a report from a task force chaired by the Chairman of the Civil Service Commission, Robert Hampton, awaits President Nixon's signature.¹⁷

President Kennedy's Executive Order provided for a form of proportional representation with a threefold form of government employee recognition—exclusive, formal and informal.¹⁸ This was based on Federal practice in which all employee organizations were treated equally and differed from practice in private industry where the winner of a representation election is the exclusive representative.¹⁹

Exclusive recognition required that 50 percent of the employees in an appropriate unit become members of the employee organization, or choose such union in a recognition election. An appropriate unit was one where the employees had a community interest.²⁰

Formal recognition entitled an employee organization to consultation rights before personnel decisions were made. In practice this has not worked well, since there is no way to measure whether or not management had already made up its mind. Formal recognition required that 10 percent of an appropriate unit hold membership in the union.²¹ Informal recognition merely entitled an organization to bring the views of its members to management's attention.²² This form of recognition gives no real rights, but the very fact of recognition has been helpful to some organizations in that employees would ask such an organization to represent them in grievance proceedings.²³ When an organization receives exclusive recognition, all rival organizations lose formal recognition but retain informal recognition status.²⁴

Exclusive recognition under the Kennedy Executive Order entitled an organization to seek and sign contracts with Government management.²⁵ This was a truly significant development and at the time of the signing of the Executive Order made the Federal Government the leader in the field of government-labor relations. These contracts covered for the most part terms concerning working conditions. It did not permit negotiations on the subjects of wages, budget, mission of the agency, hiring, firing, transferring, or automation and modernization.²⁶ This new right to negotiate contracts proved ephemeral for postal unions during local contract negotiations during the fall of 1968,

because for the first time management made extensive use of its right under the Executive Order to declare numerous items, including those in previous contracts, as being management prerogatives and therefore non-negotiable.²⁷

This was a change in postal management policy brought about because it was felt that local managers had given up too much authority during previous local postal negotiations. Declaring items offered as contract terms non-negotiable as management prerogatives was permissible under Executive Order 10988, even though many of these terms were in previous contracts. The effect on postal labor relations was disastrous.²⁸

Many postal unions in their fall conventions removed the no-strike pledge as an article of their union constitutions. At this time, in the early fall, comparatively few local agreements had been signed. Finally, Postmaster General Watson stepped in and ordered postal representatives to negotiate on all items. The contracts were signed and a strike was averted.²⁹

But a shadow clouded the future of such contracts in that there was some doubt that the terms of the contracts were enforceable because of the doctrine of "sovereign immunity" which prevents law suits against the Federal Government unless the Congress by Statute has specifically permitted such suits or there is a claim of a constitutional violation.³⁰ Under the provisions of the Executive Order the only appeal available to employee organizations of a contract interpretation is to the head of the agency who may have authorized the interpretation complained of.³¹ On a day-to-day basis the contracts mean what management thinks they mean and in future negotiations contract terms can be stricken by management's refusal to negotiate because such a term is then considered as a management prerogative.³² In addition, the Court of Appeals for the District of Columbia Circuit held in the case of *Manhattan Bronx Postal Union vs. Gronouski*³³ that an Executive Order can be changed unilaterally by a President for any reason or for no reason, since such order is only the personal policy of the President and not the business of the Federal courts. This meant that an Executive Order is a weak reed indeed, and the promises by management in contracts with postal unions and employee groups are gentlemen's agreements. The word gentleman in this situation is only definable by management.

EXECUTIVE ORDERS AND UNENFORCEABLE RIGHTS

Executive Order 10988, as Executive Orders generally, fulfills the same need in the Federal Government that decrees, edicts or ukases have always fulfilled for central governments; that is, a personal Executive direction to subordinates demanding efficiency.³⁴ An Executive Order is a policy matter. It is not a legal matter where rights and duties can be enforced by a neutral court system.³⁵ The Russian proverb that "God is too high and the Czar is too far away" is applicable to Executive Orders.³⁶ Appeals from conflicting or unreasonable decisions are only to personnel management. The following cases based on the *Manhattan Bronx Postal Union v. Gronouski* decision demonstrate the personal discretion aspects of Executive Orders and their limited nature.

A. *Manhattan-Bronx Postal Union v. Gronouski*

The issue in the *Manhattan-Bronx Postal Union* case was whether or not the terms of Executive Order 10988 could be applied to challenge the action of the Postmaster General in refusing to give exclusive recognition to the National Postal Union's local on the basis of a Civil Service Commission regulation and Postal Bulletin which required a 60 percent majority in a recognition election, where less than half of the workers in the

appropriate unit voted. The court of appeals affirmed the decision of the district court, to the effect that the Federal courts had no role to play and no jurisdiction to act in a case involving rights created by an Executive Order, since an Executive Order is the personal policy of a President which can be changed for any reason.

This decision was upheld by the United States Supreme Court to the extent that a writ of certiorari was denied. The court of appeals held, and it has not been overruled, that the Federal courts have no jurisdiction in matters involving Executive Orders, where the only purpose of the author of the Executive Order, the President, is to insure the efficient functioning of the subordinates. The President again, could withdraw the order "for any reason or no reason."

The doctrine of sovereign immunity, as enunciated in the case of *Larson v. War Assets Administrator and Surplus Property Administration*,³⁷ provides that the Federal Government may not be used or brought into the courts except as a matter of constitutional right or in a matter where the Congress has specifically provided for such jurisdiction by the Federal courts.

The case involved a misunderstanding about the manner of payment for surplus coal which was then resold to another business when Larson deferred payment rather than pay cash. This surplus property was being disposed of under an Executive Order. The petitioner Larsen was asking for a specific remedy. He alleged a cause of action—breach of contract—but this was not sufficient since the court said he had to prove more; that the Federal official acted beyond his powers and his act was *ultra vires* or unconstitutional. Only Congress by statute can provide the power to sue or be sued in the case of a Federal agency.

B. National Association of Internal Revenue Employees v. Dillon

In this declaratory judgment action against the Secretary of the Treasury, seeking to overturn a ruling of the Secretary that Internal Revenue investigators were among those barred from participation in Executive Order 10988 activities, the Court of Appeals for the District of Columbia Circuit again held that the Federal courts had no jurisdiction and stated:

"But, as we said in *Manhattan Bronx*, if the Secretary of the Treasury is incorrectly interpreting the President's federal personnel policies as manifested in Executive Order 10988, correction of that error, if such it be, must be sought in a quarter other than the District Court The order of a dismissal of the District Court is affirmed."³⁸

C. Norris v. Steele

The United States District Court of Massachusetts in this case dismissed a complaint of a postal worker who alleged that under an agreement drawn up under Executive Order 10988 the Post Office's Regional Director had no right to reduce him from a regular postal employee to a substitute employee, which resulted in a loss of status and income. The court, stating that it had no jurisdiction in the case and that the complainant should have joined the postal union that had signed the contract as an indispensable party, went on to quote the District of Columbia Court of Appeals as follows:

"Executive Order 10988 represents in essence a formulation of broad policy by the President for the guidance of federal employing agencies. It had no specific foundation in Congressional action, nor was it required to effectuate any statute. It could have been withdrawn at any time and for no reason. He left large areas for the exercise of discretion at levels below the summit.

The President did not create any role for the Judiciary in the implementation of this policy."³⁹

The rights of the employee under the contract flow from Executive Order 10988 and, as such, appeal was not to the courts.

These cases contrast with the case of *United Federation of Postal Clerks, A.F.L.-C.I.O. v. W. Marvin Watson, Postmaster General of the United States*.⁴⁰ In this case the District of Columbia Court of Appeals upheld the position of the Postal Clerks Union on the interpretation by the Post Office Department of an overtime statute. It is interesting to observe that the court in a footnote stated that if the right to overtime pay had been asserted by the Postal Clerks Union based on a contract negotiated under Executive Order 10988, the result might have been different. If the *Manhattan Bronx Postal Union* line of cases mean what they seem to say, and if *Norris v. Steele* seems in point, then it is certain that contract rights dependent on Executive Order 10988 cannot be enforced in the courts and are dependent either on Presidential action or the good will of Federal agency heads. The simultaneous and identical interpretation of contract terms by Government labor and management is too much to expect.

OTHER CASES AND EXECUTIVE ORDERS

Executive Orders have been tested previously in the Federal courts with the same result as that in the *Manhattan Bronx Postal Union* case. Executive Order 11246 and Civil Service Commission regulations issued under it were tested in the case of *Congress of Racial Equality (Target City Project) v. Commissioner of Social Security Administration*.⁴¹ The Executive Order in this case dealt with the Federal Government's equal opportunity program. CORE's complaint was dismissed on the basis that the doctrine of sovereign immunity protected the Executive Branch from suit when Congress had not taken action, by statute, to give the courts jurisdiction.

The security risk program of the 1950's was based for the most part on the National Security Act of 1950, and two of the three Executive Orders issued by Presidents Truman and Eisenhower attempted to carry out the policy of this Act. In 1955, the Supreme Court struck down Executive Order 10450, as not carrying out the intent of Congress, in the case of *Cole v. Young*.⁴² In the case of *Peters v. Hobby*,⁴³ Justice Reed who dissented maintained that the Court had treated Executive Order 9835, issued in 1947 by President Truman, as a statute rather than as a matter only of Executive concern. *Peters* had raised constitutional issues of free speech and the constitutional question of whether or not he had the right to face his accusers after having twice been cleared by his own agency before having his clearance revoked in a post audit hearing by a Civil Service Commission board who did not themselves know much of the source of the derogatory information they used as evidence against *Peters*. The constitutional claim of right as a source of jurisdiction seems to be borne out in a recent case involving Executive Order 10988. The Court of Appeals for the District of Columbia held in *National Association of Government Employees v. Robert M. White*,⁴⁴ that where there is an issue involving constitutional rights such as free speech, the court may assume jurisdiction over a matter involving an Executive Order. Twenty-two employees of the U.S. Weather Bureau had picketed the New York City offices of the Bureau on their own time without interfering with traffic, carrying signs supporting bills in Congress which would liberalize the Executive Order. The bargaining rights and dues checkoff privileges of the union were withdrawn by management and the Federal Government based its case on the argument that *Manhattan Bronx Postal Union v. Gro-*

nouski and Larson v. War Assets Administrator and Surplus Property Administration prevented the Federal courts from taking jurisdiction.⁴⁵ The court of appeals remanded the case on the basis that there was jurisdiction in a matter involving constitutional rights, since a violation of constitutional rights would be an *ultra vires* act. An Executive Order then may only be tested in the courts if there is a constitutional question.

THERE OUGHT TO BE A LAW

During hearings on postal reform, almost one hundred bills were studied by the Post Office and Civil Service Committee, many of which contain separate titles on labor relations in the postal service. H.R. 4, 91st Cong., the Dulski proposal on postal reform which would completely overhaul the postal service, contains a Title VII on employee-management relations.

It provides for contract negotiations on a national level on the subject of working conditions under rules promulgated by a postal labor relations board to insure fair and useful negotiations. In addition, the services of the Federal Mediation Service would be provided by the Board in appropriate cases. If a settlement could not be reached, the Board would hold hearings and render a decision. Unresolved grievances would be decided by compulsory arbitration and such grievances may be initiated by employees with the consent of the employees' labor organization or by the employee's organization at its own volition. Dues checkoff, recognition election procedures under the supervision of the Department of Labor are provided for as well as fair labor practices and a code of conduct for labor organizations. This bill is limited to those A.F.L.-C.I.O. postal craft unions that now have a national agreement with the postal service. H.R. 7916, which is similar to the labor provisions of H.R. 4, provides for local and national contract negotiations and recognition of industrial postal unions as well. H.R. 12499, a bill by Congressman Benjamin B. Blackburn, provides specific language which would protect the right of individual employees not to join a postal union, limitation of the spending of dues to support political parties and language forbidding the right to strike.

The administration's postal corporation bills (H.R. 11750-11751) provide for a Contract Disputes Panel, negotiation of wages in contract negotiations and the applicability of the National Labor Relations Act to all matters not specifically covered in the bill in its labor-management provisions. This is a far-reaching proposal and perhaps the most advanced in that it provides for negotiations of countless matters, plus compulsory arbitration where the Contract Disputes Panel decides that arbitration is necessary. The Panel may also refuse to act, leaving wage scales and other matters in a *status quo* situation. Negotiations under this bill would begin at a national level and national contracts could provide for negotiations at a local level.⁴⁶

These bills which have support from both political parties, from the Administration and from Congressmen from every region in the country, mean that the day of complete personal discretion on the part of personnel managers is over. Two million Federal employees need the same legal protection for their representative organizations as employees in the private sector need for their organizations and have received since the 1930's. A legal system which can protect motorists, pedestrians and the Government in matters of speeding tickets can certainly provide order in an employee relations program within the Federal Government. Postal reform is providing the first step towards making the Federal Government a government of laws, not of men, in regard to its own employees. A new Executive Order will only be helpful as it carries out legislative

Footnotes at end of article.

policy so that it too can be tested in the courts when need be. The day of the law and the lawyer must come to the Federal Government labor relations program.⁴⁷

FROM NOW ON

A two-fold standard for public employment is necessary, because of the need to protect the public at large from Government work stoppages and the maintaining of public services. Postal strikes would delay the checks of those on retirement and welfare, who could not long subsist if their checks did not arrive on time. Those citizens who can least stand it would suffer most through a postal strike.⁴⁸ But the gap between the rights of employees in private industry and those in public employment must be narrowed by legislation so that whatever conflict there can be settled by negotiation, compulsory arbitration and court action, where necessary, and this gap can only be closed by legislation.

FOOTNOTES

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¹ Harnsberger, "Telegram to Samuel Gompers," TREASURY OF PRESIDENTIAL QUOTATIONS, 1919, p. 304.

² See Ross, *Those Newly Militant Government Workers*, FORTUNE, August 1968, p. 104.

³ Hart, COLLECTIVE BARGAINING IN THE FEDERAL SERVICE, 1961, Chapter 3, p. 27.

⁴ King v. Priest, 206 S.W. 2d 547 (1947), app. dism. 333 U.S. 582, rehearing den. 333 U.S. 878, 31 A.L.R. 2d 1142, and City of Greenfield v. Local 1127, 150 N.W. 2d 476, 481 (1967).

⁵ Norwalk Teachers Association v. Board of Education, 83 A.2d 482 (1951), and Benson v. School District No. 1, 344 P.2d 117, (1959). Benson distinguished, Union v. Professional Association Magenheim v. Board of Education, 347 S.W. 2d 409, 412 (1961).

⁶ Petrucci v. Hogan, 27 N.Y.S. 2d 718 (1941), and Local Union 283, International Brotherhood of Electrical Workers v. Robison, 423 P.2d 999 (1967).

⁷ Muggford v. Baltimore, 44 A.2d 745 (1945) and Bauch v. City of New York, 282 N.Y.S. 2d 816, 826 (1967).

⁸ Norwalk Teachers Association v. Board of Education 83 A.2d 482 (1951) and Joint School District No. 8 v. Wisconsin Employee Relations Board 155 N.W. 2d 78, 82 (1967).

⁹ Hart, *supra* note 2 at p. 27. See also 31 A.L.R. 2d 1142.

¹⁰ See Arundel, *The Big Parade of Strikes*, THE PHILADELPHIA SUNDAY BULLETIN, March 23, 1969, p. 1, Sec. 2.

¹¹ Applegate, *FAA Checks on 'Sick' Controllers*, FEDERAL TIMES, July 2, 1969, p. 3.

¹² See *Bronx Postal Station has 72 of 79 Employees Report They are Sick*, WALL STREET JOURNAL, July 2, 1969, p. 22, and Causey, 72 N.Y. Postal Employees Report 'Sick', The Federal Diary, THE WASHINGTON POST, July 3, 1969, p. B9.

¹³ *Postal Labor Relations and Employee Morale*, Hearings before the Postal Operations Subcommittee, U.S. House of Representatives, 91st Congress, 1st Sess., (April 23, 24 and 25, and May 22, 1969), p. A-30-P-222. [Hereinafter referred to as Labor Relations Hearings].

¹⁴ Survey conducted by Postal Operations Subcommittee Staff, U.S. House of Representatives, prior to first hearing date, April 23, 1969 (Postal Labor Relations and Employee Morale, 91st Congress, 1st Session).

¹⁵ Labor Relations Hearings, Appendix 89-92. Letters from embassies to Subcommittee Chairman Robert N. C. Nix, included in hearing record.

Australia. Since 1950, there have been 23 work stoppages in the postal service with a loss of 32 working days. Disputes are settled by negotiation, and arbitration is available if requested. Wages are among the issues negotiated by postal management and postal labor. Strikes are legal.

Canada. Postal strikes are now legal in Canada. There has been one legal strike of nationwide scope since the certification of the Council of Postal Unions under the Public Service Staff Relations Act in 1968. This strike occurred in the summer of 1968, involving 23,000 employees and 360,000 man days and an estimated revenue loss of \$20,000,000. In March 1969, a wildcat strike occurred which lasted three days and involved 1,200 employees. The present contract will expire on the 30th of September 1969. The total man days lost from 1950 to April 1969 total 436,200 days (legal 360,000—wildcat 76,200).

France. Post Office workers are bound by the Constitution of 1946 which permits strikes by Government employees. The legality of a strike is determined by Court interpretation of the constitutional provisions (Council d'Etat). The right to strike is limited by the need for essential services.

Germany. Strikes are permitted in the case of some government employees. The German postal service has had two slowdowns based on "service according to the book" in 1962 and 1968. The slowdowns involved wage disputes.

Great Britain. The right to strike exists. There have been seven strikes in the British postal service since 1950 and 228,000 man days were lost in consequence of these stoppages. Negotiations are carried on directly with the British postal service on the subject of wages. Great Britain is in the process of setting up a postal corporation, which in the labor field will replace the National Whitley Council, negotiating system for these postal employees who will work in the future for the Corporation.

Italy. Article 40 of the Italian Constitution (1946) allows public strikes but not lock outs by management. Public employee strikes in Italy are over wage issues generally. According to the Italian Annual Statistical Report of 1966, the data on strikes in 1965 by workers in the Services and Public Administration category are listed as follows: Number of strikes 3,191; Participating workers, 2,310,000; Hours of work lost, 55,000,000. There was not more detailed information available on the Italian Postal Service in that a postal strike developed at the time of the inquiry letter from the Subcommittee.

¹⁶ Labor Relations Hearings, Memorandum from Subcommittee Counsel Kennedy to Chairman Robert N. C. Nix dated April 21, 1969, Appendix A20.

¹⁷ Labor Relations Hearings, Testimony of W. V. Gill, Director, Office of Labor Management Relations, U.S. Civil Service Commission, p. 110.

¹⁸ Executive Order 10988, 27 Fed. Reg. 551, Section 3(a).

¹⁹ See Hart, *Government Labor's New Frontiers Through Presidential Directive*, 48 Virginia L. Rev., 898, 901.

²⁰ Executive Order 10988, 27 Fed. Reg. 551, Section 6(a).

²¹ *Id.*, Section 5(a).

²² *Id.*, Section 4(a).

²³ *Id.*, Section 4(b).

²⁴ *Id.*, Section 6(b).

²⁵ *Id.*, Section 6(b).

²⁶ *Id.*, Section 6(b) and Section 7.

²⁷ *Personnel Promotion System of the Post Office Department, Part III—Morale Problems*, Hearings before the Postal Operations Subcommittee, U.S. House of Representa-

tives, 90th Congress, 2nd Sess., (June 18, 25, 26 and 27, 1968). Testimony of Rademacher, National Association of Letter Carriers; Hallbeck and Nilan, United Federation of Postal Clerks; and Murphy of Post Office Department.

²⁸ Labor Relations Hearing, Testimony of Rademacher and Lewis of the National Association of Letter Carriers, pp. 77-81, (April 24, 1969).

²⁹ See Levine, *Delaying the Mail, Restive Postal Workers Post Mounting Threat of Wildcat Walkouts*, WALL STREET JOURNAL, September 9, 1968, p. 1.

³⁰ Larson v. War Assets Administration and Surplus Property Administration, 337 U.S. 682.

³¹ Executive Order 10988, 27 Fed. Reg. 551, Section 6(b).

³² *Id.*, Section 7(2).

³³ 350 F. 2d 451 (D.C. Cir., 1965), cert. den. 382 U.S. 978 (1966).

³⁴ The terms "decree" and "edict" are interchangeable. An edict is defined by the Oxford University Dictionary as "that which is proclaimed by authority as a rule of action; an order issued by a sovereign to his subjects; an ordinance or proclamation having the force of law." A ukase is defined by the same source as "an edict of the Russian Emperor and Government; any arbitrary order."

³⁵ Justice Oliver Wendell Holmes described law in the Anglo-Saxon sense as "the prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law." This definition takes into account precedents more or less binding and an independent Court system. The distinction is one that seems to be based on philosophy involving enforceable rights and duties, even as to the sovereign. Lerner, *THE MIND AND FAITH OF JUSTICE HOLMES*, The Modern Library, New York, 1943. See Part 5, p. 75.

³⁶ Oldenbourg, CATHERINE THE GREAT, Pantheon Books, 1965. P. 293.

³⁷ Note 30, *supra*.

³⁸ 356 F.2d 811 (D.C. Cir., 1966).

³⁹ 253 F.Supp. 769 (D. Mass., 1966).

⁴⁰ Ct. of App., D.C. Cir., Doc. No. 21,685,—F.2d—(1969).

⁴¹ 274 F. Supp. 537 (1967).

⁴² 351 U.S. 356 (1955).

⁴³ 349 U.S. 331 (1955).

⁴⁴ Ct. of App., D.C. Cir., Doc. No. 22,630,—F.2d—(1969).

⁴⁵ See notes 33 and 37, *supra*.

⁴⁶ *Post Office Reorganization*, Hearings before the Post Office and Civil Service Committee, U.S. House of Representatives, 91st Congress, 1st Sess., (June 10, 1969), p. 324.

Question. (Congressman William Ford of Michigan—D.)

I want you to tell me whether or not it is the view of the administration that a union shop is a proper matter to be negotiated into a contract with a postal employee." (organization?)

Answer. (Postmaster General Blount)

We certainly believe it is a proper matter to be included in the collective bargaining between the parties." This would be a departure from previous practice in Government, since State right to work laws and cases such as Benson v. School District No. 1, (Mont.), 344 P. 2d 117, 1959, might post obstacles to such negotiations.

⁴⁷ See Barr, *Executive Order 10988: An Experiment in Employee-Management Cooperation in the Federal Service*, 52 Geo. L. J. 420, 423. The paragraph quoted below shows some of the problems faced by federal lawyers in applying law into this program.

"The most natural inclination, at least on the part of labor organizations, was to turn to the National Labor Relations Act. Here was a readily available body of law that had successfully withstood the test of time since its beginnings in 1935. It governed labor-management relations in much the same way, it appeared, as the Order was to govern

such relations in the public sector. The act, was after all, something that lawyers, union leaders, administrators and arbitrators had become familiar with. The feelings of most federal agencies (with such obvious exceptions as the National Relations Board and the Department of Labor) were precisely the contrary. They were almost totally unfamiliar with the act or with the decisions of the NLRB and therefore strongly suspected the motives of those who would impose upon them a set of principles, which had been formulated without their participation."

⁴⁹ See opposite view, Kheel, *Can We Stand Strikes by Teachers, Police, Garbage Men, Etc.?* THE READERS DIGEST, August 1969, p. 99.

Mr. Kheel takes the position that public employees should be allowed to strike if cooling off periods similar to those provided for in the 80 day cooling off period in the National Labor Relations Act are part of new legislation. If during the cooling off period there was no apparent progress in a dispute between government employees and management, arbitration could be used as a last resort. The article is not only interesting in itself but Mr. Kheel was consulted during the drawing up of the Postal Corporation plan by Postmaster General Blount, and the Postal Corporation bill, H.R. 11750, is similar in part to the views of Mr. Kheel. It provides for direct wage negotiations between postal unions and postal management.

ADDRESS BY HON. GEORGE J.
FELDMAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to call the attention of my colleagues to an eloquent and very understanding speech delivered by Ambassador George Feldman at the National Industry Leader Award Dinner of B'nai B'rith. It is indeed fitting that this speech, which addresses itself to America's youth, be brought to the attention of America's leaders at this time.

Last week we witnessed the most impressive demonstration in this great Nation's history. The November 15 moratorium saw a nationwide outpouring of dissent in the best tradition of democracy, a demonstration which was organized and led by thousands of our young men and women. It is essential that we, of another generation, go beyond our deep concern over youthful unrest and make every effort to understand those in whose hands lies America's future.

Ambassador Feldman's speech, I believe, lends itself to this end. He points out that for the majority, dissent today is the result of deep and abiding concern over the inequities and injustices in our society. This concern is needed by America, for although we have prospered, we have left many things undone.

Many of you here may know Ambassador Feldman and of the outstanding contributions he has made. He has been one of the Nation's most respected and innovative public servants. A brilliant attorney, he has practiced before the bar since 1926. He has served the Nation in many capacities. He was the administra-

tive assistant to U.S. Senator David I. Walsh. He was an attorney at the Federal Trade Commission, a litigation counsel at the NRA, and was the director and chief counsel of the Select Committee on Astronautics and Outer Space of the House of Representatives, when that committee formulated our space policy and when the field of space exploration was new. Ambassador Feldman provided legal advice to the State Department and served as a member of the U.S. delegation to the Second U.N. Conference on the Law of the Sea; he was a member of the U.S. NATO Citizens Committee and a member of the U.S. delegation to the 14th Assembly of the U.N. and chairman of the Finance Committee to U.S. Committee for Refugees. From 1965 to 1967, he was Ambassador to Malta, and from 1967 to 1969, he was Ambassador to Luxembourg.

In each position and in every instance, Ambassador Feldman brought a rare degree of devotion, creativity, and effectiveness in public service. During his illustrious career, he has superbly demonstrated the qualities of statesmanship, innovation, and enlightened leadership the Nation needs. He has served America well, representing it around the world and improving it at home. He has brought dedication, brilliance of thought and understanding of people to each task he has assumed.

And now, having returned to private life, Ambassador Feldman continues to serve the Nation by making his thoughts and great understanding available to others. It is with great pleasure that I make this speech available to my colleagues. Ambassador Feldman's understanding of the younger generation is very deep and comprehensive. I am sure you will find this speech enlightening and instructive:

AMERICA'S YOUTH—STILL THE SPEARHEAD OF CHANGE

(Address by the Honorable George J. Feldman)

I am honored by the opportunity to take part in this tribute to a great industrial statesman. Individual enterprise and private industry are under constant attack today, even in this highly developed nation of ours. The contributions of corporate enterprise to our economy in terms of employment, taxes and goods and services must be supplemented with a direct concern for the problems that beset our society.

Kendrick Wilson, whom it has been my pleasure to know for many years, typifies that kind of corporate responsibility. In his personal life as well as in his business leadership, his genial manner is matched by an awareness of key problems and a strong will in finding solutions.

He symbolizes the enlightened outlook of the corporation he heads, a company that has been in the forefront of corporate efforts to train and bring job opportunities to the seriously disadvantaged people in our society. In conducting Avco Corporation's business affairs and in leading its enlightened, businesslike programs in the areas of human and urban problems, Mr. Wilson measures up to every criterion for statesmanlike industrial leadership.

His career typifies the best qualities of the leaders of our generation. If our nation can continue to produce men and women of Kendrick Wilson's caliber, its future will be in good hands. In view of some of the activities of today's young generation, many peo-

ple are worried that that may not be the case.

American youth, they say, want either to drop out of our society or to tear it down. Since my return to the United States I have been troubled by the alarmist nature of our concern over youthful unrest. An excerpt from one angry letter to an editor especially stays in my mind. Quote:

"A great many of the students of today are the most self-centered, self-pitying, confused generation of parasites in history." Unquote. When we ponder the destruction of colleges, the shrilling of "non-negotiable demands," the chanted obscenities and the evidence of drug use, it is easy to nod our heads in sad agreement.

And so the stereotype is hardened. "The new generation is decadent; they can't pick up the torch," we lament, as we repeat a cry that has rung down the ages.

We do have many self-centered young people today. Many are confused. Many are indeed parasites. But how many is many? Can we generalize, can we sustain that stereotype about 23 million young men and women in this complex country of ours?

What does the boy from a Scarsdale mansion have in common with the son of a jobless ghetto family? Does either of them share in any common outlook with the lower-middle class workingmen's son? Being young, they share in the desire for change, but not always the same kinds of change.

I think that in talking about America's young people we can use the old analogy of the iceberg, with nine-tenths of its mass invisible from the surface. The vast majority of American youth may not be totally content with our society—I hope they are not—but their desire for change does not lead to loud demonstrations, destruction or bizarre modes of living.

That's why they don't catch our eye. Conflict and noise get news coverage, make headlines and earn appearances on the nightly TV newscasts.

But the national meeting of the moderate, rational Association of Student Governments in Washington, D.C. went relatively unnoticed in the press, even though their leaders met with President Nixon. I did see an editorial on that convention in *The New York Times* and I warmly concur with its conclusion about the basic soundness of America's college students. It said, and I quote:

"The majority is neither revolutionary nor contemptuous of American institutions, on and off campus. Only a lunatic fringe has embraced nihilist chaos or hedonistic escapism." End of quote.

But is it merely wishful thinking to say that moderate, sensible students comprise the relatively invisible nine-tenths of our iceberg? Am I whistling in the dark because I don't want to believe what I have seen and read since my return from Europe?

No, my friends. We in this country have a passion for facts. We do research to find out what a problem really looks like. The major American opinion research firms have been hard at work interviewing college students and other young people all over America. Thorough studies have been made. And here is one of the principal conclusions: True revolutionaries and violence-prone youth on campus comprise no more than three to five percent. American youth remains basically reformist rather than revolutionary. After studying survey results, *Fortune* magazine commented that, "Eighty-eight percent of young adults agree . . . that there are legitimate channels for reform . . ."

Don't think for one moment that I am saying everything is just fine. We all know that it is not. Dissidence is growing and it is spreading beyond the campus. But is that really so surprising? Our society is not perfect. We have been patching and reworking and adapting it to change since 1791, when

the first ten amendments to our Constitution took force.

In the mid-1960's the time was ripe for a big change. Societies adjust themselves in spurts and cycles to relieve stresses that build up gradually, like the sporadic movements of earth alongside a geological fault. By the mid-1960's virtually one generation had elapsed since the veterans of World War II, who had matured during the Depression, began building a prosperous economy in the shadow of the Cold War. Their big challenge was an economic one—to make a decent living, to provide security and comfort for their families. And they succeeded on a scale never before seen in the history of the world.

That is why many of their children are able to look for different challenges. Many of today's generation are free from single-minded concentration upon money and security, free to be idealistic, even free to be irresponsible without having to pay severe economic penalties.

During that same World War II-post-war era we created the greatest change of all. We let the Geni out of the bottle for all time: we brought about the technological revolution. Nuclear energy, electronic computers, automated factories, television, space exploration—Benefactors of mankind, all of them, yet each has its dark underside, its capacity for evil, for despoliation, for waste of human resources or insult to human sensibilities, if it is not properly used and controlled.

So a major problem concerning today's youth is not a "youth problem" after all. It is a problem for our entire nation, old and young alike. Technology has advanced so fast that our political structure, our educational system, our social forms have not been able to keep up. We see technicians emerging as leaders in business, in government, in education, because traditional sources of such leadership do not produce the specialized technical knowledge necessary to understand how this awesome new machinery functions.

Technology has revolutionized communications and transportation. For the first time in history news events can be seen while they are actually happening, at virtually any spot on the globe. Ideas, modes of dress and action travel literally with the speed of light into homes throughout the nation and around the world. Jet aircraft have brought any spot in the world within a day's travel. Our affluent young people consider foreign travel for recreation and education as a normal part of their experience. So technological change has brought people into one vast community, and young people sense this and react to it.

Then, we are faced with what is probably the greatest single cause of unease and dissent among the young. The tragic war in Viet Nam obsesses their thoughts. For many of them it has been part of the world ever since they emerged from childhood. The skepticism and bitterness about the war are shared by college and non-college students alike.

So the problem of youth, dissent, generation gap, call it what we will—is upon us.

A new generation has emerged in the midst of a revolution in technology and a cruel, controversial war. The result has been a churning among young American that makes parents sick with anxiety. Let us look quickly at the rash of symptoms we find so upsetting:

The violence, the protests, the dress, the drugs are symptoms of a basic dissatisfaction with American society and the individual's place in it. A sizeable majority of young people in college and out sees a need to improve our basic institutions—our system of business and industry, our politics, our judicial system, our higher education.

And herein lies the outstanding characteristic of today's student dissent. It is the young person's concern over inequities and injustices in our society. Naturally, there is a good deal of self-seeking in the protest and dissent. But there is more than selfish complaining. Our young people are concerned about others and about society as a whole. It is one of the healthiest signs of our times.

And here again I would like to cite a statistic, because so many unfounded assumptions permeate discussion of youthful dissent. Dr. Gallup reports that 51 percent of college students have done social work. He goes on to make this interesting point, and I quote: "It wasn't so long ago that doing extracurricular social work while in college was considered in some quarters to be 'square.' Now it is frequently a normal and effective part of one's college experience." Unquote.

When concerned but affluent young people scold their elders because of injustices in our society, how can we look them in the eye and say, "Why are you so ungrateful when you have been given so much?"

Yes, as a nation we have developed and prospered, but we have left many things undone. We have strenuous work to do on problems of poverty, job opportunities, education, housing, the environment, and so many others. The young critics accuse our society of tolerating injustices because we have not eliminated them. No doubt there is some basis for the charge, but history shows that a society's basic problems can never be solved quickly and neatly, and that a fast-growing nation inevitably creates new problems as it evolves.

America has a long heritage of problem-solving. Just 100 years ago the nation was torn by a dissent so widespread and so bitter that those Reconstruction days were known as "The Age of Hate." Whites and Blacks rioted against one another. The Ku Klux Klan was born. The president was impeached. Yet the nation survived, knitted itself together and resumed its progress.

In our own time the United States survived the Depression, then went on to build unparalleled prosperity for most of her people. In World War II America and her Allies put down the effort to impose a new Age of Darkness on all of Western civilization.

Looking to the future, I see still another cause for optimism. It lies in the technological revolution which helped to foster so much of today's dissent. When our three astronauts landed on the moon, people throughout the world, from shepherd to statesmen, were caught up in the emotional impact.

Communications satellites carry events around the world in a fraction of a second, linking peoples to watch together as a president is inaugurated or an Olympics champion is crowned. And that is but the beginning. In 1972, millions of villagers in India will see, on community TV sets, shows about planting and cultivating, pesticides and other valuable information. Those programs will be beamed from an orbiting satellite.

I admit to a strong parental interest in communications satellites. And as one who has represented our country abroad I am fascinated by the prospect of daily face-to-face diplomatic contacts via satellite TV and picture phone.

It is hard for most of us, reared in a simpler mechanical and electrical era, to contemplate the implications of today's unfolding technology. But the young people who grew up with the story of space exploration in their daily newspapers are attuned to accepting what has seemed impossible. And they are the people to whom the torch is being passed.

Their number includes agitators who want chaos for chaos' sake, but it includes far, far more of tomorrow's scientists and engineers, doctors and executives, professors and states-

men. Many of them will fight to bring change and reform to the professions they enter. Their concern, their new perspective and their advanced education are needed by America.

As always in the past, the emerging generation will be the source of renewal of America's heritage. Our generation still has much hard work to do on problems that trouble the young and sap our national strength.

We must extricate the United States from the war in Viet Nam, which, more than any other issue of the day, has caused dissension and grief in our nation.

We must put an end to the cruelty and sheer waste of discrimination.

We must find ways to restore the soundness of our dollar.

We must discover means for operating our complex industrial machine which are consistent with the preservation of a healthy, ecologically sound natural environment.

Our responsibility as business leaders, governmental leaders and professional men and women is to recognize that we are in an era of convulsive change, to recognize our own increasing obsolescence. We must be prepared to assign to the most capable members of this new generation a heavy burden of responsibility and leadership.

In closing, I think it is appropriate to emphasize to you in this mature audience, the same thoughts I have expressed to a class of graduating college seniors: Don't you lose faith in America! Our nation's people have a history of turning restlessness and dissatisfaction into progress. Overcoming obstacles lifts us to new levels of achievement.

THE TWO OF US

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DERWINSKI. Mr. Speaker, as we continue the intensive national debate over Vietnam with the added dimension of the propriety and legitimacy of demonstrations, my attention has been directed to a column for teenagers which is a standard feature of the Blue Island, Ill., Star. In the November 12 issue a letter from a young student and appropriate commentary by columnists Norb and Noreen are of special interest.

The letters follow:

THE TWO OF US

(Norb and Noreen)

DEAR NORB AND NOREEN: Yesterday was Veteran's Day and as a result I did not have to go to school. About five of my schoolmates and I decided to go downtown for the day to see a show and go shopping.

At noon we got caught in the crowd which gathered to observe Veteran's Day and pray for all the dead soldiers. We were hearing speakers and discussing the war when a large group of anti-war protesters started chanting various slogans and yelling and screaming and disturbing "our" gathering.

I am not for war. I doubt if anyone enjoys killing or dying. But I have a brother in Vietnam and I am not about to protest against the administration and government he is fighting for. I am not about to protest against Nixon's policies because Americans elected him as our leader. I am very proud of America and its traditions. I am very happy to live in a democratic society instead of a dictatorship or communism.

But I am writing to you because I was very angered by the anti-war (anti-everything) protesters who had the nerve to disturb our

gathering. How many times have they demonstrated against our country and received no opposition? Or when they did receive it, it was only due to the fact they started to get violent. This is a free country and we are allowed to protest and demonstrate. But the militant groups don't want the people who are for our government to stand out because they are trying to show Nixon they are the majority. But they are not! And I think it was very unfair for them to disturb our demonstration.

I only want to tell you, that all young people are not anti-government, war, Nixon, etc. and that there is quite a large number of us who love our country and will stand-up for it no matter what! Is that clear, dissenters?!
BILL BENGSTON.

DEAR BILL: Well, what do you know. There are some of us left. I had always hoped all young people weren't out to overthrow our country. But I'm afraid the way the news media is run, the only groups that get publicity are these anti-groups. I like to see American spirit in youth to show adults our country is not what other young people put it up to be. Sometimes it's "in" to be against everything—but you'll see its "in" to stand up for democracy, too. And probably more fun.

NOREEN.

DEAR BILL: People have widely differing views on many things! I agree with you that the demonstrators had no right interfering with the ceremony. This however does not mean they are disloyal it just means they are bad mannered. Those who feel as you do must avoid the pitfall of hating those who think differently.

NORB.

THE "SILENT MAJORITY" SPEAKS UP—IN SUPPORT OF OUR PRESIDENT

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mrs. REID of Illinois. Mr. Speaker, a large number of citizens of my hometown took a full page in Aurora, Ill., Beacon-News on November 12 to write an open letter to President Nixon supporting his Vietnam policies. The signatures were obtained in a matter of only 3 or 4 days without any organization. In my opinion, this is an example of the response which is being felt all across the Nation as the "silent majority of Americans" are speaking up to show that they are behind the President's efforts to bring the war to an honorable conclusion.

I include the letter and signatures herewith as part of my remarks:

[Advertisement from the Aurora (Ill.) Beacon-News, Nov. 12, 1969]

THE "SILENT MAJORITY" SPEAKS UP—IN SUPPORT OF OUR PRESIDENT

Dear Mr. President: We, a modest part of the "Silent Majority" of dedicated Americans want you to know we support your Vietnam policies, presented on your recent broadcast from the White House to the people.

We feel it's about time we spoke up in rebuttal to the loud and vociferous minority, who has been making all the noise and objections for some time, without making any constructive proposals of its own.

The half-million boys in Vietnam—the

flower of our young American manhood—deserve better than that—and we want them to know, the vast and so far "Silent Majority" of their fellow Americans, are with them 100 percent!

We speak out against those who advocate complete disruption of our American system—political and otherwise!

Join us and "Stand up and be counted" for America! "Black out" the moratorium by turning on your car lights and your porch lights Thursday, Friday and Saturday, Nov. 13, 14 and 15.

This vital message sponsored in support of America and Our President by the following "Silent Majority" Americans:

Rep. Allan L. Schoeberlein, Rep. John E. Friedland, Senator Robert W. Mitchler, Mrs. Robert W. Mitchler, Mr. and Mrs. M. C. Dooley, Mr. Charles Glasco, Mr. and Mrs. Lambert M. Ochenschlager, Zelda B. Rieger, Atty. and Mrs. William Foote, Farnsey Peters, Mr. and Mrs. Charles W. Clemens, Mr. and Mrs. Louis DeMartelly, Sr., Mr. and Mrs. John R. Gray, Mr. and Mrs. Glen Commons, Mr. and Mrs. Alfred Sinder.

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CULTURAL EXCHANGE PROGRAM
EXPLOITED BY REDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RARICK. Mr. Speaker, typical of the way our U.S. taxpayers are subsidizing communism is the sponsorship by the U.S. State Department under the cultural exchange program of a young journalist from Red Tanzania, John Kimwaga.

As a cultural exchange journalist, Kimwaga is able to utilize his position not to study American journalism but rather to gain a podium to spread race hate, deceit, and distortion as a guest editor in vulnerable American newspapers.

An example of such misuse of the cultural exchange program was Kimwaga's guest column which appeared in the Atlanta Journal and Constitution on Sunday, November 16. Uninformed Americans, elsewhere about the country, can expect like doses of communism in their newspapers under similar fanfare.

While Kimwaga parrots the Red line of the Organization of African Unity in attacking peaceful, nonaggressive, civilized countries of southern Africa, he either ignores or deliberately distorts the situation in black Africa. Two short examples are his admission of some difficulty in Nigeria—with no reference to the fact that its ruler was eaten by his own subjects, and his lack of comment about the mass murders—true genocide—of the civilized Arab inhabitants of the Sultanate of Zanzibar, which was devoured by Tanganyika to become his country of Tanzania. Virtually every country lauded by Kimwaga in his article has been in the throes of bloody revolt this year.

Kimwaga even overlooks that the dictator of his country of Tanzania is not only a puppet of Red China but openly admits the same and defends the Red Chinese ties.

Kimwaga's invitation to our country by the State Department and his activities while here again point out the utter ridiculousness of the cultural exchange program as applied to the Reds.

Kimwaga comes from a Communist country, well indoctrinated, and must be regarded as an agent of his dictator. He can contribute nothing to our culture.

Any enlightenment and advancement that he gains while in the United States, upon his return to Tanzania, will be of no use to him and could prove fatal if he were to attempt to apply his newly gained values in Dar es Salaam.

Mr. Speaker, several news articles follow:

[From the Atlanta Journal and Constitution, Nov. 16, 1969]

UNITY ABOUNDING—AFRICA'S "DEVIL" GETTING DEHORNS

(By John Kimwaga)

(EDITOR'S NOTE.—The Atlanta Journal-Constitution asked a visiting newsman to write an African's views on modern-day Africa. The accompanying article by John Kimwaga of Tanzania presents his views and opinions on the changes taking place on that continent.

(Kimwaga, 32, is touring the United States as a member of the Multi-National Journalist Project sponsored by the U.S. State Department under the Cultural Exchange Program. The project aims at acquainting foreign journalists with the operation of the American press and providing an understanding of the American people.

(Kimwaga is employed by his government as a subeditor in the newsroom of Radio Tanzania in Dar es Salaam, where he lives with his wife and three children.

(He began his journalistic career five years ago with a Swahili bimonthly Catholic newspaper in his hometown of Tabora, where he attended St. Mary's (Catholic) Secondary School. He holds a journalism degree from the Institute of Publicity Media, Mwanza, northern Tanzania.

(On his tour of this country, Kimwaga has spent the past two weeks in Atlanta.)

After one of the Organization of African Unity summit conferences some years back, President Julius Nyerere of Tanzania said there was a devil somewhere in Africa. Indeed, a devil there was—trying to mess things about. For a time any talk about African unity looked like daydreaming.

But if that devil still lurks around now, he has lost a lot of ground. For now, more than ever, the independent states of Africa have joined forces, not only for cooperation but also towards the creation of a United States of Africa.

Africa's devil has in fact been its own diversity. Diversity in the nations' backgrounds, ethnic groupings and the miles which separate some of them.

Independent Africa is Ethiopia, which has never known colonialism, except for a short period when Mussolini's troops rolled in. Independent Africa is also Equatorial Guinea, which wrestled its independence from Britain in recent years. Ethnically, there is little in common between the Arab north and the blacks south of the Sahara and Lusaka in Zambia is almost a day's fight from Cairo.

Colonialism contributed much to the ideological diversity in Africa. While the French treated most of their colonies as dear sons, Britain tended to play master.

African leaders in the former French colonies sat in the French Parliament in Paris, representing their countries' interests long before independence. For the British colonies, it was the Colonial Office which represented all their interests.

Former French colonies in Africa have almost no grudge against their former master. An exception perhaps is Guinea, where the French were very reluctant to leave and threatened to strip the country of all traces of civilization. When this threat was ignored, the French left, but not before pulling out the light and telephone poles and digging out the tarmac on the roads.

Another place where the French smeared their otherwise clean record was Algeria, where the people fought for independence for seven years.

Though most of the former British colonies maintain ties with Britain, the apathy towards their former master is strong.

The nations of free Africa made a milestone of their history in 1963 when they formed the Organization of African Unity (OAU). An organization aimed at joining their collective resources for economic development, the liberation of the whole of Africa and ultimate union.

The OAU has given the people of Africa a new hope, enhanced Africa's integrity and opened new horizons for Africa's place in the world.

While it can be argued that the Organization has done little toward the realization of its goals since its establishment six years ago, some successes have been tremendous. It has transformed the continent from a group of nations which had little in common, apart from territorial proximity, to a people who

now have a very high sense of belonging. And above all, it has given Africa one voice.

Africa's critics point out the Organization's failure to solve the Nigerian-Biafran war and the ever-tightening hand of "apartheid" in Rhodesia, Southwest Africa and South Africa.

The Nigerian situation remains Africa's biggest eyesore. It is a conflict in which former classmates trade bullets and thousands of innocent women and children die of starvation. It is one of the ironies of the principles of international understanding that such a conflict has been going on for about two years now.

When the war broke out, the Organization of African Unity formed a committee to try to solve the problem. The committee, headed by Emperor Haile Selassie of Ethiopia, goes about solving the problem on the principles of noninterference and the recognition of the present states. It tries to help maintain the Nigerian federation—a federation which never was.

The Nigerian Federation tells the story of Britain's politics in Africa. Because of her own ends, she tried to melt together people who could not stay together.

In fact the melting pot only got hotter and hotter until the lid blew off with the first military coup in 1966, followed by the programs, another military coup and finally, Biafra's declaration of self-determination.

Again, Britain has stepped in, giving military support to the federal government in an attempt to subdue the Biafrans. And for the first time in modern history, Russia has set aside her ideological conflict with Britain and has joined forces with her to arm Nigeria against Biafra.

The Nigerian history and the reasons leading to the present drama would need more than a book to give the true picture of the situation. Whatever the reasons for or against Biafra's independence, one thing is clear, the disagreement has reached a point of no return.

In 1953, British tactics also forced a Central African Federation, grouping Southern Rhodesia, Northern Rhodesia (now Zambia) and Nyasaland (present day Malawi). But after 10 years of a fierce verbal war with the local African leaders the federation finally broke up.

The current situation in Rhodesia shows clearly British failure to solve problems in Africa.

Africa's leaders believe that apartheid in Rhodesia, South Africa and Southwest Africa is an international concern and can best be handled by the United Nations.

As for the rest of the countries still under colonial rule, Africa is bent on their liberation as soon as possible. The OAU's liberation Committee uses a big slice of the organization's budget to arm the freedom fighters and gives them other material and moral support.

The committee's headquarters are in Dar es Salaam, Tanzania, where the liberation movements have their bases and from where they operate liberation activities.

Since the escalation of these activities, the Mozambique Liberation Front has freed and set its government in three of the country's provinces and substantial gains have been made in almost all the colonies.

Since the creation of the Organization of African Unity, African nations have made a tremendous step towards eventual unification. They are going about it by starting with regional groupings.

Tanzania, Kenya and Uganda have formed the East African Community, which apart from being a common market, combines their efforts for joint development and has virtually brought them under one government.

The community carries on joint services, ranging from aviation, telecommunications, shipping to medical research—in all more than 50 major services.

The community's policies are formulated by the East African Authority, comprised of the three heads of state and whose chairmanship rotates from one country to another every year.

The administration is headed by the secretary general and executed by three East African ministers, one drawn from each country, and in charge of a section of the services, with a strong East African civil service under him.

The East African Assembly, which has 10 members from each country, makes the legislation necessary for the running of the services and estimates the budget.

There is also the East African High Court, which is the highest appeal court for the three countries.

Zambia, Ethiopia, Somalia, Rwanda and Burundi have already submitted their applications for admission in the East African Community and their applications are now in the process of ratification. In fact, Zambia is already a de facto member, because since Rhodesia's unilateral declaration of independence, all her imports and exports have passed through Dar es Salaam and she is also a member of a steamship line jointly owned with the member countries.

A pipeline, which started operation late last year, runs more than 1,000 miles from Dar es Salaam to Ndola in the Zambian copper belt, and under construction now are a railway line and a highway between Dar es Salaam and Ndola. With the ratification of these applications, almost one third of Africa will have united.

Other important groupings in the continent are the Organization of the Senegal River states in the west and the Central African Common Organization.

In world politics, African countries have come up with one voice. At the United Nations, together with their Asian friends, they have formed a strong Afro-Asian bloc, which has swayed many decisions and has brought moral pressure to bear on the big powers.

The days of a divided Africa are numbered and the creation of a United States of Africa now remains only a matter of time.

[From the Washington Evening Star, Nov. 18, 1969]

NYERERE DEFENDS TANZANIA'S TIES TO RED CHINA

(By C. C. Minicler)

DAR ES SALAAM, TANZANIA.—President Julius K. Nyerere defended his country's association with Communist China but said he looks forward to meeting President Nixon some day.

Tanzania's 47-year-old president also expressed doubts about how long he should continue to lead his people, who call him Mwalimu, or Teacher.

Gesturing frequently to make a point, Nyerere was in a relaxed mood as he gave one of his rare interviews, sipping a beer and fielding questions on the breeze-swept veranda of State House, overlooking rustling palm trees and the Indian Ocean.

Nyerere, discussing the thousand-mile rail line that the Chinese are going to build between Zambia's copper belt and Tanzania's seacoast, said Western countries fear China is demanding "a disruption of normal trade patterns as the price of building this railway. This is not so, I do not believe it."

"The West regards China as a problem . . . and more of a problem where copper is concerned," he observed.

Chinese, Zambian and Tanzanian experts have been meeting in Lusaka to work out agreements for the Chinese construction and an interest-free Chinese loan. The rail line is one of the biggest projects in Africa.

Western nations look upon the railroad "as an interference by the East," Nyerere said, "but we keep saying all we want is an outlet

other than through people who do not regard us as human beings."

Western advisers and the World Bank rejected the railway project impractical.

There are about 3,000 Peking Chinese in Tanzania and Zambia. They have just completed surveying the route for the railroad and are involved in many other aid projects—including training of police and army units.

Nyerere sidestepped the question of whether Tanzania would soon be acquiring Chinese jet fighters. He noted that his country had actively supported guerrilla movements against white minority governments to the south for years without either an air force or navy.

However, last July his second vice president, Rashidi Mfaume Kawawa, said Tanzania would develop its own navy and air force. China has supplied the Chinese- and Canadian-trained army for several years, and the Canadians end their contract within two months. Both Uganda and Somalia have Soviet-built MIG fighters. Ethiopia's air force flies American jets.

Asked whether he was disappointed that the U.S. government did not invite him to Washington last month when he visited Canada and Moscow, Nyerere said, "There is no blame anywhere."

DEDICATION OF CROWLEY, TEX., POST OFFICE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a new post office was dedicated at Crowley, Tex., on October 25. Because of my inability to attend the dedication, a longtime friend of mine, Mr. Clyde Johnson, customer relations officer of the Dallas regional office made the dedicatory remarks. Under leave to extend my remarks in the RECORD, I wish to include Mr. Johnson's remarks:

POST OFFICE DEDICATION

(By Clyde E. Johnson)

I am delighted to join with you today in dedicating your new Post Office, and to bring you the best wishes of Postmaster General Winton Blount.

I had looked forward to seeing my good friend, Congressman Olin Teague, and I regret his inability to attend our dedication; I wish to take this opportunity to congratulate you on having such a fine Congressman to represent you. But I'm somewhat biased in his favor. You see, he's been my Congressman down in Navarro County for many years, and I have personally admired him and worked with him on many matters for the past 20-odd years. I live in Corsicana, and we—like you here in Crowley—are proud of the representation we get in Washington from Congressman Teague.

As a Post Office Department official, I happen to know that Mr. Teague took a personal interest in securing this new post office for the people of Crowley, and I know, too, that he has been quite instrumental in securing other needed facilities in his district, because he is one of the most effective Congressmen on Capitol Hill today.

Occasions like this have always impressed me.

For one thing, we are helping make history—helping in our own small way to fill one tiny page in the giant volumes of time.

I'm confident that all of you share with me this unique sense of significance that

sweeps over us as we add these few moments to the growing history of your fine community.

So I would hope that we observe this occasion—this dedication of your post office—in a spirit of appreciation for our heritage, a spirit of thankfulness, and of gratitude.

We usually take a post office for granted—just as we do many of the freedoms we enjoy in this great land of ours.

Only on occasions, such as this, do we give much thought to the broad significance of the post office.

The postal service is perhaps our most outstanding symbol of national freedom. Since the days of colonial postmaster Benjamin Franklin, our mail service has provided a free flow of information and opinion, under the sanctity of a sealed envelope.

We are criticized a lot concerning our old fashioned ways in the postal service—about our so-called backward methods. And this is true in many ways, but let us hope and pray that the public doors of our post offices always remain open for the uncensored flow of knowledge, and that the sanctity of a sealed letter remains just as it was in Ben Franklin's day.

The Post Office stands out as another great symbol: It is actually a barometer of business and economic growth. The activities of the postal service—its mail volume, postal receipts, etc., are accurate reflections of the nation's overall well-being.

This new building we dedicate here today is most certainly a vital part of the growth and progress of America, and it reflects the rapid development of this part of our great State.

It will be only a matter of a few years until Crowley will become a part of a mass metropolis having populations of many millions of people spreading out from Dallas and Fort Worth.

The population explosion has caused a tremendous increase in mail volume—more than 80-billion pieces a year. We can no longer rely on manpower alone to move these daily mountains of mail. We are like the telephone company which tells us that, if they didn't have the dial system, every man, woman and child in our country would have to be working for the telephone company just to handle their phone calls. Likewise, everyone would soon have to be working for the post office department if we didn't develop mechanization and modern mail-moving methods.

Of course we face many problems. And much publicity has been given these problems and the need for postal reform, which the Administration has asked Congress to consider.

President Nixon and Postmaster General Blount are certainly facing up to the new and challenging responsibilities of this era. Their primary aim is to achieve greater efficiency and economy in postal operations. This is our constant goal.

And the new Crowley Post Office building is a step in this direction, because it helps fulfill a need for better facilities—not only for our patrons, but for our employees who work the mail.

I would urge each of you to keep in mind that the postal system is a tremendously complex business—the biggest peacetime business in all the world. Operating this business is no easy task—without the support and cooperation of the public.

Our business, of course, is serving you. But we need your help, and your suggestions—and, above all, your understanding of our many problems.

With your help, we can achieve our goal of providing better service at lower cost.

Now, in conclusion, as we make our bit of history here this afternoon, let us do so in a spirit of appreciation and gratitude—

and with pride, in knowing that this splendid structure—so long as it shall stand—and the flag that will fly in front—will be shining symbols of our great heritage.

RULING COLONELS STIFLE GREEK NEWSPAPERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. FRASER. Mr. Speaker, ham-handed efforts by the Greek colonels to stifle the Greek press continue. The junta's most recent moves are clearly described in two recent New York Times dispatches from Athens. In its last two paragraphs, the second of these reports, which appears in this morning's Times, characterizes the new press code:

It is widely believed here that the Government will soon announce the reactivation of Article 14 of the Constitution, safeguarding press freedom, to prove its intention to restore constitutional rule.

But the enactment of the press code heavily qualifies that freedom down to such minute detail that Greek journalists feel that in effect, they will be forced to consult their lawyers whenever they plan to write the latest sports roundup.

Mr. Speaker, I introduce these articles into the RECORD at this point. The colonels advocate severity as the mother of justice and freedom. The recent Greek experience proves otherwise. The articles follow:

[From the New York Times, Nov. 16, 1969]
GREECE ABOLISHES PRESS PRIVILEGES—DUTY-FREE IMPORTS OF PAPER SCALED DOWN—TAX RAISED

ATHENS, November 15.—The military-backed government of Greece today abolished major financial concessions enjoyed for decades by Greek newspapers. The move was described as a measure to "cleanse and discipline" the press.

A new press law ended some duty exemptions for imported newsprint. The privilege, granted in 1938, was designed to facilitate freedom of the press.

John Agathangelou, Alternate Minister to the Premier's office said at a news conference that the new press law sought "to protect society and the state from an abuse of press freedom," an abuse that, he said, was "the main cause for the decline of democracy in Greece" before the military coup of April, 1967.

The Minister refused to disclose the full contents of the news laws, which also specify penalties for press offenses. He also refused to answer all questions about the law, and said technical reasons made it necessary for the texts to be distributed Monday.

FINANCIAL RESTRICTIONS IMPOSED

The press law also imposed strict controls on the finances of all Greek newspapers, he said, to insure "they cannot be bribed, bought off, or engage in illicit transactions that are not in the interests of the Greek people."

Mr. Agathangelou refused to clarify, in view of the suspension of constitutional guarantees for press, whether press offenses would still be tried by special military tribunals under the current martial law.

He said that the duty-free newsprint privilege would now be scaled in this way: Newspapers with circulations up to 25,000 daily will still enjoy the privilege; dailies with circulations up to 50,000 will pay 50 per cent of the import duty for newsprint, which

amounts to 70 per cent of its cost—the duty on a ton of newsprint costing \$166 would be \$116.

The exemption rate will drop to 25 per cent for circulations to 75,000 and to 5 per cent for daily circulations of 100,000 or more. The rates are to be applicable to all the newsprint used by each paper.

THREE LARGE DAILIES AFFECTED

Three of the nine Athens dailies have a circulation of over 100,000—the morning Acropolis and its afternoon edition Apogevmatini, and the evening Ta Nea.

All three were accused by the Government recently of abusing the qualified press freedom granted on Oct. 3 after the abolition of censorship.

Their publishers were warned action would be taken against them if they did not quit printing "provocative" headlines and cartoons implying hostility to the Government.

All three, particularly "Acropolis," have since suffered severe financial losses in the countryside, where local authorities forbid local distribution agents to sell the usual number. "Acropolis" estimates that its circulation outside Athens has been cut down by one-third, or by about 20,000 copies.

PROTEST IS UNAVAILING

When its publisher protested to the Government, he was told that no restrictive orders had been issued, but that the readers "disgusted by the contents" of his paper had decided overnight to stop buying it.

At today's news conference, Mr. Agathangelou also disclosed in order to offset newspaper losses from the abolition of the duty exemption, increases in the newsstand price of newspapers—now frozen at 5 cents—would be allowed. Larger sizes will also be allowed, in order to make more space available for advertising.

A second new law requires press enterprises to pay taxes on profits, as do other Greek businesses, although newspapers with circulations under 15,000 will retain their tax exemption.

Two of the three Athens dailies that support the Government circulate 12,000 to 15,000 copies a day, meaning they will retain their privilege of importing newsprint duty-free and will pay no taxes.

Mr. Agathangelou, in explaining the new tax system, said that one newspaper with a circulation of 50,000 had been taxed \$9,670 last year on profits of \$140,000, for example. Under the new law it would pay \$64,000 on the same income.

He said the steps were to aid freedom of the press "by equalizing the opportunity for competition between large and small newspapers."

[From the New York Times, Nov. 18, 1969]

GREEK PRESS CODE LISTS NEW PENALTIES

ATHENS, November 17.—Prison terms and fines for press offenses were decreed today by the Greek Government in a law that goes into effect Jan. 1.

The 101-article press code, officials said, was designed to "cleanse and discipline" the Greek press. They charged that the press had been "responsible for the decadence of Greek democracy" before the military takeover 30 months ago.

Deputy Premier Stylianos Patakos, asked why the new law was so severe, said tonight: "Severity is the mother of justice and freedom."

The military-backed Government has promised since the April, 1967, coup to restore genuine democracy after reforming institutions, but has been faced by the delicate problem of allowing freedom of the press without incurring the risks that a totally free press might pose.

After 30 months of strict censorship, the Government said on Oct. 3 that it was lifting restrictions, in an apparent attempt to demonstrate its good faith. However, editors were given a two-page list of banned topics.

The code issued today is considered to be another move in the Government's search for a method of dealing with the press.

SUSPENSION POSSIBLE

Under the code, courts must suspend the publication of a newspaper if, within five years, it twice commits certain offenses. These include any articles that are deemed to insult the king, or the state religion, to disclose military secrets, to incite sedition, to propagate the views of outlawed parties or to commit libel.

Publishers, editors and reporters will be collectively responsible for the accuracy of their publications and will be jointly indicted in case of an offense.

Under the new code, incitement to sedition may involve prison terms ranging from five years to life. The publication of an article considered likely to shake the public trust in the economy can bring imprisonment for at least six months and a fine of at least \$3,330.

Articles or cartoons judged to have rekindled political passions can result in a jail term of at least a month and a fine of at least \$330.

Sentences of press offenses cannot be suspended.

POINTS MADE IN HEADLINES

The new law also provides punishment for misleading headlines, which have been used recently to show hostility to the military-backed Government and to the suspension of 10 constitutional guarantees since the coup in April, 1967.

Late last month, for example, an Athens daily had a 3-inch-high headline saying "More Democracy." In smaller letters, it added: "—Brandt Promises."

The press code says: "The use of headlines, pictures or drawings that do not reflect accurately the relevant text or deliberately mislead the public is punishable by a minimum jail term of six months, a \$3,330 fine and suspension of the right to cut-rate duty newsprint."

Also made punishable press offenses under the new rules were distortion or misinterpretation of parliamentary reports, defamation, out-of-context reference to documents or statements, descriptions of criminal acts or suicides and references to trial cases before an irrevocable verdict.

Libel regulations were also tightened. Penalties for insult, defamation and libel were increased to a minimum of three months in jail plus a minimum \$660 fine.

Provisions of the new code announced last Saturday abolished major financial concessions that Greek newspapers had enjoyed for decades. Among other actions, the code ended some duty exemptions for imported newsprint and required some newspapers for the first time to pay taxes on profits, as do other businesses.

The new law establishes a commission of senior judges and governmental officials who are authorized to control the finances of all newspapers to prevent bribery, blackmail and foreign financing. Publishers must be Greek citizens.

All press offenses will be tried by the civil courts after Jan. 1. Until then, the press regulations issued under martial law, after the abolition of preventive censorship in October, remain in force and violations come under the jurisdiction of special military courts.

After the abolition, publishers discovered that an anti-Government attitude increased their sales. They devised a method of handling headlines and cartoons that clearly implied hostility to the military without violating the regulations.

To discourage this attitude, an erratic pattern of obstruction of unfriendly newspapers was established. The Government denied that it had given any orders, but said that readers had become "disgusted" by opposition newspapers and no longer bought them.

This resulted in severe financial losses for

some leading Athens dailies, and they quickly ended their critical practices. The new law will make these practices punishable by prison terms and fines.

While the new code tries to discourage irresponsibility of the press, which had been rampant before the coup, the penalties it imposes on a broad range of topics is likely to inhibit journalists.

It is widely believed here that the Government will soon announce the reactivation of Article 14 of the Constitution, safeguarding press freedom, to prove its intention to restore constitutional rule.

But the enactment of the press code heavily qualifies that freedom down to such minute detail that Greek journalists feel that in effect, they will be forced to consult their lawyers whenever they plan to write the latest sports roundup.

PESTICIDES ARE KILLING OUR HONEY INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TEAGUE of Texas. Mr. Speaker, recently Secretary Finch publicly announced an HEW directive to terminate the use and sale of DDT over the next 2 years. In light of this decision and the reasons given for such action, I feel it is time for the House to take a careful look at H.R. 10749, legislation introduced by the gentlewoman from Washington (Mrs. MAY) to indemnify our Nation's beekeepers for losses sustained from the use of pesticides on adjacent farmlands. In a letter to Secretary Hardin outlining the problems now facing the honey industry, Mr. Roy Weaver, of Navasota, Tex., stated 500,000 of our 5 million bee colonies were destroyed or heavily damaged by pesticides in 1967. It is important for the membership to read and understand the significance of Mr. Weaver's letter, which follows:

NAVASOTA, TEX.,
September 18, 1969.

SECRETARY OF AGRICULTURE,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am Roy S. Weaver, Jr., a commercial beekeeper in Texas operating about 5500 colonies of honey bees in partnership with my father and one brother. I am chairman of the Legislative Committee of The American Beekeeping Federation, and chairman of the Government Relations Committee of the Honey Industry Council of America. During my beekeeping career I have served as president of the American Beekeeping Federation, president of the American Bee Breeders Association, and president of the Texas Beekeepers Association.

The honeybee is of great value to agriculture as a pollinator, and is the only known

pollinator which can be moved into an area in great numbers when desired. However, the beekeeping industry in the United States is in poor condition. For the last 22 years the number of colonies of honeybees in the U.S. has declined steadily at the rate of 1% per year. Many operators are finding it an unprofitable enterprise and are going out of business. If the abundant agricultural production of the United States is to continue, ways must be found to reverse the decline in the number of colonies of honeybees. There are two obvious sources for increased income to beekeepers. The first is through the sale of the traditional cash crop, honey, at profitable prices. The second is through the rental of honeybee colonies for the pollination of agricultural crops.

Briefly, I recommend that the United States Department of Agriculture aid the beekeepers in selling their honey at a profit, and aid beekeepers and farmers to a better understanding as to the value of honeybees as pollinators with the thought that eventually fees for pollination services will be on the main sources of income for beekeepers.

About 90 crops grown in the United States, valued at more than a billion dollars, are considered to be dependent upon insect pollination. In addition, other crops valued at about 4 billion dollars are benefited by insect pollination. The honeybee is the only insect which can be moved into the vicinity of these crops in large numbers to perform the pollination service at the time it is required.

The primary purpose of the beekeeper has generally been the production of honey as his cash crop. Little has been understood by beekeepers or farmers as to the value of honeybees as pollinators. Much of the pollination is done incidentally while the beekeeper is trying to produce a crop of honey. Communications between beekeepers and farmers has been poor. As a result most pollination fees are "starvation wages" for beekeepers.

It is imperative for agriculture that honey become a stronger competitor with other food commodities. Although there are about 200,000 beekeepers in the United States, only about 1,200 are full-time commercial operators with 400 or more colonies. However, they produce about one-third of the honey crop and provide most of the colonies used in commercial pollination. There are about 12,000 part-time beekeepers who own 25 to 400 colonies each and produce another third of the honey. The remaining 187,000 are hobbyists who own less than 25 colonies each.

These beekeepers encounter many problems. Some of these are: low prices of honey and low pollination fees in relation to the high cost of operation; decreasing bee pasture due to changing agricultural practices and urbanization; losses caused by bee diseases; and losses due to pesticides.

While the cost of operating a beekeeping enterprise has been spiralling upward the price of honey has remained almost static. Honey is not holding its own in the marketplace. Even though it is our only natural unrefined sweet, the per-capita consumption is slowly declining.

The price support program on honey has operated quite well in that it has prevented

disastrously low prices and at the same time has provided honey for school lunches at a very low cost to the government. However, the support price has not been high enough to prevent a decline in the number of colonies of bees. I recommend that the support program be continued, and that the support rate be gradually raised until it approaches parity.

For a long time to come beekeepers will continue to produce honey as their cash crop. As a permanent solution to the problem of low honey prices we need to increase the per-capita consumption of honey. In order to do this the beekeepers of the United States have devised a self-help promotion and research program on honey which requires enabling legislation. This proposed legislation is now before the 91st Congress in H.R. 955, S 1851, and similar bills. I request that the USDA strongly recommend passage of this act and assist the beekeeping industry in implementing it as rapidly as possible.

If the price of honey rises due to increased supports or increased demand it is possible that low priced foreign honey will come into the country in large quantities. The import tariff on honey is only 1 cent per pound. H.R. 374 and similar bills before the 91st Congress would increase the tariff to 3 cents per pound and require the USDA to set quotas on honey to be imported. I am working for the passage of this bill.

If neither increased support prices or increased demand for honey caused by the promotion of this delicious and healthful sweet serve to reverse the decline in the numbers of honeybees available for pollination of our crops then direct subsidy payments to beekeepers may be become necessary. Our country must have enough honeybees to fill their vital role in our abundant agricultural production.

In 1967, an estimated 500,000 colonies of honeybees out of the 5 million in existence in this country were destroyed or heavily damaged by pesticides. Thousands more were damaged or destroyed by diseases. The total damage to the beekeeping industry by pesticides and disease is estimated to be \$7.5 million annually, while the income from the production of honey and beeswax is less than \$40 million. Changing agricultural practices and urbanization are destroying many wild plants which honeybees depend on for pollen and nectar for building strong colonies. Operating a beekeeping enterprise requires much expensive hand labor and complex management decisions.

The solutions to these and other problems can be found only through research, both on the scientific level and on the practical level by beekeepers and others who have the incentive to try to progress. The USDA can be of great help in this. I recommend a thorough study and implementation of "A National Program of Research for Bees and other Pollinating Insects and Insects Affecting Man" prepared by a joint task force of the U.S. Department of Agriculture and the State Universities and Land Grant Colleges. This is a good outline of some of the research that is sorely needed.

Respectfully submitted.

ROY S. WEAVER, JR.

SENATE—Wednesday, November 19, 1969

The Senate met in executive session at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, Thou hast been our dwelling place in all generations. Before the

mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou are God.—Psalm 90: 1 and 2.

O Lord, renew our knowledge of Thee and of Thy grace and providence. To those who mourn, give comfort; to those who are ill, send Thy healing grace; to

the youthful voyagers in the vastness of Thy universe, give wisdom and courage; and to each of us here, give an awareness of Thy presence moment by moment, that as we live and work we may submit our lives to Thy higher judgment. In the name of Him who taught us to seek first the kingdom of God and His righteousness. Amen.